



RELIANT DUE DILIGENCE LLC
LAND USE AND ZONING CONSULTANTS

ESSENTIAL ZONING REPORT

REPORT NO: 2018-0001

APRIL 13, 2018

PROPERTY:

Vacant Land
2527 Sigman Road SW
Conyers GA, 30094

PREPARED FOR:

JOHN ANYMAN
ABC DEVELOPMENT
1234 Main St. W
Anytown USA, 123456

RELIANT DUE DILLIGENCE CONSULTANT

Michael Burk

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Executive Summary

Zoning Information

The subject property is located in the C-2 zoning district. At the time of this report there are no applicable overlay or historic districts. The purpose of the C-2 district is to provide suitable areas for the various types of community and regional-oriented commercial activities including retail uses and wholesale uses, serving a large sector of the community. C-2 districts are intended to be located along arterial streets and at locations that are appropriate for community and regional commercial areas, as opposed to locations that primarily serve local neighborhoods.

Dimensional Requirements

As per the development standards, the minimum lot area shall be 15,000 sq. ft. with the minimum lot width and the maximum density is 100 sq. ft. and 15,000 sq. ft. respectively. 75 percent lot coverage shall be permitted.

All yard regulations are subject to compliance with vision clearance standards. A new building shall establish a front yard setback of 25 feet. A side yard facing a street shall have a setback of 25 feet and a setback of 10 feet when adjacent to another property. The setback for a rear yard shall be minimum of 35 feet. The side of a corner lot fronting on the street with the highest functional classification, according to the Rockdale County/City of Conyers functional classification system, shall be deemed to be the front of the lot. If both streets have the same functional classification, then the front of the lot shall be deemed to be the side with the least street frontage.

Parking Regulations

The following requirement for parking in the C2 zone. For restaurants that offer full service, there shall be minimum number of 16 parking slots with 1,000 sq. ft. of GFA. Similarly, for a limited service restaurant with drive through, minimum number of parking slots shall be 14 with 1,000 sq. ft of GFA. Bicycle Parking: Bicycle parking spaces must be provided for any use that is required to provide more than 100 parking spaces. Additionally, required bicycle parking spaces shall be more than 100 feet from the main entrance of the principal building or use on a parcel. Bicycle racks or lockers shall be permanently and securely attached to the ground.

Non-conforming Use Clause

The nonconforming use of land may be continued, but no such nonconforming use of land which has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.



Site Information

Property Name:

Future Restaurant Site Rockdale

Year Built:

Vacant

Property Address:

2527 Sigman Rd

County:

Rockdale County

Jurisdiction:

Rockdale County GA

Site Area:

1,123,412 sf

Parking Stalls:

Vacant

Building Area:

Vacant

Current Use:

Vacant

Units:

N/A

Proposed Use:

Restaurant with drive-thru

Units:

N/A

Certain information above was provided by the client and was not verified for completeness or accuracy

Zoning Information

Zoning Designation:

C-2

Overlay District:

N/A

Historic Designation:

N/A

Zoning Description/ Intention:

The purpose of the C-2 district is to provide suitable areas for the various types of community and regional-oriented commercial activities including retail uses and wholesale uses, serving a large sector of the community. C-2 districts are intended to be located along arterial streets and at locations that are appropriate for community and regional commercial areas, as opposed to locations that primarily serve local neighborhoods.

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 206 - BASE ZONING DISTRICTS Sec. 206-13. - C-2 general commercial district.

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH206BAZODI_S206-13GECODI

Current Use Allowed/Permitted:

Vacant

Proposed Use Allowed?

Yes

Comments:

While the parking ordinance has a very clear distinction between full service and limited service restaurants, the use ordinance does not distinguish between the two.

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 218 - USE REGULATIONS

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBP_LDE_TIT2LAUSZO_CH218USRE_ARTIPESPUS_S218-1TAPEUS (72211 - Full-Service Restaurants)



Adjacent Zoning

North:

C-2

South:

C-2

East:

R-1/C-2

West:

R-1

Comments:

Rockdale County utilizes a separate system for zoning maps. Map included as attachment

Footnotes:

Map can also be located here:

<https://rockdalecountygva.gov/wp-content/uploads/2018/04/Map10.pdf>

Development Standards

Minimum Lot Area

15,000 sq. ft.

Minimum Lot Width

100 ft

Minimum Lot Depth**Comments:**

No specific lot depth was indicated however a rectangular lot of the minimum width would translate into a minimum depth of 150 ft to reach the minimum size of 15,000 sq. ft.

Footnotes:

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH214STAPALDI

Maximum Lot Coverage

75%

Maximum Density

15,000 sq. ft. per acre

Maximum Floor Area

15,000 sq. ft. per acre

Comments:

none

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 214 - STANDARDS APPLYING TO ALL DISTRICTS Sec. 214-1. - Dimensional standards of zoning districts.

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH214STAPALDI_S214-1DISTZODI

Front Yard Setback

25 ft.

Side Yard Setback

10/25 ft.

Rear Yard Setback

35 ft.

Comments:

Larger side yards dimension is for corner lots.

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 214 - STANDARDS APPLYING TO ALL DISTRICTS Sec. 214-1. - Dimensional standards of zoning districts.

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH214STAPALDI_S214-1DISTZODI

Development Standards Cont.

Maximum Setback

N/A

Floor to Floor Height

N/A

Comments:

N/A

Footnotes:

N/A

Corner Lot Provision

Sec. 214-3. The side of a corner lot fronting on the street with the highest functional classification, according to the Rockdale County/City of Conyers functional classification system, shall be deemed to be the front of the lot. If both streets have the same functional classification, then the front of the lot shall be deemed to be the side with the least street frontage. (Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Comments:

None

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 214 - STANDARDS APPLYING TO ALL DISTRICTS Sec. 214-3. - Corner lots.

https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH214STAPALDI_S214-1DISTZODI

The subject property's determined zoning designation and overlay district regulations were used to establish the above information. The sites characteristics have not been evaluated for compliance against code provisions

Parking Regulations

Min. Vehicle Stalls Required

14 with 1,000 sq.ft of GFA

Max. Vehicle Stalls Allowed

125% of the min stalls required

Bike Stalls Required

Electric Vehicle Parking Stalls Required

1

Loading Docks/Truck Parking Required

Comments:

Bicycle parking spaces (racks or lockers) must be provided for any use that is required to provide more than 100 parking spaces. At least one bicycle parking space must be provided for each 50 parking spaces. (b) Required bicycle parking spaces shall be no more than 100 feet from the main entrance of the principal building or use on a parcel. (c) Bicycle racks or lockers shall be permanently and securely attached to the ground.

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 222 - OFF-STREET PARKING STANDARDS

(https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH222OREPAST_S222-2PASPRE)

Non-conforming Clauses

Non-Conforming Use Regulation

The nonconforming use of land may be continued, but no such nonconforming use of land which has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

Non-Conforming to Development Standards

No nonconforming use, building or structure requiring a special use permit under the terms of Title 2, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of the UDO, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now-required special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for a special use permit. No such use, building, or structure that has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

Comments:

None

Footnotes:

Rockdale County, Georgia - Code of Ordinances Subpart B - PLANNING AND DEVELOPMENT TITLE 2 - LAND USE AND ZONING Chapter 234 - NONCONFORMING SITUATIONS

(https://library.municode.com/ga/rockdale_county/codes/code_of_ordinances?nodeId=SPBPLDE_TIT2LAUSZO_CH234NOSI_S234-2NOUSLA)



Attachments

- Exhibit A:** Zoning Map
- Exhibit B:** Zoning Ordinance
- Exhibit C:** Development Standards
- Exhibit D:** Parking Regulations
- Exhibit E:** Non-Conforming Use Clause
- Exhibit F:** Zoning Certification Letter (if obtained)

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ABBOTT ESTATES ABBOTT SUB.

Scale: 2 X map scale

22 JAN 335

[illegible]

LEGEND

county boundary
top boundary
init of township

 CHURCH
 SCHOOL
 CEMETERY

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TAX VALUATION MAP

ROCKDALE COUNTY

GEORGIA

DATE: 1. 1. 1967

TITLE 2 - LAND USE AND ZONING

Chapter 202 - GENERAL PROVISIONS

Sec. 202-1. - Purpose.

This Title 2 is intended to implement the purposes set forth in section 102-2, and further is enacted for the purposes of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the county; lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, water, schools, parks and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the county, all in accordance with Rockdale County's Comprehensive Plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-2. - Authority.

This Title 2 is enacted pursuant to Rockdale County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, article 9, section 2, paragraph 4 and by article 9, section 2, paragraphs 1 and 3; pursuant to chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by Rockdale County's authority to enact regulations and exercise powers granted by local laws and by the county's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-3. - Incorporation of official zoning map.

The "Official Zoning District Maps for Rockdale County," hereinafter called official zoning maps, with all appendices, notations, references and other information shown thereon, shall be the official maps and are incorporated by this reference and hereby made a part of Title 2 of the UDO. Said maps shall be made a public record and shall be kept permanently in the Department of Public Services and Engineering of Rockdale County, where the maps or accurate reproductions thereof, will be accessible to the general public. Certified copies of said map shall be prepared by the Rockdale County Clerk.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-4. - Division of the county into districts.

For the purposes of this UDO, the county is divided into the following districts:

W-P	Watershed Protection District.
A-R	Agricultural-Residential District.

R-1	One-family Residential District.
R-2	Two-family (Duplex) Residential District.
CRS	Conservation Residential Subdivision.
CSD	Conservation Subdivision Development District.
CSO	Conservation Subdivision Ordinance.
MUR	Mixed-use Residential District.
RM	Residential Multi-family District.
CID	Civic-Institutional District.
O-I	Office-Institutional District.
NC	Neighborhood Commercial District.
C-1	Local Commercial District.
C-2	General Commercial District.
MxD	Mixed-use Development District.
OBP	Office Business Park.
M-1	Limited Industrial District.
M-2	General Industrial District.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 27, 5-22-2007)

Sec. 202-5. - Interpretation of zoning district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Official Zoning Map of Rockdale County, the following rules shall apply:

- (a) Unless otherwise indicated the district boundaries are intended to approximately follow property lines, land lot lines, centerlines of streets, highways, alleys or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- (b) Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, right-of-way of the same, or the centerlines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning maps. If no distance is given, such dimensions shall be determined by the director using the scale shown on the official zoning maps.
- (c) In case the exact location of a boundary cannot be determined by the foregoing methods, the board of commissioners shall, upon application, determine the location of the boundary pursuant to a regularly advertised public hearing.
- (d) When a parcel is split by a zoning district boundary, each such portion of the parcel shall be used only for the uses authorized within the zoning district that each such portion is classified.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-6. - Relationship to comprehensive plan.

- (a) *Land use role of the comprehensive plan.* The Rockdale County Comprehensive Plan is hereby established as the official policy of the county concerning designated land uses, under which the unincorporated areas of Rockdale County are divided into the following land use categories:
 - (1) Conservation subdivision.
 - (2) Low density residential.
 - (3) Medium density residential.
 - (4) Watershed protection.
 - (5) High-density residential.
 - (6) Special mixed-use activity center.
 - (7) Historic village.
 - (8) Office/professional.
 - (9) Public/institutional.
 - (10) Neighborhood commercial.
 - (11) Commercial.
 - (12) Office distribution - technology.
 - (13) Light industrial.
 - (14) Manufacturing.
 - (15) Transportation/communications/utilities.
 - (16) Park/recreation/conservation.
 - (17) Water.
- (b) *Relationship between land use categories and zoning districts.*
 - (1) The comprehensive plan does not change the existing zoning districts in the county, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses. Instead, the comprehensive plan establishes broad planning policy for

current and future land uses and provides, among other things, designated categories within which only certain zoning districts may be authorized.

- (2) The zoning districts that are permitted within each land use category shall be restricted to those shown in table of zoning districts permitted in each land use category of the comprehensive plan in this section.

Table of Zoning Districts Permitted in Each Land Use Category of the Comprehensive Plan

Comprehensive Plan Land Use Category	Permitted Zoning Districts
Conservation Subdivision	CSO, CRS
Low Density Residential	A-R
Medium Density Residential	R-1
Watershed Protection	W-P
High-density Residential	R-2, RM
Special Mixed-use Activity Center	CSD, MUR, NC, MxD, CID
Historic Village	CSD, R-1, R-2
Office-Professional	O-I
Public/Institutional	O-I
Neighborhood Commercial	C-1
Commercial	C-1, C-2
Office Distribution - Technology	O-I, OBP, M-1
Light Industrial	M-1
Manufacturing	M-2
Transportation/Communications/Utilities	All Zoning Districts
Park/Recreation/Conservation	All Zoning Districts

Water	All Zoning Districts
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- (c) *Conformity of the zoning maps with the comprehensive plan.* Within the various land use categories described in this chapter and shown on the comprehensive plan, no amendment to the official zoning maps shall permit a use except in accordance with the uses permitted in the comprehensive plan land use category applicable to the property to which the proposed zoning map amendment applies.
- (d) *Amendments to comprehensive plan.* See section 238-4.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, §§ 28, 5-22-2007)

Sec. 202-7. - Zoning verification.

Upon request, the director shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel of property. Requests to the director shall be in writing, accurately identify the property, and be accompanied by a fee established by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-8. - Zoning classification of de-annexed properties.

- (a) Property de-annexed from the municipalities in Rockdale County shall automatically be deemed to be zoned to the least intense zoning district in Rockdale County that permits the current use and intensity of the subject property at the time of de-annexation.
- (b) Such de-annexation shall be reflected on the future land use map of the Rockdale County Comprehensive Plan and a consistent land use category shall be assigned to de-annexed property by the department based on the following standards:
 - (1) The future land use map category shall be consistent with the current use.
 - (2) The future land use category shall be consistent with the zoning district assigned in subsection (a).
 - (3) The future land use category shall take into consideration the land use classification of adjacent properties as shown on the adopted future land use map of the Rockdale County Comprehensive Plan.
- (c) Immediately upon de-annexation property owners of de-annexed property may present an application for amendment to the comprehensive plan and amendment of the official zoning map, based on the standards and procedures of the Rockdale County Comprehensive Plan and this UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-9. - Enforcement and penalties.

The provisions of Title 2 of the UDO shall be administered and enforced by the director, except as to those limited code enforcement duties assigned to the director of the department of community compliance and legal affairs. Said Directors shall have authority to revoke, suspend, or void any development permit, building permit, or certificate of occupancy and shall have authority to immediately suspend all work on a site or portion thereof that is in violation of Title 2 pursuant to UDO chapter 110.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Chapter 206 - BASE ZONING DISTRICTS

Sec. 206-1. - W-P watershed protection district.

(a) *Legislative findings; purpose and intent.*

- (1) The board of commissioners finds that Big Haynes Creek was identified as a feasible water source for Rockdale County in a regional water supply plan adopted by the Atlanta Regional Commission (ARC) in 1976. The ARC plan was preceded by a number of other studies that supported an impoundment on Big Haynes Creek. Consistent with these plans and studies, and the county's comprehensive plan, the county first enacted the W-P zoning district regulations and determined that the W-P zoning regulations were needed in the drainage basin contributing to the Upper Big Haynes Creek in 1981 to protect the watershed. These watershed protection zoning regulations require an average lot size of three acres (minimum two acres), among other restrictions, to protect the environmental and aesthetic qualities of this district and to protect the watershed from future environmental degradation.

The board of commissioners further find that in 1987, the Georgia Environmental Protection Division studied the reservoir and the Conyers-Rockdale Big Haynes Creek Impoundment Authority was created by the Georgia General Assembly and charged with constructing a surface water impoundment for a water supply for Rockdale County. In 1988, the Atlanta Regional Commission adopted a regional water supply plan that identified the Big Haynes project. The ARC has repeatedly warned that the region will not be able to meet its water supply demands unless local and regional water supplies are developed. In addition, one of the critical issues identified by the Governor's Growth Strategies Commission was the importance of expanding Georgia's water supply base. The Big Haynes Authority consulted with the U.S. Environmental Protection Agency, the Georgia Environmental Protection Division, the U.S. Wildlife Federation, the Georgia Conservancy, the U.S. Fish and Wildlife Federation and numerous other agencies. The authority held numerous public hearings on the project before the U.S. Army Corps of Engineers issued the Federal Clean Water Act Section 404 permit in October 1992. To protect this future water supply, the Rockdale Board of Commissioners rezoned the remaining portion of the reservoir's watershed in 1993, applying the following regulations to said properties consistent with this extensive planning for this project. The county finds that these W-P regulations, in addition to implementing these studies, will also assist in implementing a two-year study, facilitated by ARC, of the 82-square mile watershed which resulted in a five-county agreement to control pollution in stormwater that runs off impervious surfaces, such as roads, parking lots and rooftops, within the watershed.

The board of commissioners further finds that the W-P zoning regulations are necessary to protect water quality for the county's water treatment plant, capable of treating 22.1 million gallons of water per day (MGD), completed in 2002, enabling Rockdale to utilize Randy Poynter Lake for potable water consistent with these W-P regulations.

- (2) The board of commissioners further finds that the county benefits from additional public parks and recreational facilities and programs. Consistent with this finding the board of commissioners finds that the Randy Poynter Lake (formerly Big Haynes reservoir) property may be used for limited recreation purposes in addition to water supply purposes consistent with the following regulations and those found in chapter 62, article II and the county's comprehensive plan, as amended.
- (3) The board of commissioners finds that it is in the best interests of the citizens of the county to establish and protect a reservoir for drinking water and limited recreational purposes in this part of the county. The board of commissioners finds the Rockdale County Comprehensive Plan adopted July 9, 1991, made certain findings and recommendations regarding water quality, wetlands establishment and preservation, provision of water supply, establishment and preservation and protection of a watershed district, and expansion of public and private recreation uses in the Big Haynes basin. Said comprehensive plan has since been amended

and updated. The board of commissioners incorporates the analyses and findings set out in the Rockdale County Comprehensive Plan, as amended, regarding those matters and finds that action to accomplish the goals and objectives as set out in the comprehensive plan are implemented in the following W-P regulations. The board of commissioners finds that the Rockdale Comprehensive Plan requires protection of the Big Haynes Watershed in order to provide optimum conditions for the impoundment of the reservoir and the public water intake site. The board of commissioners further finds that the Rockdale Comprehensive Plan, as amended, determines that the impoundment of the reservoir and the establishment of the watershed protection zoning district are necessary actions to protect the integrity of the reservoir and intake site, particularly those zoning regulations establishing an average lot size of three acres (minimum lot size of two acres), prohibiting commercial and other non-residential uses, and establishing buffers. The board of commissioners finds that the following regulations governing the W-P district are consistent with the comprehensive plan and will serve to substantially implement the plan.

- (4) The board of commissioners further finds that the watershed protection district as recommended in the comprehensive plan, as amended, will allow for protection of wetlands and the preservation of the integrity of water supplies to the greatest extent possible. The state Department of Natural Resources "Environmental Planning Criteria for Water Supply Watersheds" defines Big Haynes Creek as a "small" water supply watershed. The state Department of Natural Resources' criteria require, among other things, streamside and lakeside vegetated buffers, impervious surface setbacks, and septic tank and drain field setbacks, and that impervious surface be limited throughout the entire watershed to a maximum of 25 percent of the area. As a result of the Atlanta Regional Commission cooperative watershed study, and other studies, the necessary limitation for impervious surface throughout the entire W-P district is at least ten percent of the total area.
 - (5) The following regulations are intended to protect the health, safety and general welfare of the citizens of the county and to implement the policies and objectives and findings of the comprehensive plan, as amended, through the enactment of regulations governing the use of the affected land pursuant to the county's zoning, planning and general police powers. The purpose of the watershed protection zoning district is to protect the public health by setting standards for land use which will maintain, and where possible improve the purity of water in the streams in the county that flow into the public water intake and reservoir. The W-P district is intended to provide for low density residential development, public and private open space, park land, and related uses that are compatible with the primary purpose of protecting the purity of the water and that are substantially related to the primary intended land use of low-density residential development and limited recreational uses.
- (b) *Definitions.* The following words, terms, or phrases, when used in this section, shall have the meanings ascribed to them in this section; except where the context clearly indicates a different meaning.

Randy Poynter Lake (previously Big Haynes Creek Reservoir): The water impoundment project consisting of the impounded waters from Big Haynes Creek located in Rockdale County, Georgia.

Easement rights: An easement right which shall inure to the benefit of the county in the form of either: (i) a conservation easement in relation to the reservoir buffer area; (ii) a conservation easement in relation to water quality protection; or (iii) an ingress/egress easement.

Flood pool area: The area lying between the 735 mean sea level (MSL) line and the 739.8 MSL line as established by the 100-year flood event.

Normal pool: The area of the reservoir impoundment contained within the 735-foot MSL contour line from which the reservoir buffer area, impervious surface setback, and the septic system setbacks are to be measured.

Recreation grounds and facilities: Land and structures owned or leased by a governmental entity and used or intended to be used for the purpose of public leisure activities such as picnic areas, sports facilities, fishing piers, boating ramps, related equipment storage and similar activities.

Reservoir buffer area: The area extending a horizontal distance of 150 feet outward from the normal pool elevation (735 feet MSL) and maintained as a natural or enhanced vegetated area around the reservoir.

Reservoir manager: The designated agency or employee of the board including the authorized representatives of the reservoir manager.

Stream buffer area: The area extending a horizontal distance of 100 feet from the top of both banks of a perennial stream and maintained as a natural or enhanced vegetated area with no or limited minor land disturbances.

W-P country store: A community store building lawfully in existence prior to the adoption of the watershed protection zoning district, used solely or principally for the purpose of sales to the public of general merchandise, including but not limited to packaged food and beverages, small houseware articles, papers and magazines, and similar "general store" items.

- (c) *District boundaries.* There is hereby established a zoning district known as the watershed protection district (W-P). This W-P district shall consist of all land within the district boundary line specified as W-P including all subzones, on the county's official zoning map identified in section 202-3. The regulations set forth in this section shall apply to all land within this W-P district.
- (d) *Watershed subzones delineated.* The watershed protection (W-P) district has distinct land areas that require separate regulations. Accordingly, there are hereby created within the W-P district the following five subzones:
- (1) Watershed/non-reservoir area (W-NR).
 - (2) Watershed/reservoir water area (W-RW).
 - (3) Watershed/reservoir recreation area (W-RR).
 - (4) Watershed/reservoir buffer area (W-RB).
 - (5) Watershed/reservoir prohibited area (W-RP).

These five subzones shall be delineated as specified on the official zoning map and made a part of this section. Uses permitted within each subzone shall be as specified in the table of permitted uses. All other regulations set forth in this section shall apply to all subzones unless otherwise stated. The following further describes each subzone area:

- (1) *W-NR: Watershed/non-reservoir area.* The watershed/non-reservoir area subzone comprises the watershed area within the boundaries of the county as defined in the comprehensive plan. This area comprises all land outside the reservoir water area, the reservoir buffer area, the reservoir recreation area and the reservoir prohibited areas.
- (2) *W-RW: Watershed/reservoir water area.* The watershed/reservoir water area subzone comprises the entire area of the water impoundment owned in fee simple by the county.
- (3) *W-RR: Watershed/reservoir recreation area.* The watershed/reservoir recreation area subzone comprises the areas suitable for recreational uses. This subzone comprises governmentally owned land both within and outside the normal pool of the reservoir. The portion of the recreation area subzone lying outside the normal pool area comprises approximately 25 percent of the reservoir shoreline and is subject to the Big Haynes Reservoir Management Ordinance as found in article II of chapter 62.
- (4) *W-RB: Watershed/reservoir buffer area.* The watershed/reservoir buffer area subzone is comprised of the land area lying within 150 feet, horizontally, outside of the reservoir impoundment water surface at normal pool.
- (5) *W-RP: Watershed/reservoir prohibited area.* The watershed/reservoir prohibited area subzone is comprised of those areas associated with the reservoir that are established for the protection of project operations and ecosystems and to provide for the physical safety of the recreational visitor. This subzone comprises approximately one percent of the reservoir shoreline.

- (e) *Permitted uses.* The table of permitted uses sets forth the uses permitted in each subzone of the watershed protection zoning district. Any use not expressly permitted in such table is prohibited. Uses or accessory uses which generate or utilize hazardous or toxic waste are prohibited.
- (f) *Nonconforming uses.* Except as otherwise provided in subsection (g), all nonconforming situations shall be regulated pursuant to chapter 234 of the UDO.
- (g) *Nonconforming retail uses.*
 - (1) *Findings.* The board of commissioners finds that four nonconforming community store uses were in existence in the W-P district prior to the enactment of the watershed protection zoning district. The board of commissioners finds that the necessity for stringent environmental and water quality regulations in the district must be carefully balanced with the individual hardships associated with restrictions on these nonconforming uses as well as the public interest served by continuing to provide existing general store/retail services to residents and visitors in the district. Accordingly, the board of commissioners finds that with regard to these existing nonconforming W-P country store uses, limited expansion may be authorized, but only in strict accordance with the standards and criteria set forth in subsection (g)(2). It is the specific intent of this subsection (g) to prohibit any new non-residential use or structure not specifically authorized herein, including but not limited to restaurants, convenience stores, gasoline sales, and other retail establishments.
 - (2) *Criteria.* Notwithstanding the provisions of chapter 234 of the UDO, the legal nonconforming W-P country stores located within the W-P district may be altered and/or expanded in strict accordance with these standards and criteria:
 - a. All building applications for the renovation, redevelopment, expansion or improvement of any nonconforming W-P country store use within the W-P district shall be accompanied by detailed architectural plans and renderings. Such construction plans shall reflect an architectural style that is consistent with the residential and rural development pattern in the W-P district. All such plans shall be reviewed by the director for consistency with these requirements. The front elevation exterior facade, visible from the public right-of-way, shall be constructed of wood.
 - b. No building shall be constructed, expanded or modified so as to exceed 2,500 square feet of gross floor area as measured to the outside face of walls, and are limited to one story, not to exceed 20 feet in height.
 - c. All renovation, redevelopment, expansions or improvement shall be limited to a single building on the same site platted prior to the enactment of the W-P district. Such W-P country store location may be replatted to a maximum allowable lot area of 1.5 acres.
 - d. No building shall be developed or utilized for any use other than the sales provided by country stores to the public, such as general merchandise, gasoline, groceries (including but not limited to packaged foods and beverages, individual takeout food and beverages), small houseware articles and furnishings, papers and magazines and similar "general store" items.
 - e. All development standards applicable to commercial uses specified in various sections of this section and chapter 302 pertaining to the subdivision regulations of the county as well as all applicable requirements of this Code shall apply to such alterations and/or expansions with the following exceptions:
 - 1. A ten-foot wide landscape strip shall be established against all road frontages.
 - 2. Any renovation, redevelopment or expansion of the existing facility shall conform to all applicable county codes, except for the following standards:
 - A. Building setbacks:
 - i. Side yard: 25 feet.
 - ii. Rear yard: 40 feet.

- B. The site shall maintain a 25-foot, naturally vegetated buffer area against the rear and side yard property lines in conjunction with a 100 percent opaque fence to be established the entire length of the affected property line.
- C. Variances and appeals. Variances to this section shall be governed by section 238-9. Appeals to this section shall be governed by section 238-8.

- (h) *Density, lot size, and setback requirements.* Property in the W-P district may be developed in accordance with section 214-1 of the UDO, dimensional standards of zoning districts, table 1 development standards for residential zoning districts, and the following provisions.

The following standards shall apply to all tracts immediately contiguous to the reservoir buffer area:	
Minimum depth of lot (inclusive of 150-foot lake shore buffer), in feet	400
Minimum lake shore frontage (as measured along lake shore at normal pool elevation 735 MSL), in feet	125
Impervious surface setback (measured from the reservoir water surface at normal pool elevation of 735 MSL), in feet	150
Septic system setback tank and absorption field (measured from the reservoir water surface at normal pool elevation 735 MSL), in feet	150

- (1) A site plan, approved by the county environmental health service and the department of public services and engineering, shall be required prior to the issuance of a building permit.
- (2) All divisions of land in the W-P district shall meet the minimum lot size specified in this section. Lots of record lawfully in existence prior to October 11, 1994 and that do not meet the minimum lot size specified in the W-P district shall be deemed legal nonconforming lots and may be developed in accordance with all other requirements specified in this section.
- (i) *Stream buffers.*
 - (1) All perennial streams within the W-P district shall be regulated by each of the following criteria:
 - a. A natural or enhanced vegetated area with limited land disturbances shall be maintained for a distance of 100 feet from both sides of the stream as measured from the stream banks;
 - b. No impervious surface shall be constructed or placed within a distance of 150 feet from both sides of the stream as measured from the stream banks; and
 - c. No septic tanks or septic tank drainfields shall be constructed or placed within a distance of 150 feet from both sides of the stream as measured from the stream banks.
- (j) *On-site wastewater management systems.* County regulations require a permit for siting and installation of septic tanks and absorption fields from the county environmental health department. Such laws, ordinances and regulations shall be applicable to the W-P district.
- (k) The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table is prohibited in all districts. No use shall

be permitted and no structure associated with such use shall be erected, structurally altered, or enlarged unless the use is permitted as one of the following:

- (1) P: A permitted use.
 - (2) C: A use requiring a special use permit subject to approval following the application procedures and requirements in section 238 of the UDO.
 - (3) S: A supportive commercial use that is on the same lot or parcel with a permitted use in a zoning district and established for the sole convenience of nearby residents, employees, patients, patrons, or visitors within walking distance.
 - (4) A: An accessory use subject to the requirements specified and generally applicable to accessory uses.
- (l) Any use not listed with the letter P, C, S, or A in a particular zoning district shall be prohibited in that zoning district, unless it is a nonconforming use lawfully established prior to the effective date of the regulation that rendered it legally nonconforming. All listed uses shall comply with the supplemental use standards set forth below and in sections 218-12 and 218-13. See also section [chapter] 234.

Table of Permitted Uses
("P" denotes a permitted use)

Specified Use	W- NR	W- RW	W- RR	W- RB	W- RP
Dwellings, single-family (detached)	P				
DCA approved industrialized homes	P				
HUD approved Class A manufactured homes	P				
Home occupation	A				
Accessory uses and structures	P		P		
Livestock (noncommercial)	P				
Child daycare facility (in home)	S				
Fruit and vegetable market	P				
Places of worship	P				
Monasteries and convents	P				
Cemeteries (only on 10 acres or larger)	P				

Telecommunications facilities	C				
Electric transformer stations	P				
Community fairs and events on government-owned property	P				
Family day care home	S				
Recreation/education and support facilities—Government owned. Areas designated for public use as recreation/education with the normal support facilities necessary for the operation and maintenance of such areas. Recreation/education uses shall include, but not be limited to, the following uses: 1. Picnic areas 2. Boat ramps 3. Amphitheatre 4. Nature center 5. Nature trails 6. Camping areas 7. Fishing piers 8. Horticultural gardens	P	P			

- (m) Art shows and other special events shall be subject to the terms and conditions of subsection 218-13(ttt), Temporary Use, Commercial Retail.
- (n) *Road standards.* Local and collector streets in the W-P district may be constructed without curbs and gutters or sidewalks.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2008-11, § 3, 9-23-2008; Ord. No. 0-2013-10, § I, 11-12-2013; Ord. No. 0-2014-13, § 4, 12-9-2014)

Sec. 206-2. - A-R agricultural-residential district.

- (a) *Purpose and intent.* The A-R district is intended to provide for areas of the county where single-family residential development can co-exist compatibly with agricultural and agriculture related uses.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the A-R district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the A-R district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.

- (d) *Special uses.* Special uses may be permitted in the A-R district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the A-R district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts. Additionally, the following regulations shall apply:
 - (1) *Minimum lot size:*
 - a. Residences with private stables: 3.0 acres.
 - b. Agriculture and forestry uses: 5.0 acres.
 - (2) *Road standards.* Local and collector streets in the A-R district may be constructed without curbs and gutters or sidewalks.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-3. - R-1 single-family residential district.

- (a) *Purpose and intent.* The R-1 district is intended to provide for single-family residences at medium densities.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the R-1 district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the R-1 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the R-1 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the R-1 district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-4. - R-2 two-family (duplex) residential district.

- (a) *Purpose and intent.* The R-2 district is intended to provide for two-family residences (duplexes) on moderate size lots served by county water and county wastewater treatment systems.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the R-2 district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the R-2 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the R-2 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the R-2 District may be developed in accordance with section 214-1 of the UDO, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Residential Zoning Districts.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 2, 7-24-2007)

Sec. 206-5. - CRS collaborative residential subdivision.

(a) *Purpose and intent.*

- (1) *Intent.* The CRS zoning classification is intended to implement the policies of the board of commissioners adopted in the Rockdale County Comprehensive Plan. In particular, the CRS zoning classification is intended to allow and encourage the form of single-family detached residential development intended for the conservation residential category of the comprehensive plan future land use map. The CRS zoning classification should be utilized in areas where sensitive natural resources are to be preserved.
- (2) *Purpose.* The purpose of the CRS zoning classification is:
 - a. To create a distinct physical single-family detached residential neighborhood while preserving conservation space and valuable view sheds in perpetuity that include sensitive natural resources such as streams, creeks, lakes, groundwater, floodplains, wetlands, steep slopes, woodlands, exceptional trees, and wildlife habitat.
 - b. To ensure that interconnected wildlife corridors, green space, multi-modal trails and other dedicated conservation space are protected and accessible in perpetuity for various public and private uses.
 - c. To encourage the protection of passive outdoor recreation, water quality and non-motorized mobility.
 - d. To permit grouping of permitted principal and accessory structures on less environmentally sensitive areas that will reduce the amount of infrastructure, including impervious surfaces and utility easements necessary for residential development.
 - e. To minimize stormwater runoff, erosion and sedimentation by minimizing land disturbance and removal of mature trees and vegetation in residential development.
 - f. To encourage design flexibility for innovative development projects that set high standards for landscaping, green space, community design and public amenities.
 - g. To create a sense of place that is attractive, walkable and environmentally responsible, by promoting landscaped walking trails, bike paths, and public gathering places, within and outside the subdivision.
 - h. To connect the neighborhood with communities, businesses and facilities to reduce reliance on automobiles and encourage community interaction.
 - i. To encourage reduction of traffic speeds in subdivisions and to reduce the reliance on main corridors through the use of connectivity in street design.

(b) *General regulations.*

- (1) *Applicability of comprehensive plan.* The CRS zoning classification is available only within the conservation subdivision land use category as designated on the Rockdale County Comprehensive Plan Future Land Use Map.
 - (2) *Timber harvesting.* The CRS zoning classification shall not be used on property that has been timber harvested within 36 months.
 - (3) *Single development plan.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common responsibility of conservation space as provided in subsections (h) and (i) of this section.
- (c) *Permitted uses.* Principal uses and structures permitted in the CRS district as listed in section 218-1 table of permitted uses.

- (d) *Property development standards.* Property in the CRS district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts and the following provisions.
- (1) *Minimum conservation space:* 30 percent of gross parcel area prior to subdivision, and as provided subsections (e) through (j).
 - (2) *Minimum development size:* Ten contiguous acres, exclusive of conservation space.
 - (3) *Minimum lot size:* 10,000 square feet. Area contained within a lot shall be exclusive of the 100-year floodplain, wetlands, stream buffers, required buffers, and slopes exceeding 25 percent.
 - (4) *Minimum street frontage and lot width at building setback line:* 70 feet, continuous from frontage to building line. Street frontage may be reduced to 30 feet for lots with frontage upon a cul-de-sac and 50 feet for lots on the outside of street curves, so long as the lot width at the building setback line is at least 70 feet.
 - (5) *Front yard setback:* 20 feet minimum; alternating staggered five-foot (minimum) setbacks are required.
 - (6) *Rear yard setback:* 25 feet minimum.
 - (7) *Side yard setback:* 7.5 feet minimum. Air conditioning pads, units and other similar structures shall not encroach into the side yard setback.
 - (8) *Exterior building materials for principal structure:* All sides shall consist of brick, stone, cementitious siding or real (lath and portland) stucco from ground to eaves, with brick, stone, cedar shake, real stucco, painted wood siding or cementitious siding to be used as accents. Metal siding, vinyl siding, metal canopies and exposed standard concrete block are prohibited. Soffits may be constructed of vinyl.
 - (9) *Sodded yards:* All grassed areas on dwelling lots shall be sodded.
 - (10) *Minimum heated floor area of dwelling unit:* 1,800 square feet.
 - (11) *Minimum main roof slope:* 6/12.
 - (12) *Maximum building height:* 35 feet.
 - (13) *Utilities:* Must be placed underground.
 - (14) *Design features.* Buildings shall utilize a minimum of three of the following design features to provide visual relief along the front of the residences:
 - a. Dormers;
 - b. Gables;
 - c. Pillars;
 - d. Posts;
 - e. Covered front porches;
 - f. Recessed entries;
 - g. Cupola;
 - h. Bay windows (minimum 24-inch projection).
 - (15) *Accessory structure.* Must be located in the rear yard, shall contain a total floor area no greater than 30 percent of the heated area of the principal structure, and the exterior finish material shall be of the same or visually match the exterior finish of the principal structure. Accessory structures shall not exceed the height of the principal structure and shall meet the minimum side and rear setback requirements of this chapter.
 - (16) *Off-street parking requirements.*

- a. All single-family dwelling units shall include an enclosed garage for a minimum of two cars. Said garage may be attached to or detached from the principal structure, and shall be oriented to the side or rear yard, or if front facing, shall be staggered between even with the front facade and at least five feet behind the front facade of the dwelling and consist of two decorative single-wide garage doors (each not to exceed 12 feet in width) that provide for integrated architectural integrity with the house in order to visually diminish the impact of the garage doors. Double-wide garage doors that provide for integrated architectural integrity with the house may be used for front-facing garages if the garage is set back at least ten feet behind the front facade of the residence.
 - b. A minimum of one additional parking space per every six lots shall be established adjacent to recreation areas, clubhouse, swimming pool, tennis court, community room, and exercise or health club, with a minimum of ten spaces required. Parking areas serving playing fields, playgrounds and courts shall provide safe ingress and egress, and shall not be lighted.
- (17) *Development density.* Maximum density shall be consistent with the comprehensive plan, which establishes a maximum density not to exceed 3.1 units per acre in the conservation residential land use category. The maximum number of lots in the CRS zoning classification shall be based on the adjusted tract area of the site. Adjusted tract area is the total acreage of the parcel, not including the primary conservation area, but including other land used for lots, streets, recreation and other conservation space. Area contained within a lot shall be exclusive of 100-year floodplains, wetlands, stream buffers, required buffers, and slopes exceeding 25 percent.
- (18) *Tree preservation bonus density.* Each existing healthy tree located within a required conservation space area may receive a bonus credit of 0.5 tree density units, if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree. Each existing exceptional tree that is preserved, as defined in chapter 106, may receive three bonus credits of tree density units, as long as, in the opinion of the county arborist/urban forester, the exceptional tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.
- (19) *Compatibility with existing development.* Each CRS zoned development that abuts property that is zoned for agricultural or single-family residential use shall provide one of the following forms of transition to adjacent zones:
- a. 20-foot natural or enhanced vegetated opaque buffer adjacent to residentially zoned property, to include a three-foot tall berm with plantings to a minimum total height of six feet, recorded separately from the lots.
 - b. 50-foot natural or enhanced vegetated opaque buffer adjacent to residentially zoned property recorded separately from the lots.
 - c. 150-foot deep transition area developed with lots that are not less than the average size of lots that abut the CRS zoned parcel or within 150 feet of its outer boundary, measured as straight-line distance.
 - d. Where possible, connectivity of inter-parcel conservation space or wildlife corridors is encouraged.
- (20) *Streets, sidewalks, and street trees.*
- a. *Streets.* The street network shall form a connected pattern (grid system), with a minimum of culs-de-sac approved by the director only in cases of topographical hardship. Street shapes should be varied with loop streets, curving crescents, eyebrows, ovals, and courts providing visual interest and traffic calming effects. Approved cul-de-sac streets may be no longer than 600 feet in length and shall reflect a design around a central median or square. Street patterns shall be designed to respect and follow existing terrain as much as

possible, to minimize earthmoving and disruption of the existing topography. Streets shall be designed to:

1. Parallel and preserve existing tree lines, hedgerows, existing historic structures, and water elements.
2. Minimize alteration of natural, cultural or historic features.
3. Minimize the acreage devoted to streets.
4. Calm traffic speeds.
5. Promote pedestrian movement.
6. Secure the view to prominent natural vistas.
7. Be aligned so that the "terminal vista" is of civic buildings or conservation space land, either manmade (such as greens, commons, squares, or parks) or natural.
8. Minimize crossing of primary conservation areas.
9. All streets, with the exception of loop streets, shall terminate at other streets within the conservation subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the CRS zoned property, where practicable.
10. Streetlights are to be provided along one side of every street, a minimum of 16 feet high and a maximum of 20 feet high if overhanging into the street, and placed no more than 160 feet apart.

b. *Sidewalks.* Public sidewalks shall:

1. Be a minimum of five feet wide and shall be constructed on one side of streets.
2. Create a linked network of walkways connecting with parks and other conservation space land areas.
3. Be separated from street curbs by a "tree lawn" not less than five feet wide, planted with shade trees in accordance with the Rockdale County plant palette.
4. Be provided along the front lot lines of all CRS zoned lots to ensure pedestrian access to each lot. Lots fronting directly onto common greens or parks shall be provided with sidewalks along their front lot lines abutting the greens or parks.

c. *Street trees.*

1. Street trees shall be planted along each side of all streets, public or private, existing or proposed. Existing healthy and mature street trees may be counted toward the street tree-planting requirement.
2. Street trees shall have a minimum of three inches dbh.
3. Street trees shall be spaced at intervals no greater than 50 feet along both sides of each residential street; spacing may be adjusted to account for driveways, fire hydrants and other obstructions and to provide adequate visual clearance for intersections and driveways.
4. Species of street trees shall be approved by the director. However, no more than 25 percent of the total number of the trees installed may be of any one genus.

(e) *Conservation space.* Conservation space is defined as the portion of the CRS zoned property that has been set aside for permanent protection and shall meet the following standards:

- (1) A minimum of 30 percent of the gross acreage prior to subdivision shall be designated as conservation space, subject to subsection (f) of this section.

- (2) Activities within the conservation space are restricted in perpetuity through the use of an approved legal instrument.
 - (3) The CRS zoning classification does not require the public dedication of any conservation space lands to any government body or agency, nor does it require that public access be granted. All conservation lands shall remain in private hands held in common ownership by the owners of the lots in the subdivision unless those areas are deeded to and accepted by Rockdale County or to a land bank conservation tax exempt trust that has been approved by the Rockdale County Board of Commissioners.
 - (4) At least 50 percent of the conservation space shall be in a contiguous tract. The conservation space should adjoin any neighboring areas of conservation space, or other protected areas and non-protected natural areas that would be candidates for inclusion as part of a future area of protected conservation space.
 - (5) No more than ten percent of required conservation space shall be impervious.
- (f) *Categories of conservation space.* In order to qualify for CRS zoning, conservation space shall be held under unitary ownership or control, meet the following requirements, and fall within the following three categories:
- (1) *Primary conservation areas.* Primary conservation areas form the core of the conservation space to be protected and are required to be included in the conservation space. All of the acreage of a primary conservation area may be counted as conservation space. Active recreation areas are prohibited in primary conservation areas. These areas shall be left in a natural and undisturbed state, except for the fewest possible perpendicular crossings of essential access roads and utility lines. Primary conservation areas, as defined by this section, include the following:
 - a. Private cemeteries and burial grounds.
 - b. 100-year floodplains.
 - c. Habitats for endangered or threatened species as defined by the Georgia Department of Natural Resources.
 - d. Wetlands identified by the national wetlands inventory maps prepared by the U.S. Fish and Wildlife Service, the county soil survey prepared by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service, or a certified wetlands delineation using data from the U.S. Army Corps of Engineers.
 - e. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-year floodplain, as identified on Federal Insurance Rate Maps.
 - f. Lakes, rivers, streams, existing ponds, creeks, including but not limited to blue line tributaries and state waters.
 - g. Riparian zones equal to any required stream buffers and improvement setbacks.
 - h. Existing slopes greater than 25 percent on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from the Rockdale County GIS system or from a topographic survey prepared by a licensed land surveyor.
 - i. Rock outcroppings.
 - (2) *Secondary conservation areas.* Secondary conservation areas consist of undeveloped but buildable land and protected lands and may be counted as conservation space. Secondary conservation areas, as defined by this section, should be protected to the maximum extent feasible, and should include the following:
 - a. Mature hardwood forests of at least one acre of contiguous area.
 - b. Historic and /or archaeological sites.

- c. Passive recreation areas, public and private, to include parks as identified by the parks and recreation master plan, open fields, and playgrounds. Impervious surfaces within passive recreation areas shall not be credited toward conservation space.
 - d. Existing trails that connect the tract to neighboring areas.
 - e. Aquifer recharge areas identified in the Rockdale County Comprehensive Plan.
 - f. Scenic view sheds, particularly those that can be seen from public roads.
 - g. Wetland and stream bank mitigation projects.
 - h. *Greens, commons, squares, and parks.* In order to provide for terminal vistas and loop roads in lieu of cul-de-sacs, and for the enjoyment of the residents, Rockdale County recommends that ten percent of the minimum required conservation space land consist of multiple greens, commons, squares, or parks, but these smaller areas of conservation space shall not exceed 20 percent of the total required conservation space.
 - i. Street rights-of-way may traverse, but shall not count toward the minimum required area of conservation space.
- (3) *Outdoor recreation area.* Impervious surfaces in recreation areas shall not be counted as conservation space. Lakes and ponds are allowed in outdoor recreation areas, but their surface area shall not be counted as conservation space. This category includes: greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, lockers, bicycle facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities.
- (4) *Exclusions.* Excluded from counting toward the minimum amount of conservation space are the following (also see the definition of primary conservation space):
- a. Proposed permanent lakes that may be used for wet detention.
 - b. Recreation area improvements. Impervious surfaces in recreational areas shall not be credited.
 - c. Easements.
 - d. Up to 50 percent of land area within utility easements, such as but not limited to power, gas pipeline easements, sewer line easements, may be counted towards conservation space requirements.
 - e. Residential yards.
 - f. Land that has been or is to be conveyed to a public agency via an agreement for such uses as schools, parks, or other public facilities.
- (g) *Accessibility of conservation space.* Conservation space shall be designed and located for the convenient access and enjoyment of all users of the CRS zoned property. Conservation space shall be within 1,000 feet of all occupied buildings in the development. If the conservation space is for public use, connection shall be made to the conservation space by improved pathways or sidewalks.
- (h) *Ownership of conservation space.* The applicant must identify the owner who is responsible for maintaining the conservation space, the required buffers and facilities located thereon as the owners of the various lots and undeveloped phases located in the subdivision. The above-mentioned property shall be considered commons area for the subdivision and the ownership and value of such commons area shall reside with the owners of the individual lots and undeveloped phases located in the subdivision. The ownership shall be fee simple with undivided interest. All deeds recorded for this subdivision shall indicate such ownership in the commons area. This ordinance will not require the public dedication of any conservation space to any governmental body or agency, nor will it require that public access be granted. All conservation land may remain in private hands, or if accepted, be dedicated to Rockdale County or a land bank conservation tax-exempt trust that has been approved by the Rockdale County Board of Commissioners. The owners may form a property owners

association for the purpose of managing and maintaining the grounds and any facilities. The property owners association shall have lien authority to ensure the collection of dues from all members in order to pay for such maintenance.

- (i) *Conservation space and common facilities management plan.* The applicant shall submit a conservation space management plan (management plan) at the time the construction plans are submitted. The management plan shall be submitted and approved prior to the issuance of any land disturbance permit for any development under the CRS zoning classification. The management plan shall include information that:
- (1) Allocates responsibility and guidelines for the maintenance and operation of the conservation space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
 - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the conservation space and outlines the means by which such funding will be obtained or provided.
 - (3) Provides for sufficient funds to be escrowed for the maintenance and operation costs of common facilities for one year.
 - (4) Provides that any changes to the management plan be approved the board of commissioners.
 - (5) Provides for enforcement of the management plan.
 - (6) *Maintenance required.* In the event the party responsible for maintenance of the conservation space fails to maintain all or any portion in reasonable order and condition, Rockdale County may assume responsibility for its maintenance, and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, property owners association, or to the individual property owners that make up the property owners association, and may include administrative costs, including attorneys' fees, and penalties. Such costs shall be recouped through the use of special assessments upon the property owners of the various lots and undeveloped phases.
 - (7) *Legal instrument for permanent protection.* The conservation space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed and noted on the final plat. The instrument for permanent protection shall incorporate restrictions on the use of the conservation space contained in this section, as well as any further restrictions as approved by the board of commissioners. The legal instrument shall be in place and binding on the conservation space no later than the date of issuance of a land disturbance permit. However, greens, commons, squares or pocket parks may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part. The instrument shall be one of the following:
 - a. A permanent conservation easement in favor of either:
 1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions.
 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this UDO.
 3. If the entity accepting the easement is not Rockdale County, then a third right of enforcement favoring Rockdale County shall be included in the easement.
 - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity, as set forth in O.C.G.A. § 44-5-60(c).
 - c. An equivalent legal tool that provides permanent protection, if approved by the Rockdale County Board of Commissioners.

- (8) *Tax assessment of conservation space.* Once a legal instrument or permanent protection has been placed upon the conservation space, the required buffers and facilities, the Rockdale County Board of Assessors shall reassess these areas as commons area and the value of such commons area shall vest in the remaining subdivision lots and undeveloped phases. Rockdale County, through the use of special assessments upon the property owners of the various lots and undeveloped phases, shall recoup any work or maintenance performed by Rockdale County upon the commons area.
- (9) *Other design considerations.* The configuration of conservation space shall comply with the following additional standards:
- a. Except for formal greens, commons, squares, parks, playing fields, and trail corridors, conservation space land shall not include parcels smaller than three acres, have a length-to-width ratio of less than 3:1, or be less than 50 feet in width.
 - b. Conservation space land shall connect to adjoining parks, preserves, or other protected lands.
 - c. Except in those cases where part of the designated conservation space is located on private land, conservation space land shall provide for pedestrian pathways for use by the residents of the subdivision. The developer shall provide for public access on such trails if they are linked to other publicly accessible pathway systems within Rockdale County (for example, a PATH Foundation trail connection). Provisions shall be made for access to the conservation space, as required for land maintenance and emergency purposes.
 - d. Outdoor recreation areas designated for active recreational uses shall not negatively impact adjacent residential areas or roadways.
 - e. Conservation space land shall be undivided by public or private streets, except where necessary for proper traffic circulation.
- (j) *Establishment of conservation residential subdivision status.* Land development using the CRS zoning classification shall be subject to the following procedures:
- (1) *Pre-zoning application conference.* Prior to submitting an application for rezoning to the CRS district, the applicant shall schedule a conference to discuss the standards and procedures that apply to the CRS. The applicant, the applicant's engineer or site plan preparer, the owner of the property (if different than the applicant), and appropriate county staff shall attend the conference. A representative from the land trust that will hold the conservation easement on the dedicated conservation space to be included in the development, if known, shall also be invited to attend the pre-zoning application conference.
 - a. *Purpose of conference.* The purpose of the pre-zoning application conference is to discuss the applicant's objectives, review the applicant's documentation and analysis of existing environmental conditions and discuss concepts for subdivision layout and location of conservation space. Applicant shall prepare, and provide to the department two weeks in advance of this meeting, three copies of both a site concept plan and an existing conservation features plan.
 - (2) *Site concept plan.* Prior to application for rezoning, the developer shall prepare a site concept plan, to present at the pre-zoning application conference that shall include:
 - a. *Statement of intent.* A narrative describing the proposed development and explaining how it meets the purpose and intent of the comprehensive plan and of this section.
 - b. *Site concept plan.* A plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer, landscape architect or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 30 inches by 42 inches, and one 8½-inch x 11-inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join and shall be numbered consecutively with a notation such as sheet 2 of 3. The concept plan shall represent the conceptual design of the property to be developed, as well as for all adjacent

property that is within the developer's ownership or control. The concept plan shall include the following information:

1. Boundaries of the entire property, with bearings and distances of the perimeter property lines.
 2. Total area of the property in acres.
 3. Current and proposed zoning.
 4. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 5. Banks of streams, lakes and other waterbodies, and buffers.
 6. Delineation of any floodplain designated by the Federal Emergency Management Agency (FEMA), United States Geological Survey (USGS), or Rockdale County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
 7. Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
 8. A delineation of all existing structures and whether they will be retained or demolished.
 9. Development density and lot sizes.
 10. Designation of minimum lot areas, setbacks and yards.
 11. Parking areas, points of access to public rights-of-way and vehicular and pedestrian circulation patterns within the subject property.
 12. Areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
 13. Indication that the property is served by public water and sewer, with conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten feet or more.
 14. Conceptual plans for drainage with approximate location and estimated size of all proposed storm water management facilities and a statement as to the type of facility proposed.
 15. Location and width of required buffers at external site boundaries.
 16. Location and approximate area (in acres) of conservation space and recreation facilities.
 17. Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
 18. Public right(s)-of-way, any required or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the right-of-way.
 19. Width of right-of-way and pavement sections of all internal streets.
 20. Seal and signature of professional person preparing the plan.
- c. *Existing conservation features plan.* The developer shall prepare an existing conservation features plan that meets the following minimum requirements:

- (3) *Existing conservation features plan.* Concurrent with the submission of a site concept plan, the applicant shall prepare an existing conservation features plan, sealed by a registered engineer or landscape architect by the State of Georgia. This plan will delineate areas that have been identified as worthy of permanent protection in conservation space because of their environmental values. It will set forth the particulars of the site, including boundary, topographic data (minimum two-foot contour intervals), existing structures and utility easements. The plan should provide the starting point for the design of the CRS development, with built areas being designed as separate from the areas delineated as worthy of permanent protection. The existing conservation features plan shall include the following:
- a. Perennial and intermittent streams, drainage swales, FEMA designated 100-year flood hazard zones and wetlands, and other hydrologic features, along with the sources of this information.
 - b. Identification of tree lines, native woodlands, open fields or meadows, exceptional trees, peaks or rock outcroppings, ridgelines, watershed boundaries, and prime agricultural land.
 - c. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old and new growth.
 - d. Delineation of steep slope areas (over 25 percent). Slopes greater than 40 percent shall be preserved, per subsection (f) of this section.
 - e. Identification of historical, archeological or other significant features.
 - f. Identification of scenic vistas.
 - g. Identification of conservation space, green space, multi-modal trails or common areas adjacent to the project, and potential connections to the existing green space and trails.
 - h. Certification that timber-harvesting activity has not occurred on the property in the previous 36 months prior to the submittal of a site concept plan.
 - i. Topographic contours of no less than two-foot intervals, unless a closer interval is required for clarification.
 - j. General soil series, types, and phases as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Rockdale County, and accompanying data published for each soil in relation to its suitability for construction.
 - k. Groundwater recharge areas.
 - l. Existing roads and structures.
 - m. Archeological sites, cemeteries and burial grounds.
 - n. Historic properties.
 - o. View sheds showing location and extent of views into the property from public roads.
 - p. Easements and other encumbrances of the property.
 - q. Date existing conservation features plan was prepared.
- (4) *Variances.* No administrative variances shall be granted in the CRS zoning district. Appeals shall be submitted pursuant to section 238-8.
- (5) *Other requirements.* The applicant shall adhere to all other applicable requirements of this Title 2 of the UDO, applicable subdivision regulations, and other development requirements of Rockdale County. In any case where the standards and requirements of this district conflict with other provisions of the Rockdale County Code of Ordinances, including, but not limited to, subdivision regulations, the requirements of this district shall govern.
- (k) *Senior housing element.*

- (1) *Purpose and intent.* The regulations set forth in this senior housing element of the CRS zoning district are designed to provide for the development of detached dwelling units limited to those persons age 55 and older, and to promote the concept of aging in place which provides a variety of living choices aimed at allowing residents to remain in their communities as they age.
- (2) *Definitions related to senior housing element.*
 - a. Aging in place: The opportunity to live in a specific community for as long as possible, facilitated by the presence of housing which meets the changing needs of an aging adult, provides transportation alternatives, opportunities for exercise and physical activity and a community life which engages older residents with the community as a whole.
 - b. Universal design standards: Building guidelines developed to insure that a house can remain accessible to a homeowner should they ever face a short or long term disability.
- (3) *General regulations.*
 - a. *Standard criteria for senior housing.* All projects developed under this subsection shall:
 1. Be located within two linear miles north or south of Interstate 20.
 2. Be within three driving miles of commercial retail uses, including but not limited to, grocery store, pharmacy, and/or medical service facility.
 3. Maintain the scale and intensity of the surrounding uses.
 - b. *Principal permitted use.* Senior housing element shall permit single-family detached residential units with a density of no more than 3.1 dwelling units per acre.
 - c. *Minimum lot size.* No lot shall be less than 8,000 square feet. Areas contained in a lot shall be exclusive of the 100-year floodplain, wetlands, stream buffers, other required buffers and slopes exceeding ten percent.
 - d. *Minimum street frontage and lot width at building setback line.* Fifty feet, continuous from frontage to building line. Street frontage may be reduced to 30 feet for lots with frontage upon a cul-de-sac. For lots on the outside of street curves the minimum frontage remains at 50 feet.
 - e. *Front yard setback.* Minimum ten feet with at maximum of 20 feet.
 - f. *Rear yard setback.* With an alley, five feet. Without an alley, 20 feet.
 - g. *Side yard setback.* Seven and one-half feet minimum. Air conditioning pads and units and other similar structures shall not encroach into the side yard setback.
 - h. *Housing standards.* All dwellings shall have a minimum of 1,200 heated square footage and a maximum of 1,800 heated square footage. In addition, all residential units within the senior housing element of the CRS zoning district shall incorporate the following universal design standards:
 1. *Entrances.*
 - Accessible parking convenient to dwelling, covered from the elements.
 - Accessible path of travel to dwelling from parking or drop off area (slope of 1:20 or less eliminates the necessity for handrails, except when needed by a specific individual).
 - At least one entrance without steps and flush or low profile threshold.
 - Minimum five-feet by five-feet maneuvering space at stepless entrance.
 - 36-inch minimum exterior door with lever hardware.
 - Movement sensor light at entrance.

- A sidelight or peephole at 42 and 60 inches above the floor.
- Ambient and focused lighting at keyhole.
- High visibility address numbers.

2. *General interior.*

- Hall width 42 inches minimum (interior accessible route is 36 inches).
- Interior door width 32-inch minimum (requires 34 or 36-inch wide door), equipped with lever hardware.
- Flush transitions between floor surfaces (maximum of ½-inch rise).
- Five pounds maximum force to open doors.
- Eighteen-inch minimum space at latch side of door.
- Five-feet by five-feet maneuvering space in each room (after furniture is placed).
- Increased number of electrical outlets for additional lighting and alarm indicators, especially in bedrooms.
- Electrical outlets at 18-inch minimum height.
- Light switches 44 inches maximum above floor.
- View windows at 36-inch maximum sill height and large enough to use as an escape route in the event of an emergency.
- Crank operated (casement) or light weight sliding windows.
- Closet rods adjustable from 30 inches to 66 inches above the floor.
- Loop or other easy-to-use handle pulls on drawers and cabinets.
- High contrast, glare free floor surfaces and trim.
- Low pile carpet or smooth anti-slip flooring.
- High-speed internet access data connection port and cabling.

3. *Bathrooms.*

- 60-inch diameter turning circle.
- 30-inch by 48-inch area of approach (forward or parallel, depending on fixture type) in front of all fixtures.
- Toilet more usable by many if positioned in a five-feet by five-feet space with centerline 18 inches from sidewall.
- 32-inch minimum lavatory counter height with lever faucet controls.
- Adaptable cabinets to reveal kneespace under lavatory. Exposed piping in kneespace should be padded or concealed.
- When tub or shower are installed, select models designed to accept portable bench or bathing seat.

- Curbless or roll-in shower plus standard tub.
- Offset single-lever controls in tub and shower to minimize stooping, bending and reaching.
- Adjustable height hand-held shower head in addition to standard fixed shower head.
- Anti-scald devices on all plumbing fixtures.
- Enlarged reinforced blocking (minimum ¾-inch plywood) areas around toilet and bathing fixture to provide secure mounting locations for grab bars and shower seats.
- Mirror to backsplash at lavatory.
- Contrasting color edge border at countertops.

4. *Kitchens.*

- 60-inch diameter turning space.
- 30-inch by 48-inch area of approach (forward or parallel, depending on fixture type) in front of all appliances.
- Cooktop or range with front or side-mounted controls and staggered burners to eliminate dangerous reaching.
- Front-mounted controls on washer and dryer.
- Adaptable cabinets to reveal kneespace at sink and under work surface near cooking appliances.
- Variable height sink adjustable between 32 and 40 inches
- Exposed piping and any sharp or hot elements in any kneespace should be padded or concealed.
- Single-lever faucet controls.
- Full height pantry cabinets for high and low storage.
- Adjustable height shelves in wall cabinets.
- Refrigerator/freezer with frozen food storage in bottom or side-by-side refrigerator/freezer.
- Variable height counter surfaces or adjustable through a range of 28 to 40 inches.
- Base cabinets with pullout shelves or drawers.
- Contrasting color edge border at countertops.
- Microwave over at countertop height with uninterrupted counter surface or pull out shelf to support the safe transfer of hot and/or heavy cookware.
- Glare free task lighting under the cabinets.

- i. *Property owner's association.* In addition to the requirements set forth in the CRS zoning district subsections 206-5(h) and 206-5(i), the property owners association shall publish and adhere to policies and procedures that require that the community will provide housing

for persons at least 55 years old and older, including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act, as amended. Said association shall also include declarations (covenants) and bylaws including rules and regulations, which shall, at a minimum, regulate and control the following:

1. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older. For developments in which 100 percent of the units are occupied by seniors, at least one resident in each unit shall be age 62 or older.
2. Restrictions on single-family residential use only and leasing/renting of units. No more than ten percent of the total units may be leased/rented by individual owners at any one time.
3. Maintain and regulate exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.
4. Exterior fence maintenance shall include a requirement that any graffiti shall be repaired and/or repainted within 72 hours.
5. Prohibit playground equipment, swing sets, trampolines or like fixtures.
6. Maintenance of detention ponds, common areas and entrance features.
7. Insurance and maintenance of all common areas owned by the association not located in the county right-of-way.

Said association declarations shall be reviewed for approval by the department and the county attorney prior to recording with the Rockdale County Clerk of Courts. The first building permit shall not be issued until verification of said documents has been recorded.

- (4) *Other requirements.* The applicant shall adhere to all other applicable requirements of this CRS zoning district, Title 2 of the UDO, applicable subdivision regulations, and other development requirements of Rockdale County. In any case where the standards and requirements of this district conflict with other provisions of the Rockdale County Code of Ordinances, including, but not limited to, subdivision regulations, the requirements of this district shall govern.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 24, 5-22-2007; Ord. No. 0-2007-14, § 3, 7-24-2007; Ord. No. 0-2008-18, § 1, 11-25-2008; Ord. No. 0-2012-11, § 4, 11-27-2012)

Sec. 206-6. - CSD conservation subdivision development district.

(a) *Purpose and intent.*

- (1) *Intent.* The CSD is intended to implement the policies of the board of commissioners adopted in the Rockdale County Comprehensive Plan and the recommendations of the Salem Road Corridor Study. In particular, the CSD is intended to allow and encourage the form of development intended for the special mixed-use activity center category of the future land use map.
- (2) *Purpose.* The purpose of the CSD is:
 - a. To preserve in perpetuity sensitive natural resources such as streams, creeks, lakes, groundwater, floodplains, wetlands, steep slopes, woodlands and wildlife habitat.
 - b. To ensure that interconnected greenspace, trails and open space are accessible to the residents of the county for the protection of passive outdoor recreation, water quality and mobility.

- c. To permit grouping of permitted principal and accessory structures on less environmentally sensitive areas that will reduce the amount of infrastructure, including paved surfaces and utility easements necessary for residential development.
 - d. To minimize stormwater runoff, erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
 - e. To encourage design flexibility for innovative development projects that set high standards for landscaping, greenspace, community design and public amenities.
 - f. To create a sense of place that is attractive, walkable and environmentally responsible.
- (3) *Application.* This zoning district may only be applied to property located in the SRCO.
- (4) *Uses.* The principal uses and structures, accessory uses and structures, and special uses and structures listed in section 206-6, subsections (b), (c), and (d) are permitted within the CSD district. Any use or structure not specifically listed is prohibited.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the CSD district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the CSD district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO and the following provisions:
- (1) The floor area of accessory structures shall not exceed 30 percent of the floor area of the principal uses on the same lot to which they are accessory.
- (d) *Special uses.* Special uses may be permitted in the CSD district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the CSD district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts and the following provisions:
- (1) Minimum open space: 30 percent of gross parcel area prior to subdivision.
 - (2) Minimum development size: Five acres or at least ten lots, exclusive of open space.
 - (3) Heated floor area of dwelling unit: Minimum 1,800 square feet.
 - (4) Maximum ground floor area of a building: 5,000 square feet.
 - (5) *Off-street parking requirements.*
 - a. All single-family dwelling units shall include a garage for a minimum of two cars. Said garage may be attached to or detached from the principal structure.
 - b. Minimum of 25 additional parking spaces adjacent to recreation areas, clubhouse, swimming pool, tennis court, community room, exercise or health club and dressing rooms.
 - (6) *Tree preservation bonus density.* Each existing healthy tree located within a required open space area may receive a bonus credit of 0.25 tree density units; if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.
 - (7) *Compatibility with existing development.* Each CSD development that abuts property that is zoned for agricultural or single-family residential use shall provide one of the following forms of transition to adjacent zones:
 - a. 50-foot opaque buffer adjacent to residentially zoned property.

- b. 200-foot deep transition area developed with lots that are not less than the average size of lots that abut the CSD zoned parcel or within 200 feet of its outer boundary, measured as straight line distance.
- (8) *On-site septic systems.* With the approval of the director, the applicant may seek approval of the Rockdale County Division of Environmental Health for on-site septic systems for individual lots within a CSD that include:
- a. Placing drain fields for on-site septic systems within secondary conservation areas in required open space;
 - b. Placing drain fields for on-site septic systems on individual lots with an easement limiting its use to open space required under this section.
- (9) *Development density.*
- a. Density of a CSD shall be computed based on the number of dwelling units per acre of the parcel, not including the primary conservation area, but including other land used for lots, streets, recreation and other open space.
 - b. Density, lot size and lot design are subject to approval of the wastewater treatment system by the Rockdale County Board of Health, Environmental Health Section.
 - c. Maximum density: 2.4 dwelling units per acre, except as authorized to be increased in subsection d., below and in subsection 210-2(j).
 - d. Bonus density for additional open space (not including primary conservation areas), is as follows:

Percent Open Space	Density Bonus
31—40 percent	5 percent
41—50 percent	10 percent
Over 50 percent	15 percent

- e. The bonus density allowed in this subsection shall be in addition to that allowed in the subsection 210-2(j).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 30, 5-22-2007; Ord. No. 0-2012-11, § 5, 11-27-2012)

Sec. 206-7. - MUR mixed-use residential district.

(a) *Purpose and intent.*

- (1) *Intent.* The MUR district is intended to implement the policies of the board of commissioners adopted in the Rockdale County 2020 Comprehensive Plan and the recommendations of the Salem Road Corridor Study.
- (2) *Purpose.* The purpose of the MUR district is:

- a. To provide for the needs of a diverse population with well-designed and human-scale, attached single-family and multifamily structures that are compatible with other residential neighborhoods.
 - b. To provide a transition between single-family residential neighborhoods and commercial, civic or office uses.
 - c. To encourage design flexibility for innovative development projects that set high standards for landscaping, greenspace, community design and public amenities.
- (3) *Application.* This zoning district may be applied only to property located in the SRCO.
- (4) *Uses.* The principal uses and structures, accessory uses and structures, supportive commercial uses, and special uses and structures listed in subsections (b), (c), (d), and (e) of this section are permitted within the MUR district. Any use or structure not specifically listed is prohibited.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the MUR district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the MUR district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Supportive commercial uses.* Supportive commercial uses shall be permitted in the MUR district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO on the ground floor of buildings in the MUR district, provided they occupy no more than 20 percent of the total floor area of occupied buildings within an MUR development project.
- (e) *Special uses.* Special uses may be permitted in the MUR district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (f) *Property development standards.* Property in the MUR district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts and the following provisions:
 - (1) Minimum heated floor area:
 - a. Two-family dwellings and townhouses:
 - 1. 1 bedroom: 900 square feet.
 - 2. 2-bedroom: 1,200 square feet.
 - 3. 3-bedroom: 1,400 square feet.
 - b. Personal care homes: 1,320 square feet, plus 80 square feet for each bed.
 - (2) Maximum ground floor area: 7,500 square feet per building.
 - (3) Maximum building length or width: 150 feet.
 - (4) Spacing between buildings: Minimum 20 feet.
 - (5) Maximum building height: 45 feet or 50 feet if supportive commercial use is on ground floor.
 - (6) Minimum lot size:
 - a. Two acres prior to development.
 - b. 2,500 square feet for individual fee-simple townhouse lots.
 - (7) Minimum frontage: 200 feet on public street for development.
 - (8) *Off-street parking and loading areas.*

- a. Surface parking areas shall be screened from adjacent residential uses and public streets by an evergreen hedge or solid masonry wall not less than three feet in height that shall be continuous, except for driveways and sidewalks connecting said parking areas to public streets.
 - b. Loading areas shall be screened from adjacent residential uses and public streets by an opaque buffer, solid fence or masonry wall not less than six feet in height that shall be continuous, except for driveways and sidewalks connecting said loading areas to public streets.
- (9) Compatibility with existing development within zones and transition to adjacent zones.
 - a. Buildings over 35 feet high shall not be closer than 75 feet to property lines of single-family residential property.
 - b. Parking lots, loading docks, dumpsters and outdoor recreation with outdoor lighting shall be screened from adjacent residential property by an opaque landscape buffer at least 15 feet wide or a ten-foot-wide opaque landscape buffer outside a six-foot high solid fence or wall.
- (10) *Tree preservation bonus density.* Each existing healthy tree that is preserved in a required open space area may receive a bonus credit of 0.25 tree density units if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-11, § 6, 11-27-2012)

Sec. 206-8. - RM residential multi-family district.

- (a) *Purpose and intent.* The RM district is mainly comprised of multi-family residential buildings where surrounding land uses are compatible with higher-density residential development or suitable transitional buffers are provided per the requirements of chapter 328, article I. Appropriate areas must have adequate urban amenities and public facilities, including public water and sewer systems. Because density is increased, it is critical that all factors relating to drainage, topography, open space and other environmental impacts be examined carefully to ensure suitability. All RM developments shall be located on a major thoroughfare.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the RM district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the RM district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the RM district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.*

Property in the RM district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts and the following provisions:

- (1) Minimum lot width: 60 feet for duplexes, otherwise 100 feet.
- (2) No parking is allowed in the required front yard.
- (3) Building size: No building shall contain more than six dwelling units.
- (4) Buildings shall be separated by a minimum of 15 feet side-to-side, 40 feet front to back, front to front, or back to back.

- (5) The building shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code. A permanent foundation wall, or curtain wall, unpierced, except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of 3.5 inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service.
- (6) Open space requirement.
 - a. RM developments including more than 50 dwelling units must provide 400 square feet of landscaped outdoor recreation space per unit in the development.
 - b. Where abutting incompatible uses or districts, a buffer is required in conformance with chapter 328, article I of the UDO.
- (7) *Landscaping.* Front yards shall be sodded, and sites shall provide landscaping and tree protection and replacement as provided in article II of chapter 328 of the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-9. - CID civic-institutional district.

(a) *Purpose and intent.*

- (1) *Intent.* The CID district is intended to implement the policies of the board of commissioners adopted in the Rockdale County 2020 Comprehensive Plan and the recommendations of the Salem Road Corridor Study.
- (2) *Purpose.* The purpose of the CID district is:
 - a. To provide the community with places for assembly, places of worship, offices and service centers for public and nonprofit agencies, education, medical services and recreation.
 - b. To provide a range of community services for the needs of a diverse population.
 - c. To provide community services in walkable centers that are within convenient range of residents and employees located in adjacent neighborhoods.
 - d. To encourage design flexibility for innovative development projects that set high standards for landscaping, greenspace, community design and public amenities.
- (3) *Application.* This zoning district may be applied only to property located in the SRCO.
- (4) *Principal uses and structures.* Principal uses and structures permitted in the CID district are as listed in the UDO in section 218-1 table of permitted uses.
- (5) *Supportive commercial uses.* Supportive commercial uses shall be permitted in the CID district in accordance with section 218-1 table of permitted uses provided they do not occupy more than 15 percent of the gross floor area of a land development project.
- (6) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the CID district in accordance with section 218-1 table of permitted uses, the standards detailed in section 218-7 accessory use standards of the UDO and the following provisions:
 - a. Places of worship on tracts over five acres are allowed one accessory dwelling unit not to exceed 1,200 square feet for use by a caretaker who shall be an employee of the religious organization that owns the property.
- (7) *Special uses.* Special uses may be permitted in the CID district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.

- (8) *Property development standards.* Property in the CID district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 2 development standards for non-residential zoning districts and the following provisions:
 - a. Open space: Minimum ten percent, which may not include ball fields or outdoor recreation.
 - b. Minimum principal building size: 3,000 square feet.
 - c. Spacing between buildings: 20 feet.
 - d. Maximum building height: 60 feet.
 - e. Minimum frontage at setback: 100 feet.
- (9) *Tree preservation bonus density.* Each existing healthy tree located within a required open space area may receive a bonus credit of 0.25 tree density units if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.
- (10) *Compatibility with existing development and transition to adjacent zones.*
 - a. Buildings over 35 feet high shall not be closer than 75 feet from the property lines of adjacent single-family residential property.
 - b. Parking lots, loading docks, dumpsters and outdoor recreation fields with outdoor lighting shall be screened from adjacent residential property by an opaque buffer at least 25-foot wide or a 15-foot wide opaque buffer outside an eight-foot high opaque fence or wall.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-11, § 7, 11-27-2012)

Sec. 206-10. - O-I office-institutional district.

- (a) *Purpose and intent.* The purpose of the O-I district is to promote a suitable business environment for service-oriented business and professional services, administrative services, non-profit, public institutions and related offices located along with community facilities. Limited retail and service uses normally supportive of office and institutional tenants also are permitted as accessory uses within the same building. This district may serve as a transition between less intense residential and more intense commercial or industrial districts. Uses within this district should be located on streets classified as arterial or collector streets and shall not generate excessive noise, traffic congestion or other health issues.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the O-I district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the O-I district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the O-I district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the O-I district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 2 development standards for non-residential zoning districts and the following provisions:
 - (1) Minimum floor area: 1,000 gross square feet.
 - (2) *Parking requirements.*
 - a. Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.

- b. No vehicular parking shall be permitted in the area between the street right-of-way and the building facades facing that street.
- (3) Buffer: Where abutting incompatible uses or districts, a buffer is required in conformance with article I of chapter 328 of the UDO.
- (4) All uses in this district shall be conducted entirely within an enclosed building with no outside storage of equipment, vehicles or materials.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-11. - NC neighborhood commercial district.

(a) *Purpose and intent.*

- (1) *Intent.* The NC district is intended to implement the policies of the board of commissioners adopted in the Rockdale County 2020 Comprehensive Plan and the recommendations of the Salem Road Corridor Study.
- (2) *Purpose.* The purpose of the NC district is:
 - a. To provide low-impact commercial services and retail goods in developments that are walkable, have a similar appearance to residential buildings and that are located within convenient range of residents and employees in adjacent neighborhoods.
 - b. To provide for the needs of a diverse population with well-designed and human-scale structures that are compatible with other residential neighborhoods.
 - c. To provide a transition between single-family residential neighborhoods and commercial, civic or office uses.
 - d. To encourage design flexibility for innovative development projects that set high standards for landscaping, greenspace, community design and public amenities.
- (3) *Application.* This zoning district may be applied only to property located in the SRCO.
- (4) *Uses.* The principal uses and structures, accessory uses and structures, and special uses and structures listed in subsections (b), (c), and (d) of this section are permitted within the NC district. Any use or structure not specifically listed is prohibited.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the NC district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the NC district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the NC district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the NC district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 2 development standards for non-residential zoning districts and the following provisions:
 - (1) Maximum building size: 15,000 square feet; 7,500 square feet on ground floor.
 - (2) Minimum principal building size: 1,500 square feet.
 - (3) Maximum building length or width: 150 feet.
 - (4) Spacing between buildings: Minimum 20 feet.

- (5) *Tree preservation bonus density.* Each existing healthy tree located within a required open space area may receive a bonus credit of 0.25 tree density units if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.
- (6) Compatibility with existing development within zones and transition to adjacent zones.
 - a. Buildings over 35 feet high shall not be closer than 75 feet from the property lines of adjacent single-family residential property.
 - b. All property lines abutting residential zoning districts shall be screened from adjacent residential property by an opaque landscape buffer at least 50 feet wide or a 25-foot wide opaque landscape buffer outside a six-foot high solid fence or wall.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-11, § 8, 11-27-2012)

Sec. 206-12. - C-1 local commercial district.

- (a) *Purpose and intent.* The C-1 district is composed primarily of low-intensity retail and commercial services generally designed to serve the common and frequent needs of the residents of nearby neighborhoods. C-1 districts should be located on collector streets where they are convenient by car and on foot to surrounding neighborhoods but will not cause excessive traffic on residential streets. It is the intent of this district to encourage such uses to be of a residential scale and character that is compatible with adjacent neighborhoods. Businesses should provide storefronts and entrances that are oriented to the street and adjacent to sidewalks, with most of the parking to the side or rear.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the C-1 district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the C-1 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the C-1 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) Property in the C-1 district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for non-residential zoning districts.
- (f) *Property development standards.*
 - (1) *Minimum floor area:* 1,000 gross square feet.
 - (2) *Parking requirements.*
 - a. Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.
 - b. No more than 25 percent of the required vehicle parking shall be permitted in the area between the street right-of-way and the front building setback line.
 - (3) *Buffer:* Where abutting incompatible uses or districts, a buffer is required in conformance with article 1 of chapter 328 of the UDO.
 - (4) There shall be no outside storage.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2008-11, § 4, 9-23-2008)

Sec. 206-13. - C-2 general commercial district.

- (a) *Purpose and intent.* The purpose of the C-2 district is to provide suitable areas for the various types of community and regional-oriented commercial activities including retail uses and wholesale uses, serving a large sector of the community. C-2 districts are intended to be located along arterial streets and at locations that are appropriate for community and regional commercial areas, as opposed to locations that primarily serve local neighborhoods.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the C-2 district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the C-2 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the C-2 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.*
 - (1) *Minimum floor area:* 1,000 gross square feet.
 - (2) *Parking requirements.*
 - a. Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.
 - b. No more than 25 percent of the required vehicle parking shall be permitted in the area between the street right-of-way and the front building setback line.
 - (3) *Buffer:* Where abutting incompatible uses or districts, a buffer is required in conformance with article 1 of chapter 328 of the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2008-11, § 5, 9-23-2008)

Sec. 206-14. - MxD mixed-use development district.

- (a) *Purpose and intent.*
 - (1) *Intent.* The MxD district is intended to implement the policies of the board of commissioners adopted in the Rockdale County 2020 Comprehensive Plan and the recommendations of the Salem Road Corridor Study.
 - (2) *Purpose.* The purpose of the MxD district is:
 - a. To improve efficiency of land use and transportation systems and quality of life by providing flexibility to develop interrelated uses in compact, walkable developments.
 - b. To provide places of employment, along with residences, commercial services and retail goods in buildings that are convenient to and compatible with adjacent neighborhoods.
 - c. To encourage design flexibility for innovative development projects that set high standards for landscaping, greenspace, community design and public amenities.
 - (3) *Application.* This zoning district may be applied only to property located in the SRCO.
 - (4) *Uses.* The principal uses and structures, accessory uses and structures, and special uses and structures listed in subsections (b), (c), and (d) of this section are permitted within the MxD district. Any use or structure not specifically listed is prohibited.

- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the MxD district as listed in the UDO in section 218-1 table of permitted uses and in accordance with the following provision:

Mixed-use developments shall include two or more of the following types of uses: retail/commercial, office, or residential. The combination of uses shall maintain a scale, balance and location so as to reduce general traffic congestion and constitute a unified and complementary development.

- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the MxD district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the MxD district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.

- (e) *Property development standards.* Property in the MxD district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for non-residential zoning districts and the following provisions:

- (1) Maximum impervious cover: 75 percent of parcel; not including portions of the parcel that are in floodplain or wetlands.
- (2) Minimum heated floor area:
 - a. Single-family detached dwellings and single-family zero lot line dwellings: 1,800 square feet.
 - b. Two-family dwellings and townhouses:
 1. One bedroom: 900 square feet.
 2. Two-bedroom: 1,200 square feet.
 3. Three-bedroom: 1,400 square feet.
 - c. Personal care homes: 1,320 square feet, plus 80 square feet for each bed.
 - d. Non-residential buildings, other than garages and unoccupied storage buildings, shall contain a minimum of 2,000 square feet of heated floor area.
- (3) Maximum building size: 25,000 square feet on ground floor, not to exceed a total floor area of 50,000 square feet; north of Flat Shoals Road, a building not to exceed 200,000 square feet on the ground floor may be approved by the director by administrative permit; south of Flat Shoals Road, a building not to exceed 40,000 square feet on the ground floor may be approved by the director by administrative permit.
- (4) Maximum building length or width: 250 feet; north of Flat Shoals Road, a building not to exceed a length or width of 450 feet may be approved by the director by administrative permit.
- (5) Standards for approving an administrative permit pursuant to subsections (3) and (4) of this subsection (e) shall be as follows:
 - a. The property to be developed contains a minimum of 20 acres.
 - b. The property has safe and proximate vehicular access to and from I-20.
 - c. The proposed building is to be occupied by a single major tenant.
 - d. The building will not be visible from Salem Road.
 - e. The proposed building is part of a planned development that provides safe and convenient access for bicycles and pedestrians.
 - f. The building meets all applicable standards of chapter 210-2, Salem Road Overlay District (SRCO).

- (6) Spacing between buildings: Minimum 20 feet.
- (7) Maximum front yard setback: 50 feet; except north of Flat Shoals Road, exclusive of Salem Road property frontage.
- (8) Minimum rear yard: 40 feet.
- (9) Minimum lot size: One acre.
- (10) Maximum building height: 60 feet, except buildings located between Flat Shoals Road and I-20 may be up to 100 feet in height.
- (11) *Tree preservation bonus density.* Each existing healthy tree that is preserved may receive a bonus credit of 0.25 tree density units if, in the opinion of the county arborist/urban forester, the tree is retained along with an intact area of undisturbed soil containing natural habitat and groundcover that includes all of the area below the crown of the tree.
- (12) Compatibility with existing development within zones and transition to adjacent zones:
 - a. Buildings over 35 feet high shall not be closer than 75 feet from the property lines of adjacent single-family residential property.
 - b. Parcels that abut property zoned for residential use at the time of adoption of this chapter shall provide a 50-foot buffer that includes a double row of six-foot high evergreen trees planted a maximum of ten feet on center and placed along an earthen berm located along the interior side of the buffer not less than four feet in height, or by an alternative buffer design approved by the director that provides an effective year-round visual screen for the existing residences.
 - c. Parcels zoned MxD that are larger than five acres shall be designed so as to place new residential units adjacent to all abutting residentially zoned property.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-11, § 9, 11-27-2012; Ord. No. 0-2017-19, § I, 7-18-2017)

Sec. 206-15. - OBP office-business park district.

- (a) *Purpose and intent.* The purpose of the OBP district is to provide places for a mixture of commercial, business, office distribution and wholesale uses to be integrated in planned and harmonious developments located on land adjacent to major arterials and principal highway intersections that have adequate infrastructure to accommodate these uses. The OBP district shall be located only on arterial streets.
- (b) *Principal uses and structures.* Principal uses and structures permitted in the OBP district are as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the OBP district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Supportive uses.* Supportive uses shall be permitted in the OBP district in accordance with section 218-1 table of permitted uses, provided that they do not occupy more than 15 percent of the gross floor area of a land development project.
- (e) *Special uses.* Special uses may be permitted in the OBP district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (f) *Property development standards.* Property in the OBP district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for residential zoning districts and the following provisions:

- (1) Minimum floor area: 1,000 gross square feet.
- (2) *Parking requirements.*
 - a. Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.
 - b. No more than 25 percent of the required vehicular parking may be located in the area between the street right-of-way and the facades of buildings facing that street.
- (3) Off-street loading and service areas shall be oriented away from I-20 and adjacent residential property. It shall be screened from public streets by an opaque buffer at least eight feet in height.
- (4) Where abutting incompatible uses or districts, a buffer is required in conformance with article I of chapter 328 of the UDO.
- (5) Outside storage is permitted by conditional use only and must be completely screened as provided in chapter 328 of the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-16. - M-1 limited industrial district.

- (a) *Purpose and intent.* The purpose of the M-1 district is to provide a suitable location along arterial highways for wholesale warehousing, trade shops and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of this district is to establish areas of industrial use that would not be objectionable by reasons of dust, odor, noise, traffic safety or congestion. Such uses should be encouraged to locate away from residential districts in accordance with policies outlined in the Rockdale County Comprehensive Plan and under the following conditions:
 - (1) Such proposed use will not detrimentally impact or alter nearby property values.
 - (2) The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic safety or congestion problems in the area.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the M-1 district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the M-1 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the M-1 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the M-1 district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for non-residential zoning districts and the following provisions:
 - (1) *Minimum floor area:* 2,000 gross square feet.
 - (2) *Parking requirements:* Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.
 - (3) Off-street loading and service areas shall be oriented away from I-20 and adjacent residential property. It shall be screened from public streets by an opaque buffer at least eight feet in height.
 - (4) *Buffer.* Where abutting incompatible uses or districts, a buffer is required in conformance with article I of chapter 238 of the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-17. - M-2 general industrial district.

- (a) *Purpose and intent.* The purpose of the M-2 district is to provide suitable locations accessible to interstate highways and railroad lines for assembly, warehousing, processing and manufacturing uses. The intent of this district is to establish such areas of industrial use in locations that would protect densely populated areas from dust, odor, noise, traffic safety or congestion. Such uses should be encouraged to locate away from residential districts in accordance with policies outlined in the county comprehensive plan and under the following conditions:
 - (1) The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic safety or congestion problems in the area.
- (b) *Principal uses and structures.* Principal uses and structures shall be permitted in the M-2 district as listed in the UDO in section 218-1 table of permitted uses.
- (c) *Accessory uses and structures.* Accessory uses and structures shall be permitted in the M-2 district in accordance with section 218-1 table of permitted uses and provisions detailed in section 218-7 accessory use standards of the UDO.
- (d) *Special uses.* Special uses may be permitted in the M-2 district in accordance with section 218-1 table of permitted uses. Special uses shall be subject to approval of a special use permit and subject to the additional use standards established in section 218-13 of the UDO.
- (e) *Property development standards.* Property in the M-2 district may be developed in accordance with section 214-1 of the UDO, dimensional standards for zoning districts, table 1 development standards for non-residential zoning districts and the following provisions:
 - (1) *Minimum floor area:* 2,000 gross square feet.
 - (2) *Parking requirements.* Off-street parking and loading space shall be provided in accordance with chapter 222 of the UDO.
 - (3) Off-street loading and service areas shall be oriented away from I-20 and adjacent residential property. It shall be screened from public streets by an opaque buffer at least eight feet in height.
 - (4) *Buffer.* Where abutting incompatible uses or districts, a buffer is required in conformance with article I of chapter 328 the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 206-18. - CSO conservation subdivision ordinance.

- (a) *Purpose and intent.*
 - (1) *Intent.* The CSO zoning classification is intended to allow and encourage flexibility of design of single-family detached residential development in the medium density residential and conservation subdivision categories of the comprehensive plan future land use map.
 - (2) *Purpose.*
 - a. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
 - b. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
 - c. To preserve important historic and archaeological sites.

- d. To 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.
- e. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- f. To promote contiguous greenspace with adjacent jurisdictions.
- g. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- h. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- i. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- j. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- k. To protect prime agricultural land and preserve farming as an economic activity.

(b) *General regulations.*

- (1) *Applicability of regulations.* This conservation subdivision ordinance zoning district is available only within the medium density residential and conservation subdivision land use categories as designated on the Rockdale County Comprehensive Plan Future Land Use Map.
- (2) *Timber harvesting.* The CSO zoning classification shall not be used on property that has been timber harvested within 36 months.
- (3) *Ownership of development site.* The tract of land to be subdivided may be held in single ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (4) *Housing density determination.* The maximum number of lots in the CSO zoning district shall be determined by either of the following two methods:
 - a. *Calculation method:* The maximum number of lots is determined by dividing the gross area of the tract of land by the minimum lot size specified in the R-1 zoning district regulations. In making this calculation, the following shall not be included in the total area of the parcel:
 - 1. Slopes over 25 percent of at least 5,000 square feet contiguous area;
 - 2. The 100-year floodplain;
 - 3. Bodies of open water over 5,000 square feet contiguous area;
 - 4. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; and
 - 5. Anticipated right-of-way needs for roads and utilities.
 - b. *Yield method:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible in the R-1 zoning district regulations. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

(c) *Application requirements.*

- (1) *Site analysis map required.* Concurrent with the submission of a site concept plan, applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site

design, and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:

- a. Property boundaries;
 - b. All streams, rivers, lakes, wetlands and other hydrologic features;
 - c. Topographic contours of no less than ten-foot intervals;
 - d. All primary and secondary conservation areas labeled by type, as described in subsection (d)(2);
 - e. General vegetation characteristics;
 - f. General soil types;
 - g. The planned location of protected open space;
 - h. Existing roads and structures;
 - i. Potential connections with existing greenspace and trails.
- (2) *Open space management plan required.* An open space management plan, as described in subsection (d)(5)b, shall be prepared and submitted prior to the issuance of a land disturbance permit.
 - (3) *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in subsection (d)(6), shall be placed on the open space concurrent with the issuance of a land disturbance permit.
 - (4) *Other requirements.* The applicant shall adhere to all other applicable requirements of the UDO, including Chapter 302, Subdivision Regulations.
- (d) *Open space.*
- (1) *Definition.*

Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
 - (2) *Standards to determine open space.*
 - a. The minimum restricted open space shall comprise at least 40 percent of the gross parcel(s) area.
 - b. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 1. The 100-year floodplain.
 2. Riparian zones of at least 75 foot width along all perennial and intermittent streams.
 3. Slopes above 25 percent of at least 5,000 square feet contiguous area.
 4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
 5. Populations of endangered or threatened species, or habitat for such species.
 6. Archaeological sites, cemeteries and burial grounds.
 - c. The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
 1. Important historic sites.
 2. Existing healthy, native forests of at least one acre contiguous area.

3. Individual existing healthy trees greater than eight inches caliper, as measure from their outermost drip line.
 4. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
 5. Prime agricultural lands of at least five acres contiguous area.
 6. Existing trails that connect the tract to neighboring areas.
- d. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement, except that historic structures and existing trails may be counted. Large areas of impervious surface shall be excluded from the open space.
 - e. At least 25 percent of the open space shall consist of land that is suitable for building.
 - f. At least 75 percent of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of 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.
 - g. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- (3) *Permitted uses of open space.* Uses of open space may include the following:
- a. Conservation of natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - c. Walking or bicycle trails, provided they are constructed of porous paving materials;
 - d. Passive recreation areas, such as open fields;
 - e. Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
 - f. Agriculture, horticulture, silviculture 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;
 - g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside primary conservation areas;
 - h. Easements for drainage, access, and underground utility lines;
 - i. Other conservation-oriented uses compatible with the purposes of this article.
- (4) *Prohibited uses of open space.*
- a. Golf courses;
 - b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - c. Agricultural and forestry activities not conducted according to accepted best management practices;
 - d. Impoundments;

- e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(5) *Ownership and management of open space.*

- a. *Ownership of open space.* A homeowners association representing residents of the conservation subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners association.
- b. *Management plan.* Applicant shall submit a plan for management of open space and common facilities ("plan") that:
 - 1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - 2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
 - 3. Provides that any changes to the plan be approved by the board of commissioners; and
 - 4. Provides for enforcement of the plan.
- c. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Rockdale County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners association, or to the individual properties within the subdivision, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(6) *Legal instrument for permanent protection.*

- a. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - 1. A permanent conservation easement in favor of either:
 - A. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - B. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not Rockdale County, then a third right of enforcement favoring Rockdale County shall be included in the easement.
 - 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - 3. An equivalent legal tool that provides permanent protection, if approved by Rockdale County.
- b. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

- (7) *Tax assessment of open space.* Once a legal instrument for permanent protection has been placed upon the open space, Rockdale County Tax Assessor Office shall be directed to reassess the open space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.
- (e) *Permitted uses.* Principal uses and structures permitted in the CSO district shall be as listed in section 218-1, Table of Permitted Uses.
- (f) *Property development standards.* Property in the CSO district may be developed in accordance with section 214-1 of the UDO, Dimensional Standards for Zoning Districts, Table 1 Development Standards for Residential Zoning Districts and the following provisions:
- (1) *Minimum open space:* 40 percent of the gross parcel area as provided in subsection d.
 - (2) *Minimum development size:* Ten contiguous acres, exclusive of open space.
 - (3) *Minimum lot size:* 10,000 square feet. Area contained within a lot shall be exclusive of the 100-year floodplain, wetlands, stream buffers, required buffers, and slopes exceeding 25 percent of at least 5,000 square feet contiguous area.
 - (4) *Minimum street frontage and lot width at building setback line :* 70 feet, continuous from frontage to building line. Street frontage may be reduced to 30 feet for lots with frontage upon a cul-de-sac and 50 feet for lots on the outside of street curves, so long as the lot width at the building setback line (20 feet minimum) is at least 70 feet.
 - (5) *Front yard setback :* 20 feet minimum; setbacks must be staggered (five-foot minimum staggering) on lots to prevent a "row house" appearance.
 - (6) *Rear yard setback :* 25 feet minimum.
 - (7) *Side yard setback :* Ten feet minimum. Air conditioning pads, units and other similar structures shall not encroach into the side yard setback.
 - (8) *Housing materials:* All sides shall consist of brick, stone, cementitious siding or real (lath and portland) stucco from ground to eaves, with brick, stone, cedar shake, real stucco, painted wood siding or cementitious siding to be used as accents. Metal siding, vinyl siding, metal canopies and exposed standard concrete block are prohibited. Soffits may be constructed of vinyl.
 - (9) *Sodded yards:* All grassed areas on dwelling lots shall be sodded.
 - (10) *Minimum heated floor area of dwelling unit :* 1,800 square feet.
 - (11) *Minimum main roof slope:* 6/12 .
 - (12) *Maximum building height :* 35 feet.
 - (13) *Utilities:* Must be served by public water and sewer and must be placed underground.
 - (14) *Design features :* Buildings shall utilize a minimum of three of the following design features to provide visual relief along the front of the residences:
 - a. Dormers.
 - b. Gables.
 - c. Pillars.
 - d. Posts.
 - e. Covered front porches.
 - f. Recessed entries.
 - g. Cupolas.

- h. Bay windows (minimum 24 inch projection).
- (15) *Accessory structure*: Must be located in the rear yard, shall contain a total floor area no greater than 30 percent of the heated area of the principal structure, and the exterior finish material shall be of the same or visually match the exterior finish of the principal structure. Accessory structures shall not exceed the height of the principal structure and shall meet the minimum side and rear setback requirements of this section.
- (16) *Off-street parking requirements*.
 - a. All single-family dwelling units shall include an enclosed garage for a minimum of two cars. Said garage may be attached to or detached from the principal structure, and shall be oriented to the side or rear yard, or if front facing, shall be set even with the front facade of the dwelling and consist of two decorative single-wide garage doors (each not to exceed 12 feet in width) that provide for integrated architectural integrity with the house in order to visually diminish the impact of the garage doors. Double-wide garage doors that provide for integrated architectural integrity with the house may be used for front-facing garages if the garage is set back at least ten feet behind the front facade of the residence.
 - b. A minimum of one additional parking space per six lots shall be established adjacent to recreation areas, clubhouse, swimming pool, tennis court, community room, and exercise or health club, with a minimum of ten spaces required. Parking areas serving playing fields, playgrounds and courts shall provide safe ingress and egress, and shall not be lighted.
- (17) *Variances*. No administrative variances shall be granted in the CSO zoning district. Appeals shall be submitted pursuant to section 238-8.
- (18) *Other requirements*. The applicant shall adhere to all other applicable requirements of Title 2 of the UDO, applicable subdivision regulations, and other development requirements of Rockdale County. In any case where the standards and requirements of this district conflict with other provisions of the Rockdale County Code of Ordinances, including but not limited to subdivision regulations, the requirements of this district shall govern.
- (19) *Compatibility with existing development*. Each CSO zoned development that abuts property that is zoned for agricultural or single-family residential use shall provide one of the following forms of transition to adjacent zones:
 - a. Twenty feet natural or enhanced vegetated opaque buffer adjacent to residentially zoned property, to include a three-foot tall berm with plantings to a minimum total height of eight feet, recorded separately from the lots.
 - b. Fifty feet natural or enhanced vegetated opaque buffer adjacent to residentially zoned property recorded separately from the lots.
 - c. One hundred fifty feet deep transition area developed with lots that are not less than the average size of lots that abut the CSO zoned parcel or within 150 feet of its outer boundary, measured as straight-line distance.
 - d. Where possible, connectivity of inter-parcel conservation space or wildlife corridors is encouraged.

(Ord. No. 2007-09, § 25(Exh. A), 5-22-2007; Ord. No. 0-2012-11, § 10, 11-27-2012)

Chapter 210 - OVERLAY ZONING DISTRICTS

Sec. 210-1. - Procedures governing overlay zoning.

(a) *Application*.

- (1) Overlay districts are supplemental to the underlying zoning district classifications established in the Rockdale County UDO that govern all properties within Rockdale County. Within areas

mapped as overlay zoning districts in this chapter, these overlay district regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations.

- (2) The provisions of each overlay zoning district apply to all applications for rezoning, land disturbance permits, driveway permits, plan review, plat approval, building permits, utility permits and licenses for all property and rights-of-way within the boundaries of the overlay district.
 - (3) All plan reviews, plat approvals, permits and licenses for parcels located within each overlay district shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zoning district applicable to the parcel. All road and utility projects shall adhere to all requirements of the overlay zoning district.
 - (4) Any parcel of land that is wholly or partly within the boundary shall be included in the overlay district.
- (b) *Relationship to underlying zoning district standards.* In any case where the standards and requirements of an overlay zoning district vary from those of the base zoning district, the standards and requirements of the overlay district shall govern.
- (c) *Overlay zoning district boundary maps.* The following zoning maps are used in the administration of this chapter. Copies of these maps are available for inspection during normal business hours in the department:
- (1) Salem Road Corridor Overlay District Map.
- (d) *Map amendments.* No change in the boundary of an overlay zoning district shall be authorized, except by the Rockdale County Board of Commissioners pursuant to procedures in section 238-4.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 210-2. - Salem Road Corridor Overlay District (SRCO).

- (a) *Intent and purpose.*
- (1) *Intent.* The SRCO is intended to implement the policies of the board of commissioners adopted in the Rockdale County Comprehensive Plan and the Salem Road Corridor Study.
 - (2) *Purpose.* The purpose of the SRCO is:
 - a. To enhance the quality and compatibility of development in the SRCO.
 - b. To encourage appropriate redevelopment of underutilized and blighted property.
 - c. To create a sense of place that is aesthetically appealing, walkable and environmentally responsible.
 - d. To encourage a balance of uses for living, working, shopping and playing that are accessible within a convenient walking distance.
 - e. To promote safe and efficient movement within the SRCO for persons using all modes of travel - motorized vehicles, public transportation, bicycles and walking.
 - f. To encourage innovative development projects that set high standards for landscaping, open space, community design and public amenities.
 - g. To establish consistent and harmonious design standards for public improvement and private property development within the SRCO so as to unify the distinctive visual quality of the Salem Road Corridor.
- (b) *Boundaries.*
- (1) *Boundary map.* The boundaries of the SRCO are shown on the official zoning maps, which boundary and maps are hereby incorporated into and made part of this SRCO. The provisions

of this SRCO shall apply to all parcels of land and rights-of-way, or portions thereof, within the boundaries of the SRCO. Any parcel of land that is wholly or partly within the boundary shall be included.

- (2) *Map amendments.* No change in the boundary of the SRCO shall be authorized, except by the board of commissioners pursuant to procedures in section 238-4.

(c) *Effect of SRCO provisions.*

- (1) *Application.* This SRCO is supplemental to the underlying zoning district classifications established in UDO governing all properties and approvals within this SRCO. These SRCO regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other Rockdale County ordinances. The provisions of this SRCO apply to all applications for rezoning, land disturbance permits, driveway permits, plan review, plat approval, building permits and utility permits for all property and rights-of-way within the boundaries of the SRCO.
- (2) All plan reviews, road and utility projects, plat approvals, and permits for parcels located within this SRCO shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the SRCO applicable to the parcel.
- (3) The Salem Road Corridor Overlay (SRCO) Design Standards, dated May 14, 2004 and hereby incorporated by this reference, shall apply to all property and public improvements that are subject to this section.
- (4) Relationship to underlying zoning district standards. In any case where the standards and requirements of the SRCO conflict with those of the base zoning district or other provisions of the UDO, including but not limited to subdivision regulations, the standards and requirements of the SRCO shall govern.

(d) After the effective date of this section, no property located within the SRCO may be rezoned, except to one of the following zoning districts:

- (1) CSD — Conservation Subdivision District.
- (2) MUR — Mixed-Use Residential District.
- (3) NC — Neighborhood Commercial District.
- (4) MxD — Mixed-Use Development District.
- (5) CID — Civic-Institutional District.

(e) *Procedures for rezoning applications.*

- (1) After the effective date of this section, rezoning application procedures for property within the SRCO shall be as provided in section 238-4 of the UDO with the following modifications:
 - a. All such rezoning applications shall be accompanied by 16 copies of a concept plan meeting the standards of subsection (f)(2), below.
 - b. The director and the planning commission shall review and comment on the concept plan as part of making recommendations regarding the board of commissioners' action on the application for rezoning of the property.
 - c. If the rezoning application is approved by the board of commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the concept plan, including any modifications or conditions approved by the board of commissioners pursuant to its deliberations of the application.
- (2) *Minor modification of concept plan.* In addition to the administrative variances authorized in section 238-14, the director is authorized to approve minor changes in a concept plan that was approved at the time of rezoning, such as minor shifting of the location of streets, easements or incidental features of the plan, provided that such minor medications:

- a. Do not change the intent of the approved concept plan.
- b. Do not increase densities.
- c. Do not change uses.
- d. Do not increase building height by more than five feet.
- e. Do not change the outside boundaries of the development tract.
- f. Do not affect any change to a condition of zoning or require any deviation from the requirements of the UDO.

(3) *Major modifications of the concept plan.*

- a. Any required modification of a concept plan approved as a condition of zoning that does not meet the criteria of a minor modification in subsection (2) above shall be deemed a major modification.
- b. Major modifications in a concept plan approved as a condition of zoning within the SRCO shall require a new application subject to all the applicable requirements of chapter 238 of the UDO and this section.

(f) *Procedures for review and approval of land development requiring subdivision.* Land development within the SRCO that requires subdivision shall be authorized subject to the following procedure:

- (1) *Pre-design meeting.* Prior to filing an application for preliminary plat approval, the applicant shall schedule a conference with the department to discuss the standards and procedures that apply. The owner of the property, the developer and site designer (engineer, surveyor or landscape architect licensed by the state to work in Georgia) must be present at the pre-design meeting with four copies of the concept plan as outlined below.
- (2) *Contents of concept plan.* Prior to applying for preliminary plat review, the developer shall prepare a concept plan to present to staff at a pre-design meeting with the following:
 - a. *Statement of intent.* A narrative describing the proposed development and explaining how it meets the purpose and intent of the comprehensive land use plan, the Salem Road Corridor Study Summary Report and of this section.
 - b. *Concept plan.* A plan drawn to a designated scale of not less than one inch equals 100 feet (one inch = 100 feet), certified by a professional engineer, landscape architect or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches x 36 inches, and one 8½ inch x 11 inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. The concept plan shall represent the conceptual design of the property to be developed, as well as for all adjacent property that is within the developer's ownership or control. The concept plan shall include the following information:
 - 1. Boundaries of the entire property, with bearings and distances of the perimeter property lines.
 - 2. Total area of the property in acres.
 - 3. Approved zoning.
 - 4. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - 5. Banks of streams, lakes and other waterbodies.
 - 6. Delineation of any floodplain designated by the Federal Emergency Management Agency (FEMA), United States Geological Survey (USGS), or Rockdale County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.

7. Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
 8. A delineation of all existing structures and whether they will be retained or demolished.
 9. Development density and lot sizes for each dwelling unit type.
 10. Designation of minimum lot areas and yards.
 11. Location, character and amount of development, by type of use.
 12. Building use, location, square footage, density and building height for all parcels.
 13. Parking areas, points of access to public rights-of-way and vehicular and pedestrian circulation patterns within the subject property.
 14. Areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
 15. Indication that the property is served by public water and/or sewer or private water and/or septic field, with conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten feet or more.
 16. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
 17. Location and width of required buffers at external site boundaries.
 18. Location and approximate extent (in acres) of open space and recreation facilities.
 19. Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
 20. Applicable portions of the conceptual design for the streets, alleys and multi-use paths consistent with the Salem Road Conceptual Transportation Plan contained in the Salem Road Corridor Study Summary Report and the Salem Road Corridor Design Standards.
 21. Public right(s)-of-way, any required or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the right-of-way.
 22. Width of right-of-way and paved sections of all internal streets.
 23. Seal and signature of professional person preparing the plan.
- (3) *Preliminary plat application.* Following the pre-design meeting, the applicant shall prepare an application for preliminary plat approval, as provided in section 302-23. The application for approval of a preliminary plat shall be accompanied by the required fee and the following information:
- a. *Multi-modal access plan.* The multi-modal access plan shall show connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary

of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,500 feet (straight line distance) of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

- b. A traffic impact study for developments with more than 200 p.m. peak hour trips. The traffic impact study shall follow the procedures of the American Planning Association Planning Advisory Service Report Number 387, Traffic Impact Analysis.
 - c. Traffic calming plan, in accordance with the Rockdale County Traffic Calming Ordinance.
 - d. Shared parking analysis for use of shared parking, if applicable. Shared parking shall meet the requirements of the SRCO design standards.
- (4) *Review of preliminary plat.* Preliminary plats prepared pursuant to this section shall be reviewed, as provided in section 302-23 with respect to their consistency with the Rockdale County Comprehensive Plan, the Salem Road Corridor Study Summary Report, the Salem Road Corridor Design Guidelines and the concept plan and its conformity with each of the standards and requirements of this section and all other applicable sections of the UDO.
- (5) *Resubmission.* If the preliminary plat is disapproved by the planning commission, the applicant shall not proceed with development activity until he/she resubmits a revised preliminary plat to the planning commission that meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the planning commission and receives approval from the planning commission. If the preliminary plat becomes void, the applicant shall submit a new preliminary plat application as required in subsection (3) above. Each resubmittal under this paragraph shall be accompanied by a resubmittal fee.
- (6) *Review of multi-modal access plan, traffic impact study, traffic-calming plan, signage master plan and shared parking analysis.*
- a. Concurrent with review of the preliminary plat, the department shall review the multi-modal access plan, the traffic impact study, traffic claiming plan, signage master plan and shared parking analysis, if required. Such review shall assess the consistency of these documents with the Salem Road Corridor Summary Report, Salem Road Corridor Design Guidelines and conformity with each of the standards and requirements of this section.
 - b. If the multi-modal access plan, traffic impact study, traffic calming plan, signage master plan or shared parking analysis is disapproved, the applicant shall have 30 days to revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the director. Each resubmittal shall be accompanied by a resubmittal fee.
 - c. Approval of the preliminary plat shall be contingent on the director's approval of the multi-modal access plan, traffic impact study, traffic claiming plan, signage master plan and shared parking analysis.
 - d. Approval of the preliminary plat shall entitle the applicant to prepare and submit construction plans for site improvements required in this section and other provisions of the UDO.
- (7) *Review of construction plans.* The department shall review construction plans prepared pursuant to this section, with respect to their consistency with the Rockdale County Comprehensive Land Use Plan, the Salem Road Corridor Study Summary Report, the Salem Road Corridor Design Guidelines and the preliminary plat and the conformity of the construction plans with each of the standards and requirements of this section and all other applicable sections of the UDO. The construction plans will follow the Rockdale County process for approval of land disturbance permit, UDO sections 302-45 and 302-46.
- (8) *Performance guarantee.* The director shall have the authority to require the applicant to establish a performance guarantee or post performance bonds in a form acceptable to

Rockdale County in order to guarantee timely installation of required project improvements such as, but not limited to streets, utilities, drainage, sidewalks, landscaping and multi-use trails within the subject development that are consistent with the conceptual transportation plan within the Salem Road Corridor Study Summary Report and the Salem Road Corridor Design Guidelines. Said performance guarantee shall consist of an irrevocable letter of credit or other form of security accepted by the county in an amount equal to up to 125 percent of the construction cost estimated by a professional engineer registered in the State of Georgia. The performance guarantee shall be for a term not to exceed 12 months, with six-month extensions subject to approval by the director. Release of the performance guarantee shall be upon inspection by the department and acceptance of all improvements by the county. This guarantee may be in addition to any other guarantee otherwise required by Title 3 of the UDO.

- (9) *Final plat.* The applicant shall apply for final plat approval following installation, approval and acceptance by Rockdale County of all required site improvements. Final plat approval shall be required prior to approval of building permits for individual sites. The application for final plat approval shall conform to the requirements of sections 302-25 and 302-26.
- (10) *Building plans.*
 - a. Following ratification of the final plat by the Rockdale County Board of Commissioners, the applicant may submit building plans for construction on individual lots with required fees.
 - b. *Review of building plans.* The department will review building plans for conformity with the requirements of this section, section 302-49, building codes, and other requirements of the UDO. If the building plans are disapproved, the applicant shall not be authorized to receive building permits until the building plans are resubmitted and approved by the department. Each resubmittal shall be accompanied by the appropriate fees.
 - c. *Building permits.* Following approval of building plans by the department, the applicant may apply for building permits based on approved plans. No building permits shall be issued prior to approval of building plans by the department.
- (g) *Procedures for review and approval of land development not requiring subdivision.* Land development within the SRCO that does not require subdivision shall be authorized subject to the following procedure:
 - (1) *Pre-design meeting.* Prior to filing an application for land development the applicant shall schedule a conference with the department to discuss the standards and procedures that apply. The owner of the property, the developer and site designer (engineer, surveyor or landscape architect licensed by the state to work in Georgia) must be present at the pre-design meeting with four copies of the concept plan as outlined.
 - (2) *Contents of concept plan.* Prior to applying for construction plan review, the developer shall prepare a concept plan with the following:
 - a. *Statement of intent.* A narrative describing the proposed development and explaining how it meets the purpose and intent of the comprehensive land use plan, the Salem Road Corridor Study Summary Report and of this section.
 - b. *Site development plan.* A plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer, landscape architect or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches x 36 inches, and one eighth and one-half inches x 11 inches reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. The site development plan shall represent the conceptual design of the property to be developed, as well as for all adjacent property that is within the developer's ownership or control. The site development plan shall include the following information:
 - 1. Boundaries of the entire property, with bearings and distances of the perimeter property lines.
 - 2. Total area of the property in acres.

3. Approved zoning.
 4. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 5. Banks of streams, lake, and other waterbodies.
 6. Delineation of any floodplain designated by the FEMA, USGS, or Rockdale County; the delineation of any jurisdictional wet-lands as defined by Section 404 of the Federal Clean Water Act.
 7. Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
 8. A delineation of all existing structures and whether they will be retained or demolished.
 9. Designation of buildable area and front, side and rear yards of the parcel.
 10. Proposed use(s), location, square footage, density and height for all buildings.
 11. Parking areas, points of access to public rights-of-way and vehicular and pedestrian circulation patterns within the subject property.
 12. Areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
 13. Indication that the property is served by public water and/or sewer or private water and/or septic field, with conceptual layout of utilities and location of all existing or proposed utility easements having a width of ten feet or more.
 14. Conceptual plans for drainage, with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
 15. Location and width of required buffers at external site boundaries.
 16. Location and approximate extent (in acres) of open space and recreation facilities.
 17. Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
 18. Applicable portions of the conceptual design for the streets, alleys and multi-use paths consistent with the Salem Road Conceptual Transportation Plan contained in the Salem Road Corridor Study Summary Report and the Salem Road Corridor Design Standards.
 19. Public right(s)-of-way, any required or proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the right-of-way.
 20. Width of right-of-way and paved sections of all internal streets.
 21. Seal and signature of professional person preparing the plan.
- c. *Multi-modal access plan.* The multi-modal access plan shall show connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public

transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,500 feet of the subject property, the access plan shall show how safe, continuous and convenient bicycle access may be provided to the subject property.

- d. A traffic impact study for developments with more than 200 p.m. peak hour trips. The traffic impact study shall follow the procedures of the American Planning Association Planning Advisory Service Report Number 387, Traffic Impact Analysis.
 - e. Traffic calming plan, in accordance with section 332-10.
 - f. Shared parking analysis for use of shared parking, if applicable. The shared parking shall meet the requirements of the SRCO design standards.
- (3) *Review of multi-modal access plan, traffic impact study, traffic-calming plan, signage master plan and shared parking analysis.*
- a. The department shall review the multi-modal access plan, the traffic impact study, traffic calming plan, signage master plan and shared parking analysis, if required. Such review shall assess the consistency of these documents with the Salem Road Corridor Summary Report and the Salem Road Corridor Design Guidelines and conformity with each of the standards and requirements of this section.
 - b. Approval of the site development plan shall be contingent on the department's approval of the multi-modal access plan, traffic impact study, traffic calming plan, signage master plan and shared parking analysis, if required.
- (4) *Submission and review of construction plans.* Construction plans consistent with the site development plan shall be submitted to the department with the required fees. The department shall review construction plans prepared pursuant to this section, with respect to their consistency with the Rockdale County Comprehensive Land Use Plan, the Salem Road Corridor Study Summary Report, the Salem Road Corridor Design Guidelines, the site development plan and its conformity with each of the standards and requirements of this section and all other applicable sections of the UDO. The constructions plans will follow the Rockdale County Process for Approval of Land Disturbance Permit, UDO sections 302-45 and 302-46.
- (5) *Land disturbance permit.* Approval of construction plans shall entitle the applicant to schedule a pre-construction conference with the department and to obtain land disturbance permits for construction of site improvements required in this section and other requirements of the UDO.
- (6) *Performance guarantee.* The director shall have the authority to require the applicant to establish a performance guarantee or post performance bonds in a form acceptable to Rockdale County in order to guarantee timely installation of required project improvements such as, but not limited to streets, utilities, drainage, sidewalks, landscaping and multi-use trails within the subject development that are consistent with the conceptual transportation plan within the Salem Road Corridor Study Summary Report and the Salem Road Corridor Design Guidelines. Said performance guarantee shall consist of an irrevocable letter of credit or other form of security accepted by the county in an amount equal to up to 125 percent of the construction cost estimated by a professional engineer registered in the State of Georgia. The performance guarantee shall be for a term not to exceed 12 months, with six-month extensions subject to approval by the director. Release of the performance guarantee shall be upon inspection by the department and acceptance of all improvements by the county. This guarantee may be in addition to any other guarantee otherwise required by the UDO.
- (7) *Right-of-way dedication.* If dedication of right-of-way or other land to Rockdale County is required by this section, acceptance by the county shall be contingent on the developer submitting a metes and bounds description of the required right-of-way and transferring title to such land by deed to the county prior to issuance of building permits.

- (8) *Building plans.*
- a. Following issuance of a land disturbance permit, the applicant may submit building plans for construction on individual lots, along with required fees. The department will review building plans for conformity with the requirements of this section, building codes and other requirements of the UDO.
 - b. *Review of building plans.* The department will review building plans for conformity with the requirements of this section, section 302-49, building codes, and other requirements of the UDO. If the building plans are disapproved, the applicant shall not be authorized to receive building permits until the building plans are resubmitted and approved by the department. Each resubmittal shall be accompanied by the appropriate fees.
 - c. *Building permits.* Following approval of building plans by the department, the applicant may apply for building permits based on approved plans. No building permits shall be issued prior to approval of building plans by the department.
- (h) *Appeals.* Appeals of final decisions of the director by aggrieved persons shall be reviewed by the board of adjustment, as provided in section 238-8.
- (i) *Public improvement standards.* Public rights-of-way within the SRCO shall be improved in accordance with the following standards:
- (1) *Street standards.* Street standards, by type, as shown on the conceptual transportation plan and the Salem Road Corridor Study SRCO design standards.
- a. *Boulevard (Salem Road).*
 - 1. 45-mph design speed.
 - 2. Minimum 126-foot right-of-way.
 - 3. Minimum 14-foot wide landscaped median (back of curb to back of curb).
 - 4. Four travel lanes at 11 feet each.
 - 5. 18- to 24-inch wide curb and gutter.
 - 6. Eight-foot (minimum) wide landscaped strip along outside curb (both sides of street).
 - 7. Ten-foot (minimum) wide curvilinear multi-use paved path outside landscaped strip.
 - 8. Street lights required in landscaped strip.
 - 9. Pedestrian lights required two feet off the back of the multi-use path.
 - 10. Trees required in landscaped strip.
 - b. *Collectors.*
 - 1. 35-mph design speed.
 - 2. Minimum 66-foot right-of-way.
 - 3. Two or three travel lanes at 11 feet each.
 - 4. 18- to 24-inch wide curb and gutter.
 - 5. Five-foot (minimum) wide landscaped strip along outside curb.
 - 6. Five-foot (minimum) wide sidewalk outside landscaped strip.
 - 7. Maximum street grade of six percent.
 - c. *Local streets.*
 - 1. 25-mph design speed.
 - 2. Minimum 64-foot right-of-way.

3. Two travel lanes at ten feet each.
 4. Two on-street parallel parking lanes at eight feet each, with curbed bulb outs at intersections, where appropriate.
 5. 18- to 24-inch wide curb and gutter.
 6. Five-foot (minimum) wide landscaped strip along outside curb.
 7. Five-foot (minimum) wide sidewalk outside landscaped strip.
 8. Maximum street grade of eight percent.
- d. *Alleys.*
1. 20-foot right-of-way.
 2. 16-foot wide paved travel lane.
 3. Utility easements as required by director.
 4. Maximum street grade of eight percent.
- e. *Multi-use paths.*
1. No motorized vehicles, except golf carts.
 2. Maximum grade of six percent.
 3. 14-foot wide right-of-way.
 4. Ten feet paved width.
 5. Shoulder width variable, based on topography.
 6. Five-foot flare at street intersections, with ramp to street and bollards spaced six feet apart to block motorized traffic, except golf carts.
 7. Multi-use paths shall be located outside all required buffers, except that a required buffer may contain one or more crossings of a multi-use path provided that such crossing:
 - A. Is part of an approved multi-modal access plan required in subsection (7)a of this subsection.
 - B. Is approximately perpendicular to the required buffer.
 - C. Is designed to have the least disruption to the intended screening provided by the required buffer.

(2) *Network standards.*

- a. *Connectivity.* Within a development that includes more than five acres, the following standards apply:
1. No public street may be longer than 600 feet without an intersection with another public street. Cul-de-sacs are prohibited, except where approved by the director, because of unusual site conditions; such as steep topography, streams, lakes, floodplains, wetlands, or stream crossings, safety hazards or other unusual property development or access constraints.
 2. Continuous pedestrian walkways must be provided to connect building entrances to required sidewalks along street frontage.
- b. *Sidewalks.*
1. Minimum width: Five feet.
 2. Location: On both sides of streets, at least five feet behind curb.

c. *Crosswalks.*

1. All intersections shall contain crosswalks that connect to sidewalks in all quadrants.
2. Crosswalks shall be either demarcated with high-reflectivity thermoplastic paint or brick pavers.

(3) *Street trees.*

- a. Street trees shall be provided in medians and required landscaped strips adjacent to all streets.
- b. Street trees shall be a minimum of two-inch diameter breast height (dbh) at the time of planting, and be warranted by the developer for a period of two years.
- c. Street trees shall be spaced an average of 30 feet apart.
- d. Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.
- e. No street tree or streetlight standard shall be placed within ten feet of another tree, streetlight standard, utility pole or within five feet of a fire hydrant.
- f. Appropriate street tree species include:
 1. Eastern Hornbeam.
 2. Red Maple.
 3. Southern Sugar Maple.
 4. Willow Oak.
 5. Other trees similar to the above and suitable for urban pedestrian environment, upon approval of the county arborist/urban forester.
 6. No more than 25 (or 25 percent of the total number, whichever is greater) of the trees installed may be of any one genus.

(4) *Landscaping.*

- a. Medians and landscaped strips shall be planted with grass and a variety of low, hardy shrubbery and flowering plants with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the county arborist/urban forester.
- b. *Maintenance.* All landscape materials required by this section or other section of the UDO shall be maintained by the property owner or property owners' association. Such maintenance shall keep landscape materials health, neat and orderly in appearance, and free of litter and debris. Landscape materials that die or that, in the opinion of the county arborist/urban forester, are diseased, shall be replaced by the property owner or property owners' association.

(5) *Street and pedestrian lighting.*

- a. Streetlights of a design as approved by the director shall be provided for automobiles on all boulevards and collectors.
- b. Additional lighting of a design approved by the director shall be provided for pedestrians and bicyclists along all public streets and along all multi-use trails. These lights shall be a maximum of 15 feet in height with average spacing not to exceed 40 feet apart. When design standards call for pedestrian lighting in the same proximity as the streetlights required in this subsection, a streetlight for automobiles may substitute for lighting for pedestrians that would otherwise be required at approximately the same location.

(6) *Underground utilities.*

- a. For all new construction and redevelopment, utilities along public streets must be placed underground.
- b. The director may approve an exception, if subsurface rock or other unique hardship makes such installation unfeasible.

(7) *Traffic calming.*

- a. Approved traffic-calming measures shall be required, in accordance with section 332-10.
- b. Traffic-calming measures shall conform to an approved traffic calming plan that indicates the type(s) of traffic-calming measures to be installed, their location and shall be consistent with the details and specifications prepared by the county.
- c. Traffic-calming measures shall be installed, inspected and approved on each street prior to issuance of a certificate of occupancy for buildings located on the street where traffic-calming is required.

(8) *Escrow in lieu of improvements.* At the option of the county, the developer shall pay funds into an escrow account in lieu of making project improvements required in this section. Such escrow account shall be established only for the purpose of coordination of such project improvements with a public improvement project that is part of an approved capital improvements program. The amount of the escrow fund shall be established by the director based on the projected construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

(j) *Property development standards.* Property within the SRCO shall be developed in accordance with the following standards:

- (1) *Density.* Maximum permitted density shall be as provided in the underlying zoning district, except as provided in subsection (2) of this subsection.
- (2) *Density bonus.* To encourage public dedication of right-of-way and construction of streets and multi-use paths, other than project improvements, consistent with the Salem Road Conceptual Transportation Plan and Salem Road Corridor Design Standards, the developer shall be entitled to additional intensity of use, in addition to that otherwise allowed, for uses otherwise authorized in the applicable zoning district and in accordance with the following table:

Zoning District	Bonus Per Acre Dedicated & Constructed
Conservation Subdivision District (CSD)	2.4 dwelling units
Mixed-use Residential District (MUR)	8 dwelling units
Neighborhood Commercial District (NC)	12,000 sq. ft. of any authorized use
Mixed-use Development District (MxD)	20,000 sq. ft. of any authorized use
Civic-Institutional District (CID)	15,000 sq. ft. of any authorized use

(3) *Access management standards.*

- a. Driveway connections serving uses in zoning districts other than R-1 or CSD shall not be permitted within the functional area of an intersection and shall be consistent with the following standards:
 1. Not within 150 feet of the centerline of an intersecting collector.
 2. Not within 100 feet of the centerline of an intersecting local street.
 3. Driveways on the same side of a public street shall be spaced a minimum of 200 feet apart on center.
 4. Except where driveways are on opposite sides of a raised median, driveways shall either directly align or have offsets of a minimum of 125 feet, as measured between the centerlines.
- b. *Corner sight distance.* All driveways approaching a collector or arterial street shall provide adequate corner sight distance. The minimum corner sight distance from the driveway shall be equal to or exceed ten times the regulated speed of the intersecting street, as measured from the center of the driveway in both directions along the right-of-way line of the intersecting street; unless a more restrictive standard is required by the GDOT. The sight distance shall provide clear visibility of an object two feet above the intersected street when viewed from the centerline of the approaching street at a height of three and one-half feet above the ground.
- c. No residentially developed property may have a curb cut in excess of 30 feet in width, and no nonresidential property may have a curb cut in excess of 40 feet without approval of the director.
- d. Out parcels with less than 300 feet of road frontage are restricted to internal access only.
- e. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 11 feet.
- f. Except for single-family and two-family residences, driveway grades shall conform to the requirements of the GDOT design standards.
- g. Driveways shall intersect roads or streets at an angle between 75 and 105 degrees.
- h. Driveway aprons shall be constructed so as to provide a minimum slope of one-quarter inch per foot away from the edge of pavement of the public street to prevent the direct discharge of surface water onto the travel lane of the abutting road or street.
- i. Minimum number of driveways required per the Table of Vehicular Access Points.

Table of Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Residential, < 100 units	1
Residential, 100 units or more	2
Non-residential, less than 50 required parking spaces	1

Non-residential, 50-299 required parking spaces	2
Non-residential, 300-999 required parking spaces	3
Non-residential, 1,000 or more required parking spaces	4 or more

(4) *Access easements and inter-parcel access.* Inter-parcel access, joint driveways, cross access drives and access easements shall be provided, as follows, except where the director determines that they are unfeasible because of topographic or other site-specific constraints:

- a. Abutting nonresidential developments on major collectors and arterials shall provide a cross-access drive and sidewalk access to allow circulation between sites.
- b. Joint driveways and cross access easements shall be established for multi-parcel, nonresidential development wherever feasible along boulevards. The building site shall incorporate the following:
 1. Continuous cross-access drive connecting adjacent parcels along the thoroughfare.
 2. A design speed of 15 mph and a two-way travel aisle with a minimum of 20 feet to accommodate automobiles, service vehicles and loading vehicles.
 3. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
- c. The director may reduce the required separation distance of access points where the minimum required distance proves impractical, provided all of the following requirements are met:
 1. Joint-access driveways and/or cross-access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this section.

(5) *Lot standards.*

- a. Minimum lot width for commercial property: 100 feet at right-of-way line.
- b. Reverse-fronting lots required for residential subdivisions on streets classified as boulevards or collectors. A landscaped median on the boulevard or collector street, in lieu of reverse-fronting lots, may be approved by the director, provided the residential lots facing the boulevard or collector have a minimum of 100 feet street frontage and utilize shared driveways at a minimum ratio of 2:1.

(k) *Standards for required open space.*

(1) *Categories of open space.* Open space required in the SRCO shall be held under unitary ownership or control and shall consist of any of the following three categories of land:

- a. *Primary conservation area.* This category includes streams; wetlands designated by the national wetlands inventory; 100-year floodplain, as identified on federal insurance rate maps; steep slopes exceeding 25 percent; areas of exposed rock; and private cemeteries

and burial grounds. These areas shall be left in a natural and undisturbed state, except for the fewest possible perpendicular crossings of essential access roads and utility lines.

- b. *Secondary conservation area.* This category includes land in water supply watersheds; aquifer recharge areas identified in the Rockdale County Comprehensive Plan; riparian and wetland buffers that are over 25 feet in width; significant habitat areas, as identified in the Rockdale County Comprehensive Plan; areas containing archaeologically or historically significant structures or sites, as identified in the Rockdale County Comprehensive Plan; and related contextual areas, soils unsuitable for septic tanks, prime agricultural soils, mature hardwood forest, meadows, farm fields, pastures and other areas with scenic views.
 - c. *Outdoor recreation area.* This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, toilets, dressing rooms, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities. Lakes and ponds are allowed in outdoor recreation areas, but their surface area shall not be counted as open space.
- (2) *Impervious areas.* Parking lots, drives, walks, buildings and other impervious surfaces may be included in required open space, provided that they constitute no more than ten percent of the total required open space.
 - (3) *Accessibility of open space.* Open space shall be designed and located for the convenient access and enjoyment of all users of the property. Open space shall be within 1,000 feet of all occupied buildings in the development. All occupied buildings shall be connected to the open space by improved pathways or sidewalks.
 - (4) *Contiguous open space.* Not less than 50 percent of required open space shall be in a contiguous tract.
 - (5) *Interconnected open space network.* It is the intent of this section that the protected conservation areas, open spaces, greenways, bikeways, trails, sidewalks and outdoor recreation areas within a development that provides open space be continuous with compatible areas containing similar features on abutting property. The design of developments shall provide for maximum connections, providing pedestrian and bike access to off-site and on-site attractions such as public trails, paths, parks, wildlife refuges, public facilities; such as community centers, schools, libraries, fire and police stations, senior centers, railroad right-of-way, utility easements and institutions; such as universities, churches, museums and other cultural facilities.
 - (6) *Best management practices (BMPs).* Active recreation areas, such as golf courses, playing fields, swimming pools and tennis courts, shall employ applicable BMPs, as provided in section 306-4 of the UDO, and shall not be permitted in primary conservation areas.
 - (7) *Ownership, maintenance, and control of open space.* Common open space within a development shall be held in unitary ownership or control and perpetually administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the county:
 - a. *Fee-simple dedication.* Open space or common areas within developments may be offered for dedication to the public at the time of application. Dedication shall take the form of a fee simple ownership by the county. The county may, but shall not be required to, accept undivided open space, provided that:
 - 1. The size, location, type of development, cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 - 2. Such land is accessible to the public.

3. There is no cost of acquisition, other than any cost incidental to the transfer of ownership such as title insurance.
 4. The developer conveys to the county a copy of the deed of conveyance and a title certificate or, at the request of the director, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Georgia, assuring unencumbered title for all lands proposed to be conveyed to the county, other appropriate governmental agency or other organization, including the nonprofit organization.
- b. *Property owners' association.* The undivided open space and associated facilities may be held in common ownership in perpetuity by a property owners' association established in accordance with the laws of the State of Georgia. The association shall be formed and operated under the following additional provisions:
1. The developer shall provide a description of the association, including its bylaws and methods for maintaining open space.
 2. The association shall be organized by the developer and shall be operated by the developer until the sale of two-thirds of the lots within the development.
 3. Membership in the association is mandatory for all purchasers of property and their successors.
 4. The association shall be responsible for perpetual maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
 5. The members of the association shall share equitably the cost of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
 6. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the property owners' association, notice of such action shall be given to all property owners within the development.
 7. The association shall administer common facilities and property and perpetually maintain the undivided open space.
 8. Where a property owners' association accepts dedication of common open space that contains maintenance of landscaping and improvements, the association may require the developer to post financial security to ensure structural integrity and maintenance of improvements for a term not to exceed 24 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15 percent of the actual cost of installation of said improvements.
- c. *Private conservation organization.* The owner of open space may transfer easements to a private, non-profit organization among whose purposes it is to perpetually conserve open space, provided that:
1. The organization is a conservation organization with perpetual existence.
 2. The conveyance contains appropriate provisions for proper reversion or retransfer, in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 3. A perpetual maintenance agreement acceptable to the county is entered into by the developer and the organization.
 4. Prior to dedication or conveyance of open space, the following documents shall be submitted to and approved by the county:

- A. Specification of the ownership of the common open space.
 - B. The articles of incorporation or other organizational documentation for the non-profit organization.
 - C. The bylaws of the non-profit organization.
- 5. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
- 6. A document granting the right of entry upon such common property to the county law enforcement officers, rescue squad personnel and fire fighting personnel while in the pursuit of their duties; and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.
- 7. A specification of methods of maintenance, responsibilities of maintenance and a recommended time schedule for the maintenance of major facilities; including streets, street signs, pools, sidewalks, parking areas and buildings.
- 8. A guarantee that any association formed to own and maintain open space will not be dissolved without the consent of the county.
- 9. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.
- 10. A specification of compulsory membership and compulsory assessment provisions.
- 11. The documents set forth in paragraph c.4. of this subsection (7) shall be reviewed and approved by the director, and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.
- (8) *Liens by Rockdale County.* In the event that the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the county may assume responsibility for the maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, property owners' association or to the individual property owners that make up the property owners' association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- (l) *Environmental controls.*
 - (1) *BMPs.* Site development shall incorporate BMPs designed to protect water quality, as provided in section 306-4 of the UDO.
 - (2) *Parking lot landscaping.*
 - a. Parking lots shall incorporate landscaped areas covering at least 15 percent of the surface area.
 - b. Parking lots shall be landscaped such that every parking space is no more than 50 feet from a shade tree or street tree.
 - c. Landscaped areas in parking lots shall be depressed below paved surfaces and designed with flush curbs or curb inlets to absorb stormwater runoff.
- (m) *Architectural standards.*
 - (1) Minimum building height: 18 feet on boulevards and collectors.
 - (2) Minimum front yard building setback: 25 feet.
 - (3) *Street orientation.* Principal building entrances shall be oriented to public streets wherever possible. When approved by the director, a principal building entrance may be oriented to a side yard provided said entrance is not more than 100 feet from the right-of-way of an adjacent street

and directly connected to the adjacent street frontage by a continuous sidewalk not less than five feet in width.

- (4) Residential garage doors shall be oriented to the side or rear yard, or shall be set back at least 40 feet behind the front facade of the residence.
 - (5) *Massing and modulation.* The massing of building facades oriented to public streets shall incorporate modulation with horizontal and vertical breaks at least every 100 feet.
 - (6) *Building materials.* Building materials for facades oriented to public streets shall be constructed of brick, stone, or textured concrete masonry units, stucco, or glass. Front facades of single-family dwellings shall be constructed with brick, stone, stucco, wood siding or similar material approved by the director.
 - (7) *Prohibited materials.* Metal siding, vinyl siding, and standard concrete block are prohibited.
 - (8) All mechanical equipment shall be screened from view from all public streets.
 - (9) *Satellite dish antennae.* No satellite dishes shall be permitted within view from public streets.
 - (10) *Fenestration.* At least 40 percent of non-residential facades facing boulevards must be clear glass.
- (n) *Parking requirements.* Off-street parking shall be required as in section 222-2 of the UDO, except as provided below:
- (1) *Minimum parking required for residential uses.*
 - a. Single-family dwellings: Two spaces per dwelling unit.
 - b. Multi-family dwellings: One and one-half spaces per dwelling unit.
 - c. Bed and breakfast inn: Two spaces, plus one space per guest bedroom.
 - d. Personal care homes: One space per bedroom plus one space per caregiver.
 - (2) Minimum parking required for commercial uses and services.
 - a. Commercial, retail, and service uses: One space per 300 square feet.
 - b. Restaurants, full service: One space per 75 square feet of seating area.
 - c. Supportive commercial uses (in MUR and CID): One space per 300 square feet.
 - (3) Minimum parking required for professional office uses: One space per 300 square feet.
 - (4) Minimum parking required for outdoor recreation facilities: Ten spaces per acre of recreational land, plus one space per 400 square feet of related buildings.
 - (5) *Other uses.* Minimum number of parking spaces shall be as provided in section 222-2 of the UDO, subject to subsection (6) below.
 - (6) *Additional parking standards.* These additional parking standards also shall apply to all property within the SRCO:
 - a. *Maximum parking authorized.* Except for single-family dwellings the maximum parking in the applicable zoning district shall be 125 percent of the minimum allowable number of parking spaces in subsection (n)(1)(5) above. Any parking spaces in excess of 105 percent of the minimum shall be constructed on previous surfaces.
 - b. Alternative pervious surfaces may be approved by the director.
 - c. Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum three feet high and three feet wide, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than three feet high.

- d. *Lighting.* Parking lots with more than 50 spaces must be illuminated. Lighting fixtures must use cut-off fixture types that minimize the diffusion of light to other properties.
- e. *Bicycle parking.* All uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking spaces. Uses that require up to 50 off-street parking spaces for motorized vehicles shall provide at least one bicycle space, plus a minimum of one more bicycle space for each additional 50 parking spaces required for motorized vehicles.
- f. *Shared parking.*
 - 1. The director may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis approved by the director demonstrates that adequate parking will be provided with the approved reduction.
 - 2. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off street parking requirements for a use.
- g. *On-street parking.*
 - 1. The director may approve credit for on-street parking spaces provided on streets classified as local streets as a means to reduce the off-street parking requirements for a parcel.
 - 2. The number of on-street parking spaces credited for a parcel shall not exceed the number of feet of linear frontage of the parcel along local streets (not including frontage devoted to driveways) divided by the constant 24.
- h. The director may approve an administrative variance to permit an increase in the maximum authorized number of parking spaces required in subsection (n)(6)a. provided that the applicant prepares a parking analysis taking into consideration the possible allowances in subsections (n)(6)g. and (n)(6)h. that demonstrates to the satisfaction of the director that:
 - 1. The applicant has made adequate provision for access to the site by pedestrians and bicyclists.
 - 2. There is no feasible alternative that would provide for the safe and adequate provision of parking for the proposed use.
 - 3. The applicant has a unique hardship that is not self-imposed.
 - 4. Such hardship can only be resolved by increasing the maximum authorized number of parking spaces for the subject use or site.
- (7) *Dumpsters.* Dumpsters shall be placed on a concrete pad and screened by an opaque fence or wall that is a minimum of eight feet in height. Dumpsters shall only be located in the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.
- (8) *Drive-through windows.*
 - a. Drive-through windows shall be screened from view from a boulevard and from adjacent residentially zoned property.
 - b. No outdoor speakers shall be directed toward adjoining residentially zoned property.
- (o) *Off-street loading requirements.* Off-street loading spaces shall be provided as in section 226-1, except as follows:
 - (1) Buildings with more than 5,000 square feet of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space.

- (2) Buildings with more than 25,000 square feet of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space for each 25,000 gross square feet or fraction thereof.
 - (3) Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.
- (p) *Minor alterations and additions.* Applications for land disturbance permits, driveway permits, sign permits, plan review, plat approval, building permits and utility permits for properties within the Salem Road Corridor Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the SRCO unless such application meets one of the following exceptions:
- (1) Alterations to existing single-family dwellings located within a subdivision of record zoned R-1, R-2 or R-3 with a final plat approved prior to enactment of this section shall not be subject to the provisions of this SRCO, provided that such alterations are limited to the following actions:
 - a. Additions of heated floor area less than 50 percent of the existing floor area.
 - b. Construction of an accessory structure or garage not to exceed 500 square feet in floor area.
 - c. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures; or interior renovations.
 - (2) Construction of a single-family dwelling on an existing lot of record zoned R-1, R-2, or R-3 within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this SRCO provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
 - (3) Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this SRCO, provided that such dwelling is located on an existing lot of record zoned R-1, R-2, or R-3 within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
 - (4) Construction, rehabilitation, restoration and repair of a nonresidential structure existing prior to the enactment of this section shall not be subject to those provisions of the SRCO that are wholly unrelated to the nature of the permit sought until such time as the cumulative effect of all such permits on a single parcel results in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.
- (q) *Signs.*
- (1) All ground signs shall be attached to a permanent wall or pilasters constructed of brick, stone or textured concrete masonry units no more than eight feet in height.
 - (2) All signs may be illuminated, provided the light source is external and oriented downwards, such as a gooseneck lamp.
 - (3) Sign table for nonresidential districts.

Type of sign	Max. sign height	Max. individual sign area, per face		Additional requirements
Primary ground signs for multi-tenant	8 feet	GFA of 100,000 sq. ft. or	32 sq. ft. per face,	Max. one (1) primary ground sign per public road

buildings and planned centers		less		max. 2 faces	access, per lot.
		GFA greater than 100,000 sq. ft.		64 sq. ft. per face, max. 2 faces	
Primary ground signs for single-tenant buildings	8 feet	32 sq. ft. per sign face, max. 2 faces			Max. one (1) primary ground sign per public road access
Accessory ground signs	4 feet	4 sq. ft. per sign face			Max. one (1) accessory sign per public road access
Interior directional signs in planned centers	4 feet	4 sq. ft. per sign face			Located at least 100 ft. from any public road access
Wall signs	Equal to height of building	Max. aggregate sign area per tenant: 1 sq. ft. of sign per lin. ft. of associated facade; Max. individual sign area: 32 sq. ft.			Wall signs permitted exclusively on facades fronting a public road, including Interstate 20.
Window signs	N/A	Max. aggregate area of all window signs per building elevation: max. 30% coverage of window area			No permit required, but subject to enforcement and penalties.
Free speech signs	4 feet	Lot acreage	Max. aggregate sign area	Max. sign area, per face	No permit required, but subject to enforcement and penalties.
		Less than 5a.	16 sq. ft.	16 sq. ft.	
		5-10a.	24 sq. ft.	16 sq. ft.	
		Greater than 10a.	32 sq. ft.	16 sq. ft.	

(4) Sign table for residential districts.

Type of sign	Max. sign height	Max. individual sign area, per face			Additional requirements
Primary ground signs for subdivisions and multi-family properties	8 feet	Max. aggregate area of ground signs per entrance: 64 sq. ft. Max. sign area per face: 32 sq. ft.			Max. two (2) per public road access;
Ground signs on single-family lots	4 feet	4 sq. ft.			Max. two (2) per public road access
Interior directional signs in subdivisions	4 feet	4 sq. ft.			Located at least 100 ft. from any public road access
Window and wall signs	N/A	4 sq. ft.			Max. one (1) window or one (1) wall sign per public road frontage; No permit required, but subject to enforcement and penalties
Free speech signs	4 feet	Lot acreage	Max. aggregate sign area	Max. sign area, per face	No permit required, but subject to enforcement and penalties.
		Less than 3a.	16 sq. ft.	6 sq. ft.	
		3-5a.	16 sq. ft.	9 sq. ft.	
		Greater than 10a.	16 sq. ft.	12 sq. ft.	

(5) All other signs shall be regulated as provided under chapter 230 of the Rockdale County Code of Ordinances.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-23, § 2, 10-9-2007; Ord. No. 0-2012-11, § 11, 11-27-2012; Ord. No. 0-2015-13, §§ II—VI, 12-8-2015)

Sec. 210-3. - Stonecrest Area Overlay District.

[Reserved]

Sec. 210-4. - Milstead Historic Area Overlay District.

[Reserved]

Chapter 214 - STANDARDS APPLYING TO ALL DISTRICTS

Sec. 214-1. - Dimensional standards of zoning districts.

Dimensional standards for zoning districts are summarized in Tables 1, 2 and 3. See chapter 206 for additional standards. Should a standard in Table 1, 2, or 3 conflict with a standard in chapter 206, the chapter 206 standard shall apply.

TABLE 1: Development Standards for Residential Zoning Districts

Zoning District	Minimum Lot Size	Maximum Gross Density	Min. Lot Width	Min. Front Setback	Min. Side Setback ^{1,2}	Min. Rear Setback	Min. Floor Area	Max. % Imperv.	Min. % Open Space	Max. Bldg. Height	Min. Lot Depth
		Units/Acre									
W-P	2 Acres ¹¹	0.3	150 ft.	35 ft.	30 ft.	60 ft.	1,600 sq. ft.	10	0	35 ft.	400 ft.
A-R	1 Acre ⁸	1.0	120 ft.	40 ft.	10/30 ft.	50 ft.	1,600 sq. ft.	15	0	35 ft.	250 ft.
R-1	30,000 sq. ft.	1.45	100 ft.	25 ft.	10/30 ft.	40 ft.	1,600 sq. ft.	20	0	35 ft.	150 ft.
R-2	14,000 sq. ft. ⁷	5.8	80 ft.	35 ft.	10/25 ft.	35 ft.	1,600 sq. ft.	30	20	45 ft.	120 ft.
CRS	10,000 sq. ft.	3.14	70 ft.	20 ft.	7.5 ft.	25 ft.	1,800 sq.	25	30	35 ft.	

							ft.				
CSD ^{3,5}	6,000 sq. ft.	2.43	60 ft.	Max. 25 ft.	10 ft.	40 ft.	1,800 sq. ft.	25	30	35 ft.	
MUR ⁵	2,500 sq. ft.	8	25 ft.	25 ft.	10/15 ft.	25 ft.	Table 3	50	15	45 ft. ⁹	
RM	2 acres	12	60 ft. ₁₀	15 ft.	10/15 ft.	25 ft.	Table 3	60	400 sq. ft./unit ₆	35 ft.	

Notes for Table 1:

1. Minimum required setbacks do not include buffers, if required by chapter 328, article I of the UDO.

2. Larger side yards dimension is for corner lots.

3. Density subject to increase through bonuses. See subsection 206-6(e)(10) and subsection 210-2(j)(2).

4. Application of density to tract land area excludes Primary Conservation Area.

5. Zoning district is only applicable within the Salem Road Corridor Overlay District.

6. 400 square feet of open space or outdoor recreation per dwelling unit is required for multi-family residential developments with more than 50 dwelling units. See subsection 218-13(s).

7. 7,500 square feet required per unit, 14,000 square feet per duplex.

8. Minimum lot size for residences with private stables: three acres; minimum lot size for agriculture and forestry uses: five acres.

9. Building height may be increased to 50 feet if a permitted supportive commercial use is provided on ground floor. Buildings over 35 feet in height shall be a minimum of 75 feet from property lines of adjacent single-family residential property.

10. Duplex lot shall have a minimum lot width of 100 feet.

11. W-P district restricts residential property development to one lot per three acres, with a minimum lot size of two acres.

TABLE 2: Development Standards for Non-Residential Zoning Districts

Zoning District	Minimum Lot Size	Maximum Gross Density Sq. Ft./Acre	Max. Height	Min. Lot Width	Min.; Front Setback ¹	Min. Side Setback ^{1,2}	Min. Back Setback ¹	Max. % Imperv.	Min. % Open Space
CID ³	.75 Acres	15,000	60 ft ⁴	100 ft.	40 ft.	10/15 ft.	40 ft.	75	10
O-I	10,000 sq. ft.	25,000	50 ft.	50 ft.	25 ft.	10/25 ft.	35 ft.	75	0
NC ³	1 Acre	12,000	50 ft ⁴	100 ft.	40 ft.	10/15 ft.	40 ft.	75	0
C-1	10,000 sq. ft.	10,000	50 ft.	75 ft.	15 ft.	0/15 ft.	35 ft.	75	0
C-2	15,000 sq. ft.	15,000	50 ft.	100 ft.	25 ft.	10/25 ft.	35 ft.	75	0
MxD ³	1 Acre	20,000	75 ft. ⁴	100 ft.	See 206-14			75	15
OBP	5 Acres	15,000	50 ft.	100 ft.	25 ft.	15/25 ft.	40 ft.	75	0
M-1	1 Acre	15,000	50 ft.	100 ft.	40 ft.	25/50 ft.	50ft.	75	0
M-2	10 Acres	20,000	60 ft.	200 ft.	50 ft.	25/50 ft.	50 ft.	75	0

Notes for Table 2:

1. Minimum required setbacks do not include buffers, if required by chapter 328, article I of the UDO.

2. Larger side yards dimension is for corner lots.

3. Zoning district is only applicable within the Salem Road Corridor Overlay District.

4. Buildings over 35 feet in height shall be a minimum of 75 feet from property lines of adjacent single-family residential property.

TABLE 3: Minimum Floor Area for RM, MUR and MxD Zoning Districts

RM - Multi-Family	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
	700 sq. ft.	850 sq. ft.	1,000 sq. ft.	1,150 sq. ft.	1,200 sq. ft.
MUR- Mixed-use Residential, and MxD - Mixed-use Development	Efficiency	Two-family dwellings and townhouses 1 Bedroom	Two-family dwellings and townhouses 2 Bedroom	Two-family dwellings and townhouses 3 Bedroom	Single-Family Detached or Single-Family Zero Lot Line dwelling
	Not Allowed	900 sq. ft.	1,200 sq. ft.	1,400 sq. ft.	1,800 sq. ft.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-2. - Building projections into yards.

- (a) No part of a lot's required yard, setback, buffer or open space shall be included as part of the yard, setback, buffer or open space required for another lot, except as specifically provided for herein.
- (b) Architectural features such as cornices, eaves, steps, gutters and fire escapes may project not more than three feet beyond any required setback line, except where such projections would obstruct access for service and/or emergency vehicles; provided, however, that canopies that extend from faces of buildings over sidewalks or entryways to shelter pedestrians shall be allowed to encroach into required setbacks so long as they are no closer than five feet to the street right-of-way line.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-3. - Corner lots.

The side of a corner lot fronting on the street with the highest functional classification, according to the Rockdale County/City of Conyers Functional Classification System, shall be deemed to be the front of the lot. If both streets have the same functional classification, then the front of the lot shall be deemed to be the side with the least street frontage.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-4. - Height limits.

The height limitations of this article shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers or observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or antennas. These exclusions shall not apply in the vicinity of airports where Federal Aviation Administration runway protection zone standards shall apply. The height of telecommunication facilities is regulated in chapter 218, article IV.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-5. - One principal use authorized per lot.

Only one principal use shall be authorized on each lot except where otherwise specifically authorized within a mixed use zoning district including OBP, MUR, and MxD.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-6. - Fences, walls and hedges.

All fences, walls (landscape, screening and retaining) and hedges shall be subject to the following provisions:

- (1) Plastic slats shall be strictly prohibited.
- (2) Solid, opaque fences shall be strictly prohibited along any street right-of-way.
- (3) No opaque fence or landscape wall shall extend over 20 linear feet in length without a visual articulation, such as a column, setback or vegetative planting.
- (4) All fences shall be constructed with the finished side facing adjoining properties.
- (5) Prohibited materials of construction in all zoning districts shall include tires, scrap and sheet metal, plastic and fiberglass, medium density fiberboard and plywood, exposed common concrete block, junk or other discarded materials.
- (6) The height of a fence, landscape wall or hedge shall be measured from the normal finished grade to the highest point of said structure. Ornamental features such as columns and gates shall be allowed to exceed the maximum height of a fence or wall by no more than 18 inches. Ornamental features shall be distanced by a minimum of ten linear feet.
- (7) Maximum fence heights may be exceeded when the appearance of an even fence line is desired due to the slope of a property.
- (8) The director of planning and development may administratively approve an increase in the height of a fence, wall or hedge up to 150 percent of the maximum allowable height, as provided for in section 238-14.
- (9) Fences over seven feet in height are required to be permitted and inspected by the chief building official.
- (10) Retaining walls over four feet in height are required to be permitted and inspected by the chief building official.

Table of Fence, Wall and Hedge Requirements

	A-R, W-P, CRS, CSD, CSO, R-1, R-2, MUR,	A-R & W-P lots, a minimum of three	CID, O-1, OBP, C-1,	M-1 and M-2
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	RM, M-H, R-1A, R-1B and R-3	acres in size, developed with an agricultural use permitted in Section 218-1	C-2, NC, MxD	
Setback from street right-of-way along any property line (single or multiple frontage lots)	3 feet; however on corner lots, the minimum setback shall be increased to provide adequate site distance as required by RDOT.	3 feet; however on corner lots, the minimum setback shall be increased to provide adequate site distance as required RDOT.	3 feet; however on corner lots, the minimum setback shall be increased to provide adequate site distance as required RDOT.	3 feet; however on corner lots, the minimum setback shall be increased to provide adequate site distance as required RDOT.
Setback from side and rear property lines not adjacent to a street right-of-way	Fence may be placed adjacent to or on side and rear property lines.	Fence may be placed adjacent to or on side and rear property lines.	Fence may be placed adjacent to or on side and rear property lines.	Fence may be placed adjacent to or on side and rear property lines.

It is strongly recommended that adequate space be provided between the fence and property line for maintenance purposes and to avoid potential conflicts with neighbors regarding the ownership of fences.

Materials of construction for fences along any street right-of-way	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, and masonry (including brick, architectural concrete block and stone).	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, and masonry (including brick, architectural concrete block and stone), woven wire, chain link, metal fabric, barbed wire,	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, and masonry (including brick, architectural concrete block and stone).	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, masonry (including brick, architectural concrete block and stone), and chain
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		hog wire, chicken wire.		link.
Materials of construction for fences along interior side and rear property lines	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, masonry (brick, architectural concrete block and stone), and chain link not to extend beyond the front building line of the principal structure.	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, masonry (brick, architectural concrete block and stone), woven wire, chain-link, metal fabric, barbed wire, hog wire, chicken wire.	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, masonry (brick, architectural concrete block and stone), and chain link not to extend beyond the front building line of the principal structure.	Ornamental metal, (including wrought iron, steel and aluminum), treated solid wood (including painted, varnished, pressure-treated and composite), vinyl boards, masonry (brick, architectural concrete block and stone), and chain link.
Height, along any street right-of-way	Maximum 4 feet	Maximum 6 feet	Maximum 6 feet	Maximum 6 feet or as otherwise specified in Sec. 218-13.
Height, along interior side and rear property lines	Maximum 6 feet	Maximum 6 feet	Maximum 6 feet	Maximum 8 feet

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 21, 5-22-2007; Ord. No. 0-2013-14, § I, 11-12-2013; Ord. No. 0-2015-05, § I, 5-12-2015)

Sec. 214-7. - Exterior building materials.

- (a) In nonresidential zoning districts, sheet metal, vinyl siding, exposed common concrete block and similar materials shall not be permitted as exterior materials on sides of buildings facing any road. The exterior materials of the face of said buildings on the sides facing a road shall consist of glass, brick, stone, architectural concrete block, real stucco or similar building materials.

- (b) In residential zoning districts, sheet metal, vinyl siding, exposed common concrete block and similar materials shall not be permitted as exterior building materials on principal use structures except that soffits, gables and eaves may be finished in vinyl. Refer to section 218-7 Accessory use standards for allowable exterior materials on accessory structures in residential zoning districts.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 4, 7-24-2007; Ord. No. 0-2013-12, § II, 11-12-2013)

Sec. 214-8. - Minimum lot size.

Tables 1 and 2 in section 214-1 show the minimum lot size, minimum lot width and maximum coverage for each land development district. However, notwithstanding said standards of the UDO, no lot shall have a lesser area than that approved by the Rockdale County Board of Health for safe drinking water and septic tank operation.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-9. - Minimum space between buildings.

The minimum distance between buildings located on the same lot shall be 20 feet.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-10. - Uses requiring occupation tax and business license.

All uses requiring an occupation tax and business license pursuant to chapter 222 shall be located in a zoning district that permits such business activity in accordance with the Table of Uses in section 218-1.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-11. - Truck stops prohibited.

Truck stops are prohibited. Furthermore, no adjoining or adjacent uses shall be physically connected or used so as to effectively create a truck stop.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-12. - Business license requirements.

All uses requiring an occupation tax and business license pursuant to the Code of Ordinances, chapter 22, shall comply with all such licensing requirements and shall not be considered lawful uses under Title 2 of the UDO if in violation of such licensing requirements.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 214-13. - Mailbox support structures.

Mailbox support structures erected within or adjacent to the right-of-way of any public street in unincorporated Rockdale County upon which the permanent posted speed limit exceeds 35 miles per hour shall consist of a single wooden post not exceeding four inches by four inches in size or a single metal pole not exceeding two inches in diameter.

[illegible]

	Farming, Commercial	Yes	P															
113	Forestry and Logging (Timber Harvesting)	Yes	P															
1114	Greenhouse, Nursery & Floriculture Production	Yes	P													P		
	Kennel, hobby	Yes	A															
	Livestock Quarters and Enclosures	Yes	P	P														
	Horse Stables, Riding & Boarding	Yes	P															
	RESIDENTIAL																	
6244 10	Day Care, Child Care Learning Center 19 or more children	Yes								P	P	P	P	P	P	S		
	Day Care, Group Day Care Home Not less than 7 children but not more than 18 children	Yes								P	P	P	P	P	P	S		
	Day Care, Family day Care Home At least 3 children, but not more than 6 children	Yes	C	C				C		P			P	P	P	S		
	Drug Rehabilitation Center, or Other	Yes								P	P			P	P			

[illegible]

[illegible]

		Facility																
313	Textile Mills															P	P	
336	Transportation Equipment Manufacturing																P	
321	Wood Product Manufacturing (<i>incl. sawmills and planing mills</i>)	Yes															P	
	WHOLESALE TRADE																	
	Open Yard Storage Business	Yes															P	
4239 30	Recyclable Material Merchant Wholesalers	Yes															P	
421, 422	Wholesale Trade														P	P	P	
	RETAIL TRADE																	
4529 90	All Other General Merchandise Stores											P	P	P				
4539 98	All Other Miscellaneous Store Retailers (except Tobacco Stores)						S					P	P	P				
4452 99	All Other Specialty Food Stores										P	P	P	P				
4413 10	Automotive Parts & Accessories Stores													P		P	P	

4453 10	Beer, Wine, & Liquor Stores													P	P				
4412 22	Boat Dealers																P	P	
4512 11	Book Stores						S		S		P	P	P	P					
444	Building Material and Garden Equipment and Supplies Dealers	Yes													P	P	P	P	
4431 30	Camera & Photographic Supplies Stores						S				P	P	P	P					
4481 50	Clothing Accessories Stores						S				P	P	P	P					
	Convenience Store						S				P	P	P	P	S				
4461 20	Cosmetics, Beauty Supplies, and Perfume Stores										P	P	P	P					
4521 10	Department Store												P	P	P				
	Electric Vehicle Charging Station	Yes	-	-	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Electric Vehicle Charging Unit	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
4541 10	Electronic Shopping & Mail-Order Houses															P	P	P	

443	Electronics and Appliance Stores										P	P	P	P	P			
	Flea Market	Yes												P		P	P	
4422 10	Floor Covering Stores												P	P				
4531 10	Florists						S				P	P	P	P	S			
445	Food and Beverage Stores						S				P	P	P	P	S			
4452 30	Fruit and Vegetable Markets	Yes	C									P	P	P				
442	Furniture and Home Furnishings Stores											P	P	P				
4471 10	Gasoline Station with Convenience Store	Yes										P	P	P	P	P	P	
447	Gasoline Stations	Yes													P	P	P	
452	General Merchandise Stores											P	P	P				
4532 20	Gift, Novelty, & Souvenir Stores						S				P	P	P	P				
4441 30	Hardware Stores						S				P	P	P	P		P		
446	Health and Personal Care Stores						S				P	P	P	P				
4441 10	Home Centers											P	P	P		P	P	

4431 11	Household Appliance Stores													P		P	
4483 10	Jewelry Stores						S				P	P	P	P			
4543 12	Liquefied Petroleum Gas (Bottled Gas) Dealers															P	P
4483 20	Luggage & Leather Goods Stores										P	P	P	P			
4539 30	Manufactured (Mobile) Home Dealers															P	P
453	Miscellaneous Store Retailers										P	P	P	P			
441	Motor Vehicle Sales	Yes												P		P	P
4512 12	News Dealers & Newsstands						S		S	P	P	P	P	P	S		
454	Non-store Retailers																
4442 20	Nursery and Garden Centers													P		P	P
4532 10	Office Supplies and Stationery Stores									P	P	P	P	P	S		
4461 30	Optical Goods Stores										P	P	P	P			
4441 90	Other Building Material Dealers															P	P
4441	Paint and Wallpaper											P	P	P			

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	Flammable Liquids																	
4881	Support Activities for Air Transportation (incl. airports)																C	
4853 10	Taxi Service										P		P	P	P	P		
485	Transit and Ground Passenger Transportation											P		P	P	P	P	
	COMMUNICATIONS																	
	Antenna, Amateur Radio	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Antenna, Satellite	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
515, 517	Broadcasting and Telecommunication s Buildings								C			C		P	P	P	P	
515	Cable & Other Program Distribution													P	P	P	P	
518	Data Processing Services									P		P		P	P	P	P	
5121 31	Motion Picture Theaters (except Drive-Ins)											P		P		P		
511	Publishing Industries															P	P	
5151	Radio Stations													P	P	P	P	

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	Equipment Rental and Leasing																	
532310	General Rental Centers														P	P	P	
5312	Offices of Real Estate Agents & Brokerages Brokerage									P	P	P	P	P	P			
532111	Passenger Car Rental	Yes										P		P	P	P	P	
531120	Performing Arts Theater, Concert Hall, Convention Center, Auditorium	Yes								P		P		P	P	P	P	
532230	Video Tape and Disc Rental									P	P	P	P	P	P			
	PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES																	
54181	Advertising Agencies									P		P	P	P				
541922	Commercial Photography									P	P	P	P	P				
541511	Custom Computer Programming Services									P	P	P	P	P	P			
541860	Direct Mail Advertising														P	P	P	

[illegible]

	Centers)																	
	Solid Waste Transfer Station/ Materials Recovery Facilities	Yes															C	
5615 10	Travel Agencies									P	P	P	P	P	P			
562	Waste Management and Remediation Services																P	
	EDUCATIONAL SERVICES																	
6113	Colleges, Universities, and Professional Schools	Yes								P	P	P	P	P				
6117 10	Educational Support Services									P	P	P	P	P	P			
5191 2	Libraries and Archives	Yes								P	P	P	P	P	P			
6116	Other Schools & Institutions									P	P	P	P	P	P			
	Schools, Public K—12	Yes	P	P	P			P	P	P	P	P	P	P				
6111 10	Schools, Private K—12	Yes	C	C	C			C	C	P	P	P	P					
	Schools, Private Residential	Yes	C	C	C			C	C	P	P	P						
6115	Technical and Trade									P		P	P	P				

1	Schools																	
	HEALTH CARE AND SOCIAL ASSISTANCE																	
621	Ambulatory Health Care Services								P	P	P	P	P	P	P			
6241 20	Day Care, Adult Day Care Center 3 or more persons	Yes							P	P	P	P	P	P	S			
6221 10	General Medical & Surgical Hospitals								P	P		P	P	P				
	Medical, Dental Clinic								P	P	P	P	P	P				
3391 16	Medical, Dental Laboratories									P		P	P	P	P	P	P	
6215 11	Medical Laboratories									P		P		P	P	P	P	
623	Nursing and Residential Care Facilities								P	P		P	P	P				
6211 11	Offices of Physicians								P	P	P	P	P	P				
	ARTS, ENTERTAINMENT & RECREATION																	
	Adult Entertainment Establishments	Yes														P	P	
7131	Amusement &	Yes												P		P	P	

10	Theme Parks																	
7131 20	Amusement Arcades	Yes												P				
7139 50	Bowling Centers												P	P	P			
7139 40	Fitness and Recreational Sports Centers (includes public swimming pool)	Yes						P		P	P	P	P	P	P	P		
7139 10	Golf Courses and Country Clubs		P	P	P	P	A	P		P			A					P
7139 90	Indoor Shooting Range	Yes												P			P	P
712	Museums, Historical Sites, and Similar Institutions		C	C	C					P	P		P	P	P	P		
7121 90	Nature Parks & Other Similar Institutions		P	P	P	P	P	P		P	P		P	P	P	P	P	P
	Outdoor Recreation Facility	Yes	C			C	C			C			P		P		P	P
	Recreation Center and Club, Private	Yes					A	A		P	P		P		P	P		
7112 11	Sports Teams and Clubs	Yes								C							P	P
	Swimming Pool, Home	Yes	A	A	A	A	A	A		A								A

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[illegible]

	Support																	
922	Justice, Public Order, and Safety Activities									P	P	P	P	P	P	P		
	Place of Public Assembly									P	P	P	P	P	P	P		
	Home Occupation, Cottage Foods	Yes	A	A	A	A	A	A					A					A

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 6, 5-22-2007; Ord. No. 0-2007-23, § 3, 10-9-2007; Ord. No. 0-2007-14, § 5, 7-24-2007; Ord. No. 0-2010-09, § 2, 5-25-2010; Ord. No. 0-2012-19, § II, 12-11-2012; Ord. No. 0-2013-03, §§ II, III, 4-23-2013; Ord. No. 0-2013-13, § 2, 11-12-2013; Ord. No. 0-2014-13, § 2, 12-9-2014; Ord. No. 0-2015-02, § II, 2-10-2015; Ord. No. 0-2015-07, §§ I—V, 10-13-2015; Ord. No. 0-2015-13, § I, 12-8-2015; Ord. No. O-2017-01, § I, 2-14-2017; Ord. No. 0-2017-17, § I, 7-18-2017; Ord. No. 0-2017-24, § I, 9-19-2017)

Sec. 218-2. - Special event permits.

- (a) *Permit required.* Except as provided in subsection 218-2(l) below, it shall be unlawful for any person to conduct or cause to be conducted any special event in unincorporated Rockdale County without first obtaining a valid permit for such event. Said permit shall be valid for a period of time not to exceed ten consecutive days.
- (b) *Application procedures.* The following application procedures shall govern special event permits:
 - (1) Applications for special event permits shall be submitted on a form provided by the department. A nonrefundable application fee shall accompany the application as established by the board of commissioners to defray the cost of processing the application. The complete application must be submitted at least 30 days prior to the starting day of the proposed special event.
 - (2) The application shall contain each of the following unless the department deems an item inapplicable to the type of event proposed:
 - a. Name, address, phone and email of the applicant.
 - b. Delineation of boundaries. The outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8½ x 11 inches in size, and attached to the application for a permit. All public streets and/or sidewalks within and adjacent to such area(s) shall be clearly identified. The department shall require, as part of the approval for the event, that areas no less than five feet in width shall be designated and preserved for public circulation and access to adjoining business establishments outside the area(s) delineated for the event.
 - c. The date(s), hours and duration of the event.

- d. Estimated attendance figures.
 - e. Completed and signed application forms.
 - f. A statement of the type of special event proposed.
 - g. If the special event is to be located on public property, obtain and maintain for the duration of the special event comprehensive general liability insurance in a minimum amount of \$500,000.00 combined limits for bodily injury and/or property damage that names Rockdale County as an additional named insured. A certificate evidencing such insurance shall be provided with the application.
- (c) *Signs.* Special event signs shall be authorized as provided under chapter 230 of the Rockdale County Code of Ordinances.
- (d) *Vendors.*
- (1) *Sales permitted.* The sale of food or any merchandise or services of any type by a vendor shall be allowed as a component of a special event located on public property provided such vendor is approved and authorized in writing by the permit holder of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the permit holder and submitted as part of the application for a permit. Vending on private property is prohibited. Beer, wine and liquor sales, service and consumption shall be prohibited on public property, including public streets, sidewalks, rights-of-way and parks.
 - (2) *Authorization of vendors.* The permit holder of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event and to designate the location and activities of such vendors. It shall be unlawful for any vendor to engage in such business on private property or at any location or in any manner not authorized by the permit holder of the event.
 - (3) *Identification required.* Any public property vendor authorized by the permit holder shall be required to prominently display on his or her person a badge identifying the vendor as an authorized participant in the event. Such identification shall be not less than three inches by three inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the permit holder of the event.
 - (4) *Food sales.* The vendor of any food, whether hot or cold, as part of a special event located on public property shall be subject to all rules and regulations of the Rockdale County Environmental Health Department. It shall be the responsibility of the permit holder of an event to ensure compliance with this section by any such vendor.
- (e) *Sanitation.*
- (1) The permit holder of a special event shall be required to provide temporary outdoor toilet facilities at any event at which 100 or more persons are expected to be in attendance. The number of toilets and their locations shall be determined by the Rockdale County Environmental Health Department.
 - (2) The permit holder of the special event shall be required to provide temporary garbage receptacles at any event at which 50 or more persons are expected to be in attendance. The number of receptacles and their locations shall be determined by the Rockdale County Environmental Health Department.
 - (3) The permit holder shall be responsible for cleaning the public property area(s) on which the event was held to its pre-event condition within 24 hours of the conclusion of the event. If the permit holder fails to clean up such areas, such clean up shall be arranged by Rockdale County and the costs charged to the permit holder.
- (f) *Public safety.*

- (1) Traffic and crowd control shall be provided by the Rockdale County Sheriff's Department and the number of officers and/or special arrangements shall be determined by the sheriff. The permit holder shall be responsible for costs associated with public safety.
 - (2) A special event shall be limited to the specific geographic area(s) within which the event is to take place and the permit holder of the special event shall be responsible for the provision of sheriff and sanitation services within the boundaries of the event for a period of two hours past the conclusion of the event or until the area is cleared of all activities related to such event.
- (g) *Other permits required.* The permit holder shall obtain other permits that may be required by other chapters of this Code. Except as specifically authorized herein, nothing in this section is intended to authorize activity otherwise prohibited by the Rockdale County Code. Special events held on private property shall be limited to two special events per calendar year per private property location.
- (h) *Indemnification.* The permit holder of any special event shall hold Rockdale County, its officers, employees and agents harmless from any liability or damages for property damage or bodily injury, including death, which may arise from any acts or omissions emanating from a special event located on or involving any portion of public property. Such indemnification shall be submitted with the application on a form provided by Rockdale County.
- (i) *Additional charges.* Rockdale County may assess additional costs against the permit holder for special events located on public property should the holder fail to provide sanitary cleanup such that any public property used for the special event is left in the same condition as that preceding the event, or fail to repair or replace public property or equipment damaged or destroyed during a special event. The director of the department of recreation and maintenance shall transmit an itemized bill setting forth any verifiable expenses for sanitary cleanup and repair or replacement of public property or equipment incurred by Rockdale County to the permit holder within 30 days of the conclusion of the event. Should the permit holder refuse to pay such bill within 30 days of the date of said billing, Rockdale County may seek legal recourse authorized under applicable law for recovery of said expenses. The applicant shall sign a statement prior to issuance of a special event permit agreeing to payment of these additional costs on a form provided by Rockdale County.
- (j) *Administrative review.*
- (1) The director shall cause the application to be circulated to each government department or other agency whose services the director determines would be affected by the nature and activities of the proposed event. Each such department or agency shall review the application and note the services which it will be required to perform, the number of personnel to perform such services, the length of time to perform such services, the estimated cost to perform such services, and any other information which would assist the department or agency in facilitating the event and services required.
 - (2) Each department and/or agency reviewing an application may recommend in writing certain conditions or restrictions deemed necessary to facilitate the event, to comply with other laws or regulations, or to ensure the safety, health and welfare of the community. In reviewing the recommendations of the departments, the director may impose and enforce such conditions or restrictions as a part of the permit. A violation of the permit, including such conditions or restrictions, shall be deemed a violation of this section.
- (k) *Permit decision.*
- (1) After considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and after the payment of all applicable fees and costs, the director shall approve or conditionally approve the application and issue a permit for a special event upon a finding that satisfactory provisions and arrangements have been made by the applicant concerning all requirements of this section to the satisfaction of each reviewing department and agency. If such satisfactory provisions and arrangements have not been made by the applicant, the permit shall be denied.

- (2) The director shall either issue, issue with conditions or deny the permit application no later than 20 days following the date the completed application is filed. If the permit is denied, the applicant shall be notified in writing of the denial and the reason(s) for denial.
- (3) Appeals from final decisions of the director regarding special event permits shall be to the board of adjustment pursuant to section 238-8. Decisions made by the board of adjustment shall be final. All appeals of the decisions made by the board of adjustment shall be by writ of certiorari from the Rockdale County Superior Court pursuant to section 238-13.

(l) *Exemptions.*

- (1) *Funeral processions.* The provisions of this section shall not apply to any procession conducted under the supervision and direction of a funeral director in conjunction with any funeral.
- (2) *Government sponsored events.* The director shall be authorized to waive or otherwise expedite any or all of the review process and fees applicable to such review and permit for special events sponsored and held by Rockdale County Government, Rockdale County Public School System, the State of Georgia, and the Federal Government. Events on public property for which a contract has been awarded by the Rockdale County Board of Commissioners to a person, group, organization, association, club or other entity shall be exempt from this permit.
- (3) *Constitutionally protected activities.*
 - a. Except as provided in subsection b. [below], any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other free speech activity protected by the U.S. Constitution or the Georgia Constitution shall be exempt from the provisions of this section. Said person, group or organization engaged in said protected activity shall be prohibited from blocking the ingress and egress of any public or private place.
 - b. Planned assemblies, marches, or similar constitutionally protected free speech activity that will require street closings or will compromise the ability of the county to respond to public safety emergencies shall be required to comply with this section with the following modifications:
 1. The complete application may be submitted up to 20 days prior to the starting date of the planned free speech activity;
 2. Permit decisions shall be made by the director within ten days of receipt of the completed application;
 3. Appeals from the final permit decision shall be expedited so that they are heard by the board of adjustment within seven days of filing a notice of appeal.
- (4) *Small private gatherings.* The provisions of this section shall not apply to gatherings or activities located on private property which will make no use of public property, including streets, other than for lawful parking. Garage sales, yard sales, and similar sales on private property are exempt from the provisions of this section.

(Ord. No. 0-2010-05, § 2, 4-27-2010; Ord. No. 0-2012-11, § 12, 11-27-2012)

Secs. 218-3—218-6. - Reserved.

ARTICLE II. - ACCESSORY USE STANDARDS

Sec. 218-7. - Accessory use standards.

- (a) All accessory buildings, structures and uses of land, including off-street parking, shall be clearly subordinate to and supportive of the principal use and located on the same lot as the principal dwelling to which they are accessory.

- (b) All accessory buildings or structures shall be located in the rear yard or in the side yard behind the front yard building line. Accessory buildings in front yards are prohibited. Accessory structures are prohibited in the side yard of a corner lot that faces a public street. Front yards for corner lots shall be as defined in section 214-3.
- (c) Accessory structures in residential zoning districts may be finished with any material, including metal, vinyl siding and concrete block, providing the style and color of the structure match those of the principal structure and create visual cohesion throughout the property. Accessory structures finished in metal shall be visually screened from the street. Accessory structures shall be assembled in a professional manner and maintained in good condition.
- (d) No accessory building shall be utilized unless the principal structure is occupied, and no accessory building shall be used for any type of human habitation.
- (e) No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory, except that structures for the storage of farm equipment or for the shelter of livestock may be constructed on lots zoned A-R (Agricultural-Residential) and used for agricultural purposes in accordance with the minimum building setback requirements of the zoning district and livestock regulations.
- (f) No accessory buildings or structures shall be closer than ten feet from an abutting side or rear property line, except that accessory structures appurtenant to the keeping and raising of livestock shall comply with the setback requirements specified in section 218-13 Standards of Use and Development.
- (g) There shall be a distance of not less than 20 feet between a principal and detached accessory building located on the same lot or parcel.
- (h) The following accessory uses and structures, including similar uses and structures, shall be permitted in the A-R district, provided that they comply with all conditions and standards in subsections (a) through (g):
 - (1) Garages for the parking of automobiles, decks, garbage pads and storage buildings, subject to the following conditions:
 - a. Maximum height of two stories or 35 feet.
 - b. On a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building.
 - c. No garage or other accessory building, structure or use shall be closer than ten feet to a side or rear lot line or the nearest point along any required buffer, whichever is greater.
 - (2) Heating and air conditioning units, provided that heating and air conditioning units, and related equipment, shall be located within the buildable area of the lot.
 - (3) Swimming pools in compliance with section 218-13 of the UDO.
 - (4) Tennis courts and other play and outdoor recreation areas.
 - (5) Antennae and satellite dishes in compliance with section 218-13 of the UDO.
 - (6) Doghouses, runs, pens, rabbits hutches, cages and other similar structures for the housing of household pets, but not including hobby kennels or pet boarding kennels.
 - (7) Gardening and composting.
 - (8) Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts and basketball goals.
 - (9) Barns and other similar buildings that are customarily incidental to agricultural operations; maximum height of 50 feet.
 - (10) Livestock quarters and enclosures in compliance with section 218-13 of the UDO.

- (11) The number of household pets on a single lot shall be limited to five (not including litters under six months of age).
- (12) Accessory buildings in the A-R district shall not be used for storage or warehousing of bulk items, such as food, clothing, furniture, household supplies, automobile parts, building materials, landscaping supplies and other large quantities of items not listed.
- (i) All residential accessory uses and structures permitted above, except for those provided in subsection (h)(9) and (10), are permitted in the R-1, R-2, CRS, CSD, CSO, MUR, RM and WP districts provided that they comply with all stated conditions and standards of subsection (a) through (g), and meet each of the following additional standards:
- (1) The accessory structure must maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
 - (2) No accessory structure in a residential district shall be used by other than family members of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of the UDO.
 - (3) Accessory buildings in residential districts shall not be used for any type of human habitation or commercial operation whether permanent or part-time. Furthermore, accessory buildings in residential districts shall not be used for storage or warehousing of bulk items, such as food, clothing, furniture, household supplies, automobile parts, building materials, landscaping supplies and other large quantities of items not listed.
 - (4) No accessory building shall exceed a height of 35 feet.
 - (5) Accessory buildings shall be located at least 20 feet from the principal structure on a lot.
 - (6) Satellite dish antennae shall be permitted as accessory structures only in rear yards, unless it can be documented that reception is impaired by such location. In this case, an antenna would be permitted in a side yard. Satellite dish antenna larger than 18 inches shall not be located on the roof of a residential structure.
- (j) The size and number of accessory structures, excluding swimming pools, in R-1, R-2, CRS, CSD, CSO, MUR and RM districts shall comply with the following table.

Property size	Maximum Floor Area*
0 to 0.999 acres	No more than one accessory structure per lot. Shall not exceed 1,000 square feet.
1.0 to 4.999 acres	Up to two accessory structures per lot. Aggregate shall not exceed 1,200 square feet or 50% of the total floor area of the principal dwelling, whichever is less.
5.0 or more acres	Up to two accessory structures per lot. Aggregate shall not exceed the total floor area of the principal dwelling on the lot.

* Subject to the maximum percentage of impervious surface as required in section 214-1. Impervious surface area of pools and associated patios, cabanas, etc., shall be calculated as a part of the total maximum allowable impervious area.

- (k) The size and number of accessory structures, excluding swimming pools, in A-R and WP districts shall comply with the following table.

Property size	Maximum Floor Area*
1 to 4.999	Up to two accessory structures per lot. Aggregate shall not exceed total floor area of the principal dwelling on the lot, except that when accessory structures are constructed for strictly agricultural purposes, prior to the construction of a principal dwelling, the total square footage of accessory structures shall not exceed 1,600 square feet.
5 to 9.999 acres	Up to two accessory structures per lot. Aggregate shall not exceed one and a half times the size of the total floor area of the principal dwelling on the lot, except that when accessory structures are constructed for strictly agricultural purposes, prior to the construction of a principal dwelling, the total square footage of accessory structures shall not exceed 2,400 square feet. A year round, 80% visual evergreen screening from all public rights-of-way shall be provided.
10 or more acres	Up to three accessory structures per lot. Aggregate shall not exceed two times the size of the total floor area of the principal dwelling on the lot, except that when accessory structures are constructed for strictly agricultural purposes, prior to the construction of a principal dwelling, the total square footage of accessory structures shall not exceed 3,200 square feet. A year round, 80% visual evergreen screening from all public rights-of-way shall be provided.

* Subject to the maximum percentage of impervious surface as required in section 214-1. Impervious surface area of pools and associated patios, cabanas, etc., shall be calculated as a part of the total maximum allowable impervious area.

- (l) The following accessory uses and structures, including similar uses and structures, shall be permitted in the O-I, NC, MxD, C-1, C-2 or OBP districts, provided that they comply with all stated conditions and standards of subsections (c) through (g):
- (1) Free-standing parking structures with the following conditions:
 - a. Maximum height of 50 feet and no more than four stories.
 - b. When abutting any residential property line, structures shall not be located closer than ten feet to the nearest point along any required buffer as established in section 328 of the UDO.
 - (2) Heating and air conditioning units with the following conditions:
 - a. When abutting a residential district, heating and air conditioning units shall not be located within any required buffer as established in section 328 of the Rockdale County UDO.
 - b. When abutting a zoning district, other than residential district, heating and air conditioning units shall not be located closer than five feet to a side or rear lot line.

- c. Units may be installed on the roof of any structure so long as the unit does not exceed the height restriction and the units are placed so as to be hidden from a front or side view.
 - d. No ground-based heating and air conditioning unit shall exceed 35 feet in height.
- (3) Incidental storage structures.
- (4) Antennae and satellite dishes in compliance with article IV of this chapter.
- (5) Garbage dumpsters and recycling collection bins in compliance with the requirements of section 226-3 of the UDO.
- (m) The following industrial/manufacturing accessory uses and structures, including similar uses and structures, shall be permitted in the M-1 and M-2 districts, provided that they comply with all stated conditions and standards in subsection (c) through (g):
 - (1) Uses permitted in subsection (l) above.
 - (2) Caretaker dwellings in compliance with section 218-13 of this chapter.
- (n) Any owner(s) of the property for which relief is sought, or the authorized agent(s) of the owner(s) of the property, seeking to construct more than the maximum number and/or size of accessory structures allowed by this code, may apply for a dimensional variance to the board of adjustment. The procedure for applying for a dimensional variance to the board of adjustment is set forth in the UDO section 238-9. Appeals from final decisions of the board of adjustment shall be as provided in UDO section 238-13.
- (o) Truck vans, mobile homes, converted mobile homes, self-storage containers, trailers, recreational vehicles, bus bodies, vehicles, and similarly prefabricated items shall not be permitted as accessory structures on property in any zoning district.
- (p) Temporary placement of self-storage containers in non-industrial zoning districts for the limited purpose of loading and unloading shall be allowed for a period of time not to exceed 30 days in any one calendar year.
- (q) Transport containers, as defined in section 106-1, shall only be permitted as accessory structures on property in the Limited Industrial (M-1) and General Industrial (M-2) zoning districts, and are subject to the following standards:
 - (1) An accessory structure permit must be obtained prior to placement of a transport container.
 - (2) Transport containers must be accessory to the permitted use of the property and included in the calculation of overall lot coverage.
 - (3) Transport containers must meet the requirements of the International Building Code.
 - (4) Transport containers must meet outdoor screening requirements on all primary road frontages, as specified in sections 328-7 and 214-6.
 - (5) Transport containers must not occupy required off-street parking, loading, or landscaping areas.
 - (6) Materials stored in transport containers shall be subject to review and approval by the fire marshal.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, §§ 7—9, 5-22-2007; Ord. No. 0-2007-23, §§ 4—6, 10-9-2007; Ord. No. 0-2008-20, § 1, 12-23-2008; Ord. No. 0-2012-11, § 13, 11-27-2012; Ord. No. 0-2013-12, § II, 11-12-2013; Ord. No. 0-2015-08, § I, 10-13-2015; Ord. No. 0-2016-12, §§ I—IV, 9-27-2016)

Secs. 218-8—218-11. - Reserved.

ARTICLE III. - SUPPLEMENTAL USE STANDARDS

Sec. 218-12. - Purpose and intent.

- (a) The uses listed in section 218-13 are in alphabetic order. Each of these uses are indicated in the table of permitted uses as requiring supplemental use standards. The purpose of these Supplemental Use Standards is to supplement article I, permitted and special uses by providing more specific standards for certain uses listed in the table of permitted uses for which site development and design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, promote the health, safety and welfare of the community and meet the intent of the comprehensive plan.
- (b) These standards apply to specific uses in all zoning districts and shall be enforced by the department.
- (c) Where a special use permit is required in order for a use to be authorized in any zoning district, these standards shall be reviewed, considered and applied by the department, the planning commission and the board of commissioners, along with standards in subsection 238-6(m), prior to granting a special use permit for a given use.
- (d) Any use that is regulated by this article and is authorized in a zoning district shall be developed in conformity with the applicable supplemental use standards for that use provided in this article. No permit shall be issued for a use, building or structure that does not conform to applicable provisions of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-13. - Standards of use and development.

- (a) *Adult entertainment establishments.* This use is subject to all provisions of chapter 22, article V, the provisions of the Rockdale County Code of Ordinances, and all of the following:
 - (1) No adult entertainment establishment shall be located within 1,000 feet of any school, place of worship, public park, hospital, government building, library, licensed adult day center, child care learning center, group day care home, family day care home or pre-kindergarten (Pre-K), establishment licensed to sell alcoholic beverages, or property zoned for residential purposes. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed adult entertainment establishment to the nearest point on the property line of such school, place of worship, public park, hospital, government building, library, licensed adult day center, child care learning center, group day care home, family day care home or pre-kindergarten (Pre-K), establishment licensed to sell alcoholic beverages, or property zoned for residential purposes.
 - (2) No adult entertainment establishment shall be located within 1,000 feet of any other licensed adult entertainment establishment. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed adult entertainment establishment to the nearest point on the property line of any adult entertainment establishment.
 - (3) No adult entertainment establishment shall sell or dispense alcoholic beverages upon the premises of the adult entertainment establishment.
- (a1) *Adult day care center.*
 - (1) The use shall comply with all applicable State of Georgia, Department of Human Resources requirements and regulations.
- (b) *Air transportation—Airport, private.*

- (1) All such uses proposed by a public authority shall include a certified copy of the law, regulation, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
- (2) All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by agencies such as the Federal Aviation Administration and all other applicable federal, state or local statutes.
- (3) A statement shall be provided detailing noise abatement procedures, methods and devices that will be employed on the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
- (4) All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent areas, particularly with respect to noise levels.
- (5) All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.
- (6) A map shall be presented showing the landing and take-off corridors as projected, with the map to cover an area within at least a 5,000-foot radius of the boundaries of the proposed facility.
- (7) Prior to receiving zoning approval by Rockdale County at least one Public Information Meeting in Rockdale County shall be conducted by the applicant, in addition to that required in chapter 238.

(c) *Amusement arcade; amusement theme park.*

- (1) An outdoor recreation facility consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation shall be limited as follows:
 - a. Minimum lot size: Five acres.
 - b. Maximum lot size: 20 acres.
 - c. Outdoor rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, water slides or other similar commercial outdoor recreation facilities and equipment must be enclosed within an eight feet high fence with gates that are to be locked except when the facility is open to the public.
 - d. Outdoor activities are limited to the hours of 10:00 a.m. to 10:00 p.m.
 - e. A site plan shall be prepared at a scale of one inch = 50 feet to indicate access and egress, type, location and height of recreation facilities, buildings and other structures and lights, parking areas, landscaping, buffers and drainage. A site location plan at a scale of one inch = 200 feet shall illustrate surrounding property uses and the location of the nearest residence.
 - f. The site shall have at least one approved entrance to a street classified by Rockdale County as an arterial.
 - g. All outdoor equipment, rides, vehicles and structures taller than 35 feet shall be setback at least 75 feet from property lines.
 - h. Lighting must be designed to direct light downward and away from adjacent properties.
 - i. An environmental-acoustical study shall be submitted to the director for review and approval. The study shall be prepared by an acoustical engineer indicating compliance with all Rockdale County noise ordinances. It shall identify and analyze all sources of noise emanating from the site including outdoor speakers, sound effects or sound systems as well as rides, vehicles, and mechanical equipment. Noise levels shall not exceed 65 decibels, dbA measured at property lines.

- j. If any structure taller than 35 feet is proposed, the development shall prepare a view shed analysis to be reviewed and approved by the director to demonstrate that such structures will not be visible year-round from the windows or yard of any single-family residential property.
- k. A 100-foot buffer shall be maintained adjacent to all abutting residentially zoned property.

(d) *Antennae, amateur radio.*

- (1) No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.
- (2) Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by the board of adjustment subject to all of the requirements of the UDO.
- (3) Amateur radio service antennae shall be located a distance of at least one-half the height of the tower from all property lines.

(e) *Antennae, satellite.*

- (1) Satellite antennae shall be located as follows:
 - a. In any office, commercial, industrial or multifamily residential district, satellite antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.
 - b. In other districts, satellite antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.
 - c. In the event that usable satellite communication signals cannot be received by locating the antennae in the rear or to the side of the principal structure, such antennae may be placed in the front yard or on the roof of the dwelling, provided that approval of the director shall be obtained prior to such installation. The director shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
- (2) Satellite antennae shall comply with the following regulations for height, screening and grounds:
 - a. In any district other than office, commercial, industrial or multifamily residential, a satellite antenna shall not exceed 36 inches in diameter.
 - b. A ground-mounted satellite antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite antennae shall not exceed 35 feet in height.
 - c. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite antenna may be installed at a greater height, provided the greater height is approved by the director. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed 50 feet in height.
 - d. Except in office, commercial, industrial or multifamily residential districts, satellite antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
 - e. All satellite antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material and be erected in a secure, wind-resistant manner.

- f. All satellite antennae shall be adequately grounded for protection against a direct strike of lightning.

(f) *Automotive repair and maintenance, minor.*

- (1) Minor repair shall be limited to routine maintenance, alignment, installation of oil, filters, batteries, installation of tires, carburetors, fuel injection, ignition parts, brake repairs and other minor accessory parts and repair services that do not require disassembly of major vehicle components, transmission, glass, painting or body work.
- (2) All repair and maintenance activities shall be carried on entirely within an enclosed building.
- (3) There shall be no outdoor storage.
- (4) Battery exchange stations. Electric vehicle battery exchange stations shall be considered for zoning purposes the same as minor automotive repair and maintenance businesses (NAICS 8111).

Battery exchange stations shall be allowed in the same zoning districts as minor and major automotive repair and maintenance businesses as described in Section 218-1 of the Code of Rockdale County, Georgia, as amended, entitled "Table of permitted uses".

Battery exchange stations shall comply with the all the supplemental standards listed in this subsection (f).

(g) *Automotive repair and maintenance, major.*

- (1) Outdoor storage shall be in rear yard, screened by an eight-foot high fence or wall and be limited to 25 percent of parcel area.
- (2) A property that includes outdoor storage and repair shall be no closer than 200 feet from a property zoned or used residentially, measured along a straight line connecting the nearest points of the two properties in question.
- (3) There shall be no junkyards.

(g1) *Banquet hall, events center.*

- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.

(h) *Bed and breakfast inn.*

- (1) The operator of the establishment shall reside on the site.
- (2) The use requires conditional use approval by the planning commission, board of commissioners and fire marshal.
- (3) The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.
- (4) No guest shall reside in a bed and breakfast inn for a period in excess of 14 days.
- (5) One parking space shall be provided for each guest bedroom, and one space shall be provided for the operator's or owner's unit in the building.
- (6) The residential character of the neighborhood shall not be changed as a result of increased traffic in the neighborhood caused by the use.
- (7) The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
- (8) The proposed use shall maintain acceptable residential noise standards.

- (9) No restaurant use shall be permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast inn.
- (10) Rooms may not be equipped with cooking facilities.
- (11) Bed and breakfast inn uses must comply with all other applicable provisions in the UDO.
- (i) *Building material and garden equipment and supplies dealers.*
 - (1) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
 - (2) Security fencing, a minimum of six feet in height, shall be provided around the outside of all storage areas.
 - (3) All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.
- (j) *Car washes.*
 - (1) Paved stacking lanes with the capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes.
 - (2) No storage or repair of vehicles shall be allowed within the car washing facility.
 - (3) The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
 - (4) Commercial car wash water recycling requirement.
 - (a) All commercial in-bay and conveyor car washes that are constructed after July 11, 2017, must utilize a recycling system where a minimum of 50 percent of water utilized must be recycled.
 - (b) Self-service car washes are not required to install recycled water systems.
- (k) *Cellular and other wireless telecommunications.* See article IV of this chapter.
- (l) *Cemeteries.* Private and public cemeteries shall comply with all provisions of state law. In addition:
 - (1) A plat of the cemetery shall be recorded in the office of the Rockdale County Clerk of Superior Court.
 - (2) Any new private cemetery shall be located on a site containing not less than 20 acres.
 - (3) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.
 - (4) Any new cemetery shall be enclosed by a fence or wall not less than four feet in height.
 - (5) All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
 - (6) All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way lines and not less than 50 feet from any collector, arterial, expressway or freeway right-of-way line.
 - (7) The entire cemetery property shall be landscaped and maintained.
 - (8) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the department.
- (l1) *Child care learning center.*
 - (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules for Child Care Learning Centers.

(l2) *Civic and social organization.*

- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.
- (2) The accessory use shall be permitted by right in the zoning district where the organization is established. It shall be clearly subordinate to and supportive of the principal activities of the civic or social organization, and located on the same lot as the organization. The organization shall be established, registered as a non-profit with Rockdale County, and in operation prior to the occupancy of accessory uses and facilities.
- (3) The following not-for-profit uses may be permitted as accessory to a civic or social organization only upon approval of a special use permit in accordance with section 238-6, provided that they meet all regulations specific to the proposed use or facility contained in this section and each of the additional standards provided in subsections (3) and (4) of this section.
 - a. Outdoor recreation facilities 5,000 square feet or larger.
 - b. Non-profit day care center, adult or child, maintained and operated by the civic or social organization.
 1. Shall comply with section 218-13, Supplemental use standards for adult day center, child care learning center, group day care home, or pre-kindergarten (Pre-K).
 - c. Soup kitchen.
 - d. Food bank, clothes closet, and other redistribution of goods of a similar nature.
- (4) Standards for approval of special use permits for uses listed in subsection (2):
 - a. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m.
 - b. Additional parking shall be required at one space per 1,000 square feet of accessory use.
 - c. The scale, intensity and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous properties.
 - d. No signage shall be allowed to advertise accessory uses requiring a special use permit.

(m) *Colleges, universities, and professional schools.*

- (1) A DRI review application shall be completed, as required in section 238-5 of the UDO.

(n) *Compost facility.*

- (1) Composting materials shall be limited to tree stumps, branches, leaves, grass clippings or similar putrescent vegetative materials; not including manure, animal products or inorganic materials such as bottles, cans, plastics, metals or similar materials.
- (2) Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

(o) Reserved.

(p) Reserved.

(q) *Drug rehabilitation center.* If in a residential district or abutting a residential district, the following standards shall apply.

- (1) No meals or overnight accommodation shall be provided.

- (2) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
 - (3) Services shall only be provided on a temporary, "out-patient basis" during daylight hours, and consistent with subsection (1) above.
 - (4) If located within a residential district, at least 1,000 feet shall separate a drug rehabilitation center from another drug rehabilitation center, transitional housing facility, rooming and boarding house, or personal care home.
 - (5) The operator must be licensed to provide treatment and rehabilitation services for persons with drug and alcohol dependency by the State of Georgia.
 - (6) If a rezoning or special use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. § 36-66-4(f).
- (r) *Dwelling, caretaker/employee.*
- (1) The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light and traffic that are detrimental to adjacent properties.
 - (2) The size of the house can be no more than 800 square feet.
- (s) *Dwelling, multi-family.* In approving the site plan for a multifamily development, the county shall determine that the streets, driveways, parking areas and other public and private drives shown on the plan meet the following standards:
- (1) Multi-family developments with more than 50 units must have access to a collector or arterial street.
 - (2) Private streets may be permitted, provided such streets meet the standards of public streets as specified in chapter 332, article I.
 - (3) Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures and parking areas on the premises; including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service and other public and private services and individuals who would require access to the premises.
 - (4) Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than 100 feet, by the most direct pedestrian route, from a door of the dwelling unit it intends to serve.
 - (5) Multifamily developments may not abut a single-family residential zoning district on more than 75 percent of the boundary of the site.
 - (6) Not more than 50 percent of the lot area shall be occupied by buildings.
 - (7) Open space and recreation.
 - (8) Multi-family residential developments with more than 50 dwelling units shall provide a minimum of 400 feet of open space or outdoor recreation per dwelling unit.
 - (9) A residential sprinkler system for the suppression of fire shall be installed in each residential unit in all multi-family dwellings permitted in the county. No waiver or variance to this requirement shall be permitted.
- (t) *Dwelling, single-family zero lot line.*
- (1) Adjacent interior lots on the block face shall be developed as zero lot line dwellings.
 - (2) The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.
 - (3) Each lot shall meet the minimum area requirements of the zoning district.

- (4) Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
- (5) When the minimum side yard is used, a privacy fence at least six feet high is required between buildings.

(u) *Electric power generation.*

- (1) Structures shall be placed not less than 50 feet from any property line.
- (2) Structures are to be enclosed by a chain link fence at least eight feet high.
- (3) The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.

(u1) *Electric vehicle charging station.*

- (1) *Location.* Charging stations shall be located in off-street parking lots subject to Chapter 222, Off-street parking standards of the Code of Rockdale County, Georgia, as amended.
 - a. Parking spaces associated with charging stations count towards the minimum and maximum space requirements and must remain available to all vehicles for parking.
 - b. Charging stations shall be located outside of congested areas such as main access points to the roadway, and sufficient space must be provided for hoses and cords not to impede pedestrian pathways, driving lanes or adjacent parking spaces.
 - c. Charging stations may be installed in landscape areas, but shall be excluded from area calculations pursuant to section 222-9, Landscaping in parking lots and section 328-25, Requirements for other developments.
 - d. Charging stations must be protected from vehicular impact by wheel stops, curbs or bollards.
- (2) *Signage.* Each charging station space must be adequately posted, stating days and hours of operation, time limit for charging, voltage/ampereage available, charging fees and instructions for safe use. Signs shall comply with chapter 230, Sign regulations.
- (3) *Maintenance.* The name and phone number of the party responsible for maintenance of the equipment must be labeled on the stations.
- (4) *Accessibility.* At least one charging station per parking lot must meet the American Disability Act standards.

(u2) *Electric vehicle charging unit.*

- (1) *Location.* Charging units shall be installed on an interior or exterior wall of a building.
- (2) *Signage.* On properties other than single-family homes or duplexes, each charging unit must be adequately posted, stating days and hours of operation, time limit for charging, voltage/ampereage available, charging fees and instructions for safe use. Signs shall comply with chapter 230, Sign regulations.
- (3) *Maintenance.* On properties other than single-family homes or duplexes, the name and phone number of the party responsible for maintenance of the equipment must be labeled on each unit.
- (4) The installation of a charging unit providing voltage over 120V requires an electrical permit delivered by the department of planning and development.

(v) *Electric, petroleum or gas substation.*

- (1) Structures shall be placed not less than 50 feet from any property line.
- (2) Structures are to be enclosed by a chain link fence at least eight feet high.

- (3) The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.

(v1) *Family day care home.*

- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules and Regulations for Family Day Care Homes.
- (2) The use shall maintain a residential appearance compativle with the neighborhood and shall not negatively impact adjacent or nearby properties as a result of traffic, noise, light, refuse, parking or other hazard or nuisance.
- (3) No signage shall be allowed for a family day care home.

(w) *Farming, general.*

- (1) All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.
- (2) Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (3) All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(x) *Fitness and recreational sports centers.* This regulation shall apply equally to outdoor tennis courts, neighborhood recreation centers, basketball courts, ice rink, hockey rink, soccer, field hockey and football fields, baseball and softball fields, gymnasiums, spas, group exercise and fitness centers, yoga, karate and similar facilities.

If in a residential district or abutting a residential district, the following standards shall apply:

- (1) Hours of operation shall be limited to the hours of 6:00 a.m. to 11:00 p.m.
- (2) Outdoor recreation activities shall be limited to the hours of 8:30 a.m. to 10:00 p.m.
- (3) No outdoor loudspeakers or sound amplification systems shall be permitted.
- (4) No outdoor storage shall be permitted.
- (5) No building, swimming pool, tennis court, ball field or other form of outdoor recreation shall be closer than 50 feet from abutting property zoned for single-family residential use. Outdoor lights shall be no more than ten feet in height nor closer than 25 feet from a property line. Outdoor lighting fixtures shall be cut-off luminaries designed to cast light downward and away from adjacent property.
- (6) Property lines abutting property zones for single-family residential use shall provide a minimum 25 feet buffer continuous except where penetrated from driveways or utility lines that shall be located perpendicular to property lines.
- (7) Swimming pools shall meet applicable regulations contained elsewhere in this article.

(y) *Flea market.*

- (1) The market must provide adequate off-street parking for its employees, dealers and customers.
- (2) The market must provide adequate restroom facilities located within the structure or building.
- (3) A building permit shall be required for interior spaces.
- (4) For outdoor flea markets see temporary use, commercial retail.

(z) *Forestry and logging.* See also "timber harvesting" at section 328-37.

- (1) Such activities shall be conducted consistent with "Georgia's Best Management Practices for Forestry."

- (2) Forestry and logging activities taking place on commercially zoned property shall preserve undisturbed buffers as required in section 328-37.
- (3) Forestry and logging activities taking place on property that is adjacent to occupied residential property shall preserve a 50 feet undisturbed buffer.

(z1) *Fruit and vegetable market.*

- (1) Shall be located on an arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same arterial road. Fruit and vegetable markets shall be excluded from residential properties located on arterial roads that are a part of a recorded subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.
- (2) Shall be located no closer than 100 feet from a property zoned or used residentially, measured along a straight line connecting the nearest points of the properties.
- (3) Shall obtain a Food Sales Establishment License from the Georgia Department of Agriculture.

(aa) *Gasoline station and gasoline station with convenience store.*

- (1) The use shall not be established on any lot that is adjacent to any residential district.
- (2) The use shall not be within 100 feet of a residential district.
- (3) All repair and maintenance activities shall be carried on entirely within an enclosed building.
- (4) Outdoor storage is prohibited.
- (5) Only minor automotive repair and maintenance is allowed and shall be confined within the principal structure, out of public view.
- (6) The use shall have a minimum frontage on the primary street of 150 feet and shall meet the applicable minimum lot size requirement found in section 214-1.
- (7) Gas pumps, canopies, air hoses and other accessories, appurtenances and equipment shall be set back at least 25 feet from the right-of-way.
- (8) Vehicular entrances or exits:
 - a. Shall not be allowed more than one curb cut for the first 200 feet of street frontage.
 - b. Shall contain an access width along curb line of the street of not more than 35 feet, as measured parallel to the street at its narrowest point and shall not be located closer than 50 feet to a street intersection or closer than ten feet to the adjoining property.
 - c. Shall provide for adequate acceleration and deceleration lanes, if required by the Georgia Department of Transportation or Rockdale County.
- (9) All drives, parking, storage and service areas shall be paved and curbed.
- (10) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.
- (11) Overnight accommodations, showers, and overnight customer parking are prohibited.
- (12) The use shall not be combined with any other use(s) or facility so as to create a truck stop. See section 106-1.

(bb) *Greenhouse, nursery and floriculture production.*

- (1) Any structure shall be set back at least 100 feet from any residential property line.

(bb1) *Group day care home.*

- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules and Regulations for Group Day Care Homes.

(cc) *Halfway house.* Prohibited in all residential districts. If abutting a residential district, the following standards shall apply.

- (1) No more than 15 residents, not including attendants and employees of the operator.
- (2) Operator must be licensed for treatment of drug and alcohol dependency.
- (3) Parking must be provided in an enclosed garage or in the rear or side yard.
- (4) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- (5) Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection (1) above.
- (6) At least 1,000 feet shall separate the halfway house from another halfway house, transitional housing facility, rooming and boarding house, or personal care home.
- (7) If a rezoning or special use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. § 36-66-4(f).

(dd) *Home occupation.* A home occupation, as defined by the UDO shall be governed by the following requirements:

- (1) Only residents of the dwelling containing the home occupation may be engaged in the home occupation. The home occupation shall not involve group assembly or group instruction on the premises.
- (2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.
- (3) No products may be produced, stored or sold on the premises except bona fide agricultural products grown on the premises in the A-R and W-P districts and cottage foods produced on the premises in those districts indicated in the table of permitted uses, section 218-1. The following standards shall apply to all cottage food production:
 - a. The use shall comply with all of the Cottage Food Regulations, Chapter 40-7-19, of the Rules of the Georgia Department of Agriculture, Food Safety Division for standards, licensing and inspections.
 - b. Cottage food production shall be restricted to the following non-potentially hazardous foods, as defined by the Georgia Department of Agriculture:
 1. Loaf breads, rolls, and biscuits;
 2. Cakes and cupcakes (except those that require refrigeration due to cream cheese icing, fillings, or high moisture content such as tres leche);
 3. Pastries and cookies;
 4. Candies and confections;
 5. Fruit pies;
 6. Jams, jellies, and preserves (not to include fruit butters whose commercial sterility may be affected by reduced sugar/pectin levels);
 7. Dried fruits;
 8. Dry herbs, seasonings and mixtures;
 9. Cereals, trail mixes and granola;
 10. Coated or uncoated nuts;
 11. Vinegar and flavored vinegars; and

12. Popcorn, popcorn balls, and cotton candy.
 - c. The sale of cottage food products must be to the end consumer. No distribution or wholesale allowed including, but not limited to, hotels, restaurants, convenience stores, or institutions.
 - d. The cottage food operator shall provide to the department of planning and development a copy of the cottage food license issued by the Georgia Department of Agriculture, Food Safety Division, prior to obtaining a county business license.
 - e. Rockdale County reserves the right of entry to the residence during normal business hours, or at other reasonable times, for investigation of consumer complaints, a foodborne disease outbreak, or other public health emergency. Refusal to allow entry during normal business hours or at other reasonable times shall result in revocation of the business license issued by the county.
- (4) Use of the building for the purpose of a home occupation shall not exceed 25 percent of the square footage of one floor of the principal building.
 - (5) No internal or external alterations inconsistent with the residential use of the building shall be permitted. No exterior evidence of the conduct of a home occupation shall be allowed. No signage of any kind for the home occupation is allowed.
 - (6) The home occupation shall not constitute a nuisance to the neighborhood. Furthermore, except as would be caused by a typical residential use, no noise, vibration, dust, odor, smoke, glare or electric disturbance that is perceptible beyond any property line will be permitted to occur as a result of the home occupation.
 - (7) No accessory buildings or outside storage shall be used in connection with the home occupation.
 - (8) Only one vehicle shall be permitted in connection with the home occupation. That vehicle must be one that is designed and used primarily as a passenger vehicle with a carrying capacity of less than three-fourths ton.
 - (9) No earth-moving equipment or heavy construction or hauling equipment shall be allowed on the premises.
 - (10) Pursuant to the above requirements, a home occupation includes, but is not limited to, activities such as the following:
 - a. Art studio.
 - b. Dressmaking.
 - c. Teaching of any kind, provided instruction is limited to not more than two pupils at a time.
 - d. However, a home occupation shall not be interpreted to include any occupation or profession providing medical or mental health services including, but not limited to, physician, veterinarian, dentist, psychiatrist or psychologist.
 - (11) No more than one vehicle used in the home occupation may be parked on the premises overnight, and no more than one additional vehicle connected with the home occupation may be parked on the premises during the day, provided the gross vehicle weight of each such vehicle shall not exceed two tons. Material kept on such vehicles shall be enclosed or kept in the bed of the vehicle, but not stored on exposed racks on the vehicle.
- (ee) *Horse stables, riding and boarding.* See livestock quarters and enclosures for applicable regulations.
- (ff) *Hospital.*
- (1) The lot shall have access to a major thoroughfare.

- (2) Side and rear setbacks shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.
- (3) Front building setback shall be at least 50 feet.

(gg) *Hotels, motels and extended-stay hotels.*

- (1) Hotels, motels and extended-stay hotels must be constructed on a tract of land containing no less than two acres.
- (2) Hotels, motels and extended-stay hotels are limited to no more than 25 guest rooms per acre.
- (3) All guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of 700 square feet in size.
- (4) Each guest room must contain a minimum square footage per unit of 300 square feet and shall be accessed with a magnetic keycard entry/locking device.
- (5) Hotels, motels and extended-stay hotels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- (6) Daily maid service must be included in the standard room rate.
- (7) Hotels, motels and extended-stay hotels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- (8) No extended stay motel/hotel may be located within 1,000 feet of another extended stay hotel.
- (9) No guest shall register, reside in, or occupy any room or rooms within the same licensed facility for more than 60 days. Upon approval by the hotel management, a guest may be allowed to stay a maximum of 60 additional days.
- (10) Management must be on the property 24 hours a day, seven days a week.
- (11) A 75-foot natural buffer, enhanced with an additional 25-foot landscaped buffer, shall be provided adjacent to residentially zoned property.
- (12) No business license shall be issued for any business operating from any guest room of the facility.
- (13) No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
- (14) Any application for an extension or expansion of a building or other place of business where an extended-stay hotel is located shall require inspection and shall comply with the provisions and regulations of this subsection.

(gg1) *Indoor shooting range.*

- (1) Buildings containing ranges shall have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within it, or have internal baffling built so that the bullets cannot hit the walls or ceilings. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.
- (2) A system of ventilation shall be installed within the range in accordance with the standards and requirements of the Environmental Protection Agency (the "EPA").
- (3) The range shall be so constructed and insulated that the discharge of firearms within it shall not disturb persons outside the premises. The discharge of firearms shall be deemed to constitute a disturbance if the noise level exceeds fifty-five decibels (55dBA) at a distance of 50 feet or more

from the building containing the range. Sound measurements shall be made with a sound level meter.

- (4) Hearing protectors which fully cover the shooters' ears will be provided by the range and made available for all shooters or other persons in the firing area.
 - (5) There shall be a minimum of one instructor for each five firing points in use. All instructors will be required to be certified by the National Rifle Association or similar organization. The owner of the range shall require personnel, instructors and attendants to be at least 18 years of age.
 - (6) No person under the age of 18 years shall be permitted to enter a range unless accompanied by an adult.
 - (7) No weapons other than handguns or rimfire rifles with a .22 caliber or less shall be allowed on the premises. All weapons brought into the range shall be in a case designed for the weapons so that no part of the weapon will be visible. Certified law enforcement officers are exempt from the provisions of this article.
 - (8) Loaded weapons shall only be allowed in the firing area of the range and shall not be permitted in any other place inside the building or premises or within the property boundaries outside the building.
 - (9) Not more than one person shall shoot from a firing point at one time. All of the persons except instructors must stand behind the firing point. No person shall be allowed in front of a firing point at any time during operating hours except instructors and/or employees and law enforcement officers.
 - (10) An emergency system shall be installed within each range, capable of alerting the people on the range to stop firing immediately.
 - (11) It shall be unlawful for any person operating a range to permit any person or persons to bring any alcoholic beverages on the premises of any range, or to permit the consumption of alcoholic beverages on the premises or to permit alcoholic beverages to be left at any place on the premises. It shall also be unlawful for any person operating a range to permit any intoxicated person to be or remain in the premises of a range.
 - (12) It shall be unlawful for any person operating a range to permit any form of gambling or wagering.
 - (13) It shall be the responsibility of the licensee or instructor to brief patrons concerning the rules and regulations in the range before they are permitted to use the firing range. The licensee shall keep posted in a conspicuous place inside the building and outside the building a sign stating the rules and regulations of the range.
 - (14) All ranges shall be subject to all requirements of the Occupational Safety and Health Act, and the National Institute for Occupational Safety and Health.
- (hh) *Industrialized home.* All industrialized homes must comply with the following regulations for dwelling units:
- (1) At the time an application for installation of any industrialized home is presented for review, the applicant must present evidence of the following:
 - a. The serial number for the home as provided by the manufacturer.
 - b. Proof of the identity of the manufacturer.
 - c. Proof of inspection of the home at the date of manufacture, including DCA insignias.
 - (2) No industrialized home shall be in a state of disrepair at the time of its installation at the intended location within the unincorporated areas of the county. Proof of an approved department of community affairs insignia may be accepted as evidence of a new industrialized home's compliance with this subsection.

- (3) It shall be the responsibility of the director or his designee to inspect industrialized homes being placed or relocated within the unincorporated areas of the county. Public services and engineering staff shall conduct such inspections necessary to ensure the following:
 - a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all county building codes.
 - b. Each industrialized home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the state department of human resources and the county health department.
 - c. Steps and landings of the requisite size and composition per section 1113 of the Standard Building Code of the Southern Building Code Congress International (SBCCI), shall, at a minimum, be required of all industrialized homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
 - (4) All industrialized home sites shall conform to all regulations for the zoning district in that the property is located.
 - (5) No industrialized home may be attached to another industrialized home by means of a breezeway, corridor or hallway. Industrialized homes designed to be part of a multi-unit residential structure are prohibited.
 - (6) Industrialized homes are not permitted to be used as accessory structures.
- (ii) *Inter-modal terminal facility.*
- (1) All such uses proposed by a public authority shall include a certified copy of the law, UDO, resolution or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
 - (2) All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by regulating agencies and all other applicable federal, state or local statutes, UDOs, or rules or regulations.
 - (3) A statement shall be provided detailing noise abatement procedures, methods and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
 - (4) All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
 - (5) All facilities shall provide a 200-foot landscaped buffer adjacent to any residentially zoned property.
 - (6) All facilities shall complete a visibility study to ensure that no lights, structures or storage buildings are visible from existing residences.
- (jj) *Kennel, hobby.*
- (1) The lot size shall be no less than two acres.
 - (2) All structures housing animals shall be located at least 100 feet from property lines or street right-of-way.
 - (3) All areas maintaining animals outside shall be located no closer than 100 feet from property lines or street right-of-way.
- (kk) *Kennel, pet boarding.*
- (1) The lot size shall be no less than two acres.
 - (2) Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet.

- (3) All areas maintaining animals outside shall be completely enclosed by walls or fences at least six feet in height and shall be located no closer than 200 feet from property lines or street right-of-way.

(II) *Landfill, inert waste.*

(1) *Standards.*

- a. Minimum acreage of site: 25 acres.
- b. No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
- c. A minimum 100-foot-wide buffer, meeting the requirements of this chapter, shall be maintained on all property lines including property lines abutting a public street.
- d. All facilities shall be enclosed with a security fence at least six feet in height with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
- e. Access to inert waste landfills shall be limited to authorized entrances that shall be closed when the site is not in operation. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the director of public works to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
- f. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- g. A uniform compacted layer of clean earth no less than one foot in depth shall be placed overall exposed inert waste material at least monthly.
- h. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- i. The property owner shall obtain a land disturbing permit for any inert waste landfill.
- j. No hazardous wastes, industrial wastes, demolition wastes, biomedical wastes, asbestos, or liquid waste shall be allowed in an inert waste landfill.
- k. This section shall not prohibit the burial of dry waste building materials on the same property of a structure currently under construction. However, hazardous materials may not be included in this disposal.
- l. Suitable means, such as stockpiled soil, shall be provided to prevent and control fires.
- m. A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not less than one month following final placement of inert waste within the lift.
- n. Notice of final closure must be provided to the inspections department within 30 days of receiving the final load of waste. Any site not receiving waste in excess of 180 days shall be deemed abandoned and in violation of this section unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

(mm) *Landfills, sanitary (municipal).*

(1) *Standards.*

- a. Minimum acreage of site: 100 acres.
- b. No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.

- c. A minimum 200-foot-wide buffer, meeting the requirements of this chapter, shall be maintained against all property lines including property lines abutting a public street.
- d. All facilities shall be enclosed with a security fence at least six feet high with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside the buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
- e. *Limited access.* A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the director of public works to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
- f. The property owner shall obtain a land disturbing permit for any sanitary landfill.
- g. *Groundwater protection.* The site must be designed with adequate soil buffers or artificial lines and leachate collection and treatment systems to preclude, to the maximum extent possible, the contamination of drinking water supplies.
- h. *Erosion and sedimentation control.* All surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25-year, 24-hour storm and the sediment loading from the drainage basin for the life of the site.
- i. *Revegetation.* The plan must call for the revegetation of any disturbed area that will remain exposed for more than three months. Revegetation of final cover must take place within two weeks after final cover placement.
- j. *Sequence of filling.* The plan must define a sequence of filling the entire site that minimizes any problems with drainage or provides for all-weather access roads to the working area.
- k. *Daily cover.* The composition of daily cover shall meet the following standards:
 - 1. Must be capable of preventing disease vectors, odors, blowing litter, and other nuisances.
 - 2. Must be capable of covering solid waste after it is placed without change in its properties and without regard to weather.
 - 3. Must be capable of allowing loaded vehicles to successfully maneuver over it after placement.
 - 4. Must be noncombustible.
 - 5. Forty percent by weight of the fragments in the daily cover shall pass through a two millimeter, No. 10 sieve.
 - 6. Must not include rock fragments that are greater than six inches in diameter.
- l. *Intermediate or monthly cover.* The composition of intermediate or monthly cover shall meet the same criteria for daily cover and be capable of supporting the germination and propagation of vegetative cover.
- m. *Final cover.* The composition of final cover shall meet the same criteria as for monthly cover and must compact well and preclude the excessive infiltration of surface water.
- n. *Final grading.* The grade of final slopes shall be designed, installed and maintained to:
 - 1. Ensure permanent slope stability.
 - 2. Control erosion due to rapid water velocity and other factors.

3. Allow compaction, seeding and revegetation of cover material placed on slopes.
 4. Ensure minimal percolation of precipitation into and surface runoff onto the disposal area.
 5. The grade of the final surface of the facility may not be less than three percent nor greater than 33 percent.
- o. Fire protection, groundwater monitoring, methane gas control, liners and leachate collection, closure, post-closure care and financial responsibility shall be in conformance with chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
- (2) Any operator of any sanitary landfill shall comply with the performance requirements of chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources
 - (3) No regulated quantities of hazardous waste may be accepted. The operation must have a plan for excluding regulated quantities of hazardous waste.
 - (4) No person in responsible charge of a sanitary landfill which has a leachate collection system shall perform the duties of a sanitary landfill operator without being duly certified by the state.
 - (5) No sanitary landfill which has a leachate collection system shall be operated in the state unless the person in responsible charge is duly certified by the state.
- (nn) *Libraries and archives.* When located in residential districts, such uses shall:
- (1) Be located on a collector or arterial street.
 - (2) Provide a 50 feet buffer adjacent to residential zoning.
 - (3) Set back driveways and parking areas a minimum of 25 feet from side and rear property lines.
- (oo) *Livestock quarters and enclosures (includes poultry).* The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the R-1 (Single Family Residential) zoning district, the A-R (Agricultural-Residential) zoning district, and the W-P (Watershed Protection) zoning district, subject to the following standards:
- (1) In the R-1 zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum of three acres outside the boundaries of any recorded subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.
 - (2) In the R-1 zoning district, the maximum number of livestock shall be limited to two adult hooved animals per three acres.
 - (3) In the A-R zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum lot size of three acres.
 - (4) In the A-R zoning district, the maximum number of livestock shall be equal to two adult hooved animals per acre.
 - (5) In the W-P zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum lot size of three acres.
 - (6) In the W-P zoning district, the maximum number of livestock shall be limited to two adult hooved animals per three acres.
 - (7) In the R-1 zoning district, the A-R zoning district, and the W-P zoning district, any structure, pen, corral or other building appurtenant to the keeping and raising of livestock or poultry must be located a minimum of 200 feet from any property line or state water as defined in O.C.G.A. 12-7-3.

- (8) In the W-P zoning district, a fence shall be erected a minimum of 150 feet from any state water, as defined in O.C.G.A. 12-7-3, so as to prevent livestock from entry into any state water.
- (9) The keeping and raising of all farm animals and fowl shall be subject to all regulations promulgated by the Rockdale County Health Department.
- (pp) *Manufactured home.* All manufactured homes must comply with the following regulations for dwelling units:
 - (1) A scaled site plan prepared by a state-certified surveyor, landscape architect or engineer shall be required with all applications for a building permit to install a manufactured home in the unincorporated areas of the county.
 - (2) At the time an application for installation of any class of manufactured home in the unincorporated area of the county is presented for review, the applicant must present evidence of the following:
 - a. The serial number for the home as provided by the manufacturer.
 - b. Proof of the identity of the manufacturer.
 - c. Proof of inspection of the home at the date of manufacture, including HUD insignias.
 - (3) No class B manufactured home may be brought in and placed within the unincorporated areas of Rockdale County except in an existing manufactured home park.
 - (4) No class C manufactured homes shall be brought into and placed within the unincorporated areas of the county.
 - (5) No manufactured home shall be in a state of disrepair at the time of its installation at the intended location within the unincorporated areas of the county. Proof of an approved housing and urban development insignia may be accepted as evidence of a new manufactured home's compliance with this subsection. The state of repair of a manufactured home which has previously been utilized as a residential dwelling shall be determined based on the home's compliance with the following provisions:
 - a. *Sanitary facilities.* Every manufactured home shall contain not less than a kitchen sink, a lavatory sink, a tub or shower, and a toilet all in working condition when properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be in a sanitary working condition free from leaks and obstructions.
 - b. *Hot and cold water supply.* Every kitchen sink, lavatory sink, and tub or shower in a manufactured home must be connected to a supply of both hot and cold water.
 - c. *Water heating facilities.* Every manufactured home shall have water-heating facilities in safe working condition.
 - d. *Heating facilities.* Every manufactured home shall have heating facilities in safe working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby heating appliances may be connected.
 - 1. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per hour per cubic foot of room content.
 - 2. Unvented fuel burning heaters shall be prohibited in bedrooms.
 - e. *Smoke detector.* Every manufactured home shall be provided with a smoke detector approved by the state that is installed in accordance with the manufacturer's recommendations.
 - f. *Windows.* Every habitable room excluding bathrooms, kitchens, and hallways shall have at least one window that can be opened, facing directly to the outdoors. All window panes shall be intact and free of cracks or other structural flaws.

- g. *Ventilation.* Every habitable room shall have at least one window or skylight which can be opened, or such other device that will ventilate the room.
 - h. *Electrical.*
 - 1. *Distribution panels.* Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
 - 2. *Electrical system.* The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed and wired and in working condition. The manufactured home may be subjected to an electrical continuity test to assure that all metallic parts are properly bonded.
 - i. *Exterior walls.* The exterior of the manufactured home shall be free of loose or rotting boards or timbers and any other condition that might admit rain or moisture to the interior portions of the walls or to the occupied spaces of the manufactured home.
 - j. *Exterior siding.* The exterior siding of the manufactured home shall be free of rot and rust and must be uniform in appearance.
 - k. *Roofs.* Roofs shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.
 - l. *Interior floors, walls and ceiling.* Every floor, interior wall and ceiling shall be kept in sound condition to prevent the admittance of rain or moisture.
- (6) For manufactured homes that are to be relocated in the unincorporated area of the county from a site outside of the unincorporated area of the county, an inspection for compliance with each of the applicable requirements set forth in subsections (5)a through (5)l of this section shall be conducted prior to the home being brought into the county. Noncompliance with any of the provisions of this subsection shall cause a manufactured home previously used as a residential dwelling to be in a state of disrepair for purposes of this section. The installation of such home shall not be permitted absent correction of the defect by the applicant and approval by the director
- (7) It shall be the responsibility of the director to inspect manufactured homes being placed or relocated within the unincorporated areas of the county. Public services and engineering staff shall conduct such inspections necessary to ensure the following:
- a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all county building codes.
 - b. Each manufactured home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the state department of human resources and the county health department.
 - c. All manufactured homes must be installed in accordance with O.C.G.A. §§ 8-2-160 through 8-2-168. All manufactured homes with the exception of those located in existing manufactured home parks shall be placed on a permanent foundation, either slab or piers on poured concrete footings, in accordance with the manufacturer's permanent installation instructions. If the manufacturer's instructions are no longer available, the rules and regulations of the safety division of the state department of insurance (chapter 120-3-7, as amended) shall be followed regarding installation.
 - d. Steps and landings of the requisite size and composition per section 1113 of the Standard Building Code of the Southern Building Code Congress International (SBCCI), shall, at a minimum, be required of all manufactured homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
- (8) All manufactured home sites shall conform to all regulations for the zoning district in which the property is located.

- (9) No manufactured home may be attached to another manufactured home by means of a breezeway, corridor or hallway.
- (10) Manufactured homes are not permitted to be used as accessory structures.
- (11) The following language shall appear on the face of all permit applications for manufactured homes:

"The applicant is advised that the use(s) and/or structure(s) associated with this application may be restricted or prohibited by private covenants or other private legal restrictions and/or agreements applicable to the property which is the subject of the application. Investigation and compliance with any such private covenants and restrictions is solely the responsibility of the applicant. Issuance by Rockdale County of any permit pursuant to this application has no effect or impact upon, and does not certify the compliance or noncompliance of, such private covenants and restrictions."

- (12) The following provisions shall apply to all nonconforming manufactured homes:

- a. Any nonconforming manufactured home that is moved shall not be relocated within the county nor replaced by another manufactured home except in conformity with the provisions of this Code.
- b. Any nonconforming manufactured home that is destroyed to the extent of more than 50 percent of the total square footage of the preexisting structure shall not be rebuilt or replaced with a manufactured home unless such manufactured home is a class A manufactured home as currently defined, or a class B manufactured home if such nonconforming home was located in an existing manufactured home park.
- c. A nonconforming manufactured home shall not be enlarged or expanded in size, nor shall any additions or structural alterations or changes in foundation be made thereto, unless the nonconforming home is made to conform to the provisions of this Code, or the enlargement or expansion is for the purpose of more closely complying with the requirements applicable to manufactured homes. Variances may not be granted to enlarge or expand a nonconforming manufactured home.
- d. Whenever the use of a nonconforming manufactured home has been discontinued for a period of one year, it shall not thereafter be used and all future use shall be in conformity with the provisions of this Code.
- e. Nothing in this section shall be construed or interpreted to prevent the normal maintenance and repair of any manufactured home.
- f. All manufactured homes existing and installed in the county prior to the adoption of the ordinance from which this section is derived that do not conform to the current provisions applicable to such homes shall be authorized as legally nonconforming.

(qq) *Massage establishment.* Establishments that perform massage therapy must meet the standards of chapter 22, article III.

(rr) *Mineral extraction; river and stream sand.*

- (1) *Standards.*

- a. Adequate land is to be available for tailing ponds, located out of the floodplain.
- b. A hydrological and geological analysis and drainage plan of the proposed operation shall be submitted to and approved by the director of the department of public services and engineering with the applicable requirements of a land disturbing permit. The plan shall conform to the requirements of a land disturbing plan and include:
 - 1. Plans for the property after the operation has ceased.
 - 2. Revegetation plans.

3. Maintenance of the site during the operation.
 4. Return water turbidity levels.
 5. Any other information required by the director.
- (2) Extraction along Big Haynes Creek shall be limited to the two existing mill ponds located on Big Haynes Creek.
 - (3) Stabilization of the stream and river banks is to be ensured by a 50-foot setback from the banks for all equipment.
 - (4) The use shall not be established within 1,000 feet of a residence or within 500 feet of any property line without the express written consent of the adjoining property owner directly affected.
 - (5) The use shall have direct access to a state highway with any access road having six inches graded, aggregate base.
 - (6) This use shall conform to all state and federal laws.
 - (7) All permits will expire on the one-year anniversary of the issuance unless renewed as complying with the terms of this section.
 - (8) All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted and such notice filed with the proper county authority.
- (ss) A minimum of 500 feet sight distance shall be required at the junction of access road and the state highway. Acceleration and deceleration lanes shall be required and approved by the director of public services and engineering.
- (1) Establish working hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday, to reduce the nuisance produced by the operation.
- (tt) *Mineral extraction/rock for production and processing of crushed stone.*
- (1) *Standards.*
 - a. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted and such notice filed with the proper county authority.
 - b. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number filed with the director of the department of public services and engineering.
 - c. A blasting limit of two inches per second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.
 - d. An air blast limit of 90 decibels (linear-peak) measured at the property line of adjacent residentially used properties shall not be exceeded.
 - e. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts (including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions) shall be retained by the operator for a period of not less than two years. Copies of all blast records shall be forwarded to the director of the department of public services and engineering within five days following each blast. All non-instrumental blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of Interior, Bureau of Mines Bulletin 656 entitled, "Blasting Vibrations and Their Effects on Structures."
 - f. Millisecond-delay blasting shall be used to decrease the vibration level from blasting.

- g. Blasting shall coincide with the period between 8:00 a.m. and 5:30 p.m. except when on-site hazards to safety dictate otherwise.
- h. The blasting and extraction shall not be established within 500 feet of any property line.
- i. These uses shall only be established on a site of not less than 200 acres.

(uu) *Mini-warehouses and self-storage units.*

- (1) A 75-foot wide buffer shall be required abutting residential property.
- (2) Buildings shall have a pitched roof with pitch of at least 4:12.
- (3) No sale of merchandise or flea markets shall be conducted on the property.
- (4) Access shall be only to streets classified as arterials by Rockdale County.
- (5) No outdoor storage is permitted.
- (6) No outdoor speakers or amplification shall be permitted.
- (7) Outdoor lighting shall be directed downward and away from adjacent property.

(vv) *Motor vehicle sales.*

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 25 feet from the right-of-way and no closer than 100 feet from the nearest residence.
- (3) Reserved.
- (4) Other vehicle display shall be located within a building or outside storage that is screened from public view.
- (5) Vehicle maintenance, repair, painting and body work must take place within a building.

(uu1) *Mobile food vendor.*

- (1) Permittees selling ice cream from a motor vehicle and mobile food vendors shall be subject to this section.
- (2) Standards specific to selling ice cream from a motor vehicle.
 - a. Permittees selling ice cream from a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vehicle stops, all sound equipment or other devices used to notify customers of the presence of the permittee shall be stopped and shall not resume until the vehicle is again put in motion.
 - b. No permittees selling ice cream from a motor vehicle using sound equipment or other methods of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily.
 - c. No permittees selling ice cream from a motor vehicle shall stop or stand and do business for more than 30 minutes at the same location.
- (3) Standards specific to mobile food vendors.
 - a. No mobile food vendor shall conduct business on public streets or in the public right-of-way except as part of a county-sponsored or approved special event permit.
 - b. Mobile food vendor operations shall be limited to the parking areas of privately owned, non-residential property, except that mobile food vendors may be allowed on privately owned residential property in conjunction with a small private gathering or non-profit event which will make no use of public property, including streets, other than lawful parking.

- c. Any and all drivers of a mobile food vending vehicle must possess a valid Georgia driver's license.
- d. All mobile food vendors shall maintain proof of a \$1,000,000.00 liability insurance policy, issued by an insurance company licensed to do business in the State of Georgia, protecting the mobile food vendor, the public, and Rockdale County from all claims of damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name Rockdale County as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the county.
- e. Prior to issuance of the required permit under this article, any person or entity operating as a mobile food vendor shall execute an indemnity agreement indemnifying and releasing Rockdale County, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.
- f. Prior to the issuance of the required permit under this article, mobile food vendors shall submit the written, notarized consent of the private property owner upon whose lot it is requesting to operate, a valid food service permit obtained from the Rockdale County Environmental Health Department, proof of liability insurance, the indemnity agreement releasing Rockdale County, and a valid Georgia driver's license to the Department of Planning & Development. The mobile food vendor permit, written consent of the property owner, food service permit, and Georgia driver's license must be readily available for inspection within the vehicle at all times during hours of operation.
- g. No mobile food vendor shall be located within 150 linear feet of the property line of a lot containing a single-family home or townhouse without a special event permit, or within 150 linear feet of an entrance to a restaurant. Additionally, no mobile food vendor shall be located within 15 linear feet of any street intersection, pedestrian crosswalk, driveway, fire hydrant, alleys, handicapped parking spaces, or building entrances. Mobile food vendors shall not be located within 100 feet of gas pumps, underground gas storage tanks, and vent pipes.
- h. Mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. daily and shall not be left unattended, parked, or stored on a vending site during the restricted hours of operation or while not actively vending. All mobile food vending vehicles must return to their base of operations when not in use.
- i. Except as may be allowed during a county-sponsored event or approved special event, no more than two mobile food vendors may operate on a single property at any one time.
- j. No external speakers, sound equipment or other devices shall be used to play music or omit noises for the purpose of advertising the mobile food vendor's location while vending.
- k. No flashing, blinking, or strobe lights shall be used on or within a mobile food vendor vehicle.
- l. No mobile food vendor shall be permitted to have or operate as a vehicular drive-through facility or drive-up window.
- m. All mobile food vending vehicles shall be equipped with a reverse gear signal alarm that is distinguishable from the surrounding noise level and rear-vision mirrors, firmly attached, on each side of the vehicle.
- n. Free-standing signs or signage that projects from the body of the mobile food vending vehicle shall be prohibited. No sign used on a mobile food vendor vehicle shall be illuminated, flash, or produce motion.
- o. Mobile food vendors shall conduct business only when positioned on hard-surfaced, designated parking areas and shall not block driveway entrances, parking lot aisles, access to loading areas, or emergency access or fire lanes.

- p. At no time shall the operation of a mobile food vendor reduce the number of parking spaces available on a property below the minimum required.
- q. Each mobile food vendor shall provide at least one trash receptacle for its patrons that is regularly emptied and shall remove all such waste materials before departing from the site. Such waste materials shall be disposed of at the mobile food vendor's base of operations. The mobile food vendor shall be responsible for maintaining the area around their vehicle clear of trash and debris at all times.
- r. The dumping of gray water, grease, or other waste liquids on public or private property or into storm drains shall be prohibited.

(ww) *Open yard storage business.*

- (1) *Intent.* The intent of this supplemental regulation is to protect residential property values and to ensure that the community's children will not be visually attracted to or have easy access to potentially dangerous accumulations of materials stored out of doors by businesses regulated under this article.
- (2) *Site development standards.* No person shall engage in or operate an open yard storage business in the unincorporated areas of the county unless that business is in compliance with the following:
 - a. Each business shall establish and maintain a transitional buffer around the property upon which the storage area is located, measured from the right-of-way of the nearest public road to the fence, or the property line of any other real property adjoining the property upon which the business is located, whichever is closest. Said transitional buffer shall be at least:
 - 1. 30 feet in depth for all storage areas under three acres in size.
 - 2. 50 feet in depth for all storage areas from three acres to ten acres in size; or for any portion of the open yard storage business adjacent to a stream or lake.
 - 3. 100 feet in depth for all storage areas over ten acres in size.
- (3) No storage or vehicle parking shall be allowed in any transitional buffer, provided entrance roadways shall be allowed in any transitional buffer.
- (4) Each such business shall establish and maintain a fence on the inner boundary line of the transitional buffer for that business.
- (5) Any fence required in this article shall be a substantial and solid wooden, rock, brick or masonry fence or wall of at least six feet in height approved by the director. Said fence shall have openings only for gates at entrance roadways. Each such gate shall be designed and constructed of materials compatible with the fence to which it is attached and shall be capable of being securely locked. All gates shall be approved by the director for those purposes.
- (6) The transitional buffer shall be undisturbed except for entrance roadways, which roadways shall run generally perpendicular to the buffer zone boundaries. No road shall be built in the transitional buffer to provide access to the perimeter of the property.

(xx) *Outdoor recreation facility.*

- (1) Side and rear property lines shall include a 50 feet landscaped buffer that shall be continuous except for penetrations necessary to allow driveways and/or utility lines that are placed perpendicular to property lines.
- (2) Any commercial recreation or entertainment facility that includes amusement rides, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, fully enclosed buildings shall meet requirements of amusement arcades.
- (3) External lighting shall consist of cut-off type fixtures designed to cast light downward and away from adjacent properties.

(yy) *Outdoor storage.*

- (1) Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
- (2) Use shall be screened by a solid fence or wall at least eight feet high or as required to screen view from adjacent property and public streets.
- (3) The setback distance shall be landscaped to provide a year-round vegetative screen.
- (4) Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
- (5) Notwithstanding the foregoing, in the MxD and NC districts, up to 50 percent of the required front yard may be used for outdoor table service and temporary display of merchandise or items designed for exterior exposure or display. Outdoor display and seating areas shall be set back at least ten feet behind the right-of-way, shall not obstruct sidewalks and shall not be left out overnight.

(zz) *Passenger car rental.*

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 50 feet from the right of way line and no closer than 100 feet from the nearest residence.
- (3) Vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.
- (4) Vehicle repair, painting and body work may not be conducted on the premises.

(zz1) *Pawnshop and/or pawnbroker.*

- (1) All persons before beginning the business of operating a pawnshop or similar place for the purpose of pledging, trading, pawning, exchanging or selling property shall first file an application with a separate processing fee to cover the expense of an investigation and processing the application, which fee shall not be refundable. The application shall include verification from the Rockdale County Planning and Development Department that the proposed premises complies with all zoning and planning requirements. If more than one location is proposed, a separate application must be filed for each location and a separate license must be issued.
- (2) Every person engaged as a pawnshop operator or pawnbroker within the county shall secure from every person from whom he/she receives any used or previously owned tangible personal property, whether by purchase or through pledge, trade, pawn or exchange; the following:
 - a. Government-issued photo identification card, such as a driver's license, military identification card, state identification card, or passport;
 - b. The name, address, telephone number, race, sex, height, weight, date of birth, and social security number or driver's license number;
 - c. A digital photograph clearly showing a frontal view of the subject's face (digital images shall be labeled with the date and time of the transaction and stored in such a manner that they are safe from corruption);
 - d. The fingerprint of the right hand index finger, unless such finger is missing, in which event the print of the next finger available on the right hand shall be obtained with a notation of the exact finger printed; and
 - e. Written description of property or item received, and digital photograph of property or item, labeled with date and time of transaction.
- (3) All pawnshops and pawnbrokers shall maintain the required information in subsection (2) above, including digital photographs and fingerprints, for a period of three years and make the same available to law enforcement personnel upon request.

- (4) No pawnshop or pawnbroker shall receive, pawn, trade, or buy from a minor goods of any character or description. A minor, for the purposes of this section, is an individual 17 years of age or under.
 - (5) This section shall not be construed to prevent sponsorships, contributions, scholarships, or the purchase of items of de minimis cost for the purpose of contributing to nonprofit organizations, charitable organizations, churches or school systems.
 - (6) Every pawnshop and pawnbroker within Rockdale County shall make correct and truthful entries of information as required by the ordinance from which this subsection derives as soon after the transaction as possible and in no event more than one hour after the applicable time set for closing of the business. The daily electronic reporting shall be by an electronic reporting system required by the sheriff. Every pawnshop shall enter each transaction as it occurs into the electronic reporting system via the Internet to the administrator of the electronic reporting system. In the event that the electronic reporting system becomes temporarily or permanently disabled, businesses will be notified as soon as possible by the sheriff's office. In this event, the businesses will be required to make records of transactions in paper form as prescribed by the sheriff's office. Such paper forms must include all information required under the ordinance from which this subsection derives related to the business. Businesses shall be responsible for maintaining an adequate inventory of these forms.
 - (7) All pawnshops shall comply with all applicable state regulations including those set forth in Title 44 of the Official Code of Georgia Annotated.
 - (8) Any person who willfully and intentionally fails to obtain the information and maintain the records, digital photographs and fingerprints, or to file the daily reports required by this chapter shall, be guilty of an offense and punished by a fine not to exceed \$1,000.00, incarceration not to exceed six months, or both.
- (zz2) *Parking lots and garages—Commercial vehicles.*
- (1) *Truck stop* is strictly prohibited.
- (aaa) *Performing arts theater, concert hall, convention center, auditorium.*
- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.
 - (2) All structures shall be located and all activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.
- (bbb) *Personal care home, congregate, family, or group.*
- (1) The home shall maintain a residential appearance compatible with the neighborhood.
 - (2) The home shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in "Rules and Regulations for Personal Care Homes," Chapter 290-5-35.
 - (3) To prevent a negative institutional atmosphere created by the concentration or clustering of several community residences, no more than one personal care home shall be located on each block, and two or more personal care homes shall not be located on the same street on opposing sides of the same block.
- (ccc) *Place of worship.*
- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road. Places of worship shall be excluded from residential properties located on collector or arterial roads and that are part of a recorded subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.

- (2) A place of worship shall register yearly with the department of planning and development prior to establishment in Rockdale County. An annual administrative fee shall be paid to the department of planning and development as set forth by the board of commissioners.
- (3) A place of worship located in a residentially zoned district shall establish a 50-foot, undisturbed and supplemental planted buffer against all adjoining residentially zoned properties.
- (4) A place of worship signage in nonresidential zoning districts shall be limited to what is permitted in the sign table in chapter 230. In residential zoning districts, signage shall not exceed 32 square feet in area for each panel of a double-sided sign and shall be attached to a permanent wall or pilaster constructed of brick, stone, wood or textured concrete masonry units not to exceed eight feet in height. In all zoning districts the sign shall be setback at least ten feet from the right-of-way and 15 feet from an intersection right-of-way. External, downward illumination is allowed. No more than 30 percent of the sign area may be composed of a reader board. Electronic reader boards shall be permitted only on properties abutting arterial or collector roads, as defined by the Rockdale County Department of Transportation. No signage shall be permitted for accessory uses.
- (5) Accessory uses and facilities. The place of worship shall be established and occupied prior to the occupancy of accessory uses. No signage shall be permitted for accessory uses. All accessory uses and facilities require separate permitting by the department. Accessory uses and facilities shall be clearly subordinate to the place of worship and intended primarily to be used by members of the place of worship.
 - a. Not-for-profit accessory uses and facilities that are customarily associated with a place of worship are permitted by right such as a chapel, administrative offices, not-for-profit religious bookstore, religious educational facilities for worshippers (i.e., class rooms for religious education), fellowship hall and related kitchen and dining area, ornamental gardens, or outdoor recreational facilities occupying a total of less than 5,000 square feet.
 - b. Not-for-profit uses and facilities requiring a special use permit. The following additional, not-for-profit uses may be permitted as accessory to a place of worship only upon approval of a special use permit in accordance with section 238-6, and provided that they meet all regulations specific to the proposed use or facility contained in this section and each of the additional standards provided in subsection (6) of this section.
 - a. Outdoor recreation facilities 5,000 square feet or larger.
 - b. Indoor recreation facilities, such as gymnasiums.
 - c. Cemetery or mausoleum.
 1. Shall comply with section 218-13, Supplemental use standards for cemeteries.
 - d. Non-profit adult day center, child care learning center, group day care home, or pre-kindergarten (Pre-K) owned, maintained and operated by the place of worship primarily for the use of facility members.
 1. Shall comply with section 218-13, Supplemental use standards for adult day center, child care learning center, group day care home, or pre-kindergarten (Pre-K).
 - e. Private school (K-12), owned, maintained and operated by the place of worship primarily for the use of facility members.
 1. Shall comply with section 218-13, Supplemental use standards for School K-12, private.
 - f. One dwelling for an employee/caretaker of the place of worship in residential zoning districts.
- (6) Standards for approval of special use permits for additional uses listed in subsection (5):
 - a. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m.

- b. Additional parking shall be required at one space per 1,000 square feet of accessory use.
 - c. The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous properties.
 - d. No signage shall be allowed to advertise accessory uses requiring a special use permit.
- (7) For-profit retail and wholesale sales and commercial services shall be prohibited from operating in a place of worship.
- (8) Monastery or convent.
- a. When in a residential district, any building or structure established in connection with these uses shall be set back not less than 75 feet from any property line, except where this property line is a street right-of-way line, in which case the front yard setback established for the district shall apply.
 - b. This site shall contain at least ten acres and have frontage on a collector or arterial street of at least 100 feet.
 - c. No parking area shall be established within 25 feet of all property lines in non-residential zoning districts.
 - d. Retail sales of books, gifts and products shall be permitted on-site as an accessory use to a convent or monastery provided at least 25 percent of the gross sales of all items sold result from items produced wholly on-site at the convent or monastery by the residents thereof.

For the purpose of this section, the term "convent" shall be defined as the building or buildings occupied by a community of nuns bound by vows to a religious life under a superior, and a "monastery" shall be defined as a dwelling place of a community of persons under religious vows, particularly monks.

(ccc1) *Pre-kindergarten (Pre-K).*

- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, requirements and regulations for operating a Georgia's Pre-K Program, pursuant to the current School Year Pre-K Providers' Operating Guidelines.

(ddd) *Processing plant and manufacturing facility for hazardous materials.*

- (1) Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter that causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.
- (2) The applicant shall be responsible for identifying all applicable federal and state regulations and permitting requirements and shall provide evidence of compliance.
- (3) Such uses shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

(eee) *Quarry.*

- (1) Quarry areas being excavated shall be entirely enclosed within a fence located at least ten feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.
- (2) The operators and owners of the quarry shall present to the board an acceptable comprehensive plan for the reuse of the property at the cessation of operations.
- (3) In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of the UDO shall be permitted and shall not be considered a new operation, provided that the extension does not extend to within 1,000

feet of a residential or commercial zoning district boundary line, measured along a straight line connecting the nearest points of the subject district boundaries.

(fff) *Recovered materials processing facility (recycling center).*

- (1) Activities shall be limited to collection, sorting, compacting, and shipping.
- (2) Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of 3:1 and/or a minimum six feet high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- (3) The facility shall not be located adjacent to or across the street from any property used or zoned for residential use.
- (4) Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.
- (5) Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.
- (6) No outdoor storage of non-containerized materials shall be allowed.

(ggg) *Recreation center and club, private.*

- (1) Buildings, courts, pools and other structures shall be set back not less than 25 feet from any property line, except when such property line abuts a street right of way. In such case, the front setback of the district shall apply.
- (2) Swimming pools shall comply with the standards established in this article.
- (3) Outdoor activity shall cease by 10:00 p.m.

(hhh) *Recreational and vacation camps, rv parks, and campgrounds.*

- (1) Only accessory services and parking related exclusively to the recreational operations shall be allowed.
- (2) Total floor area of all buildings shall be a minimum of 2,000 square feet. The building(s) shall be located at least 100 feet from all residentially zoned property.
- (3) The site shall be at least 20 acres in size.
- (4) All outdoor activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.
- (5) Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances.
- (6) No outdoor storage shall be allowed.
- (7) No outdoor public address system shall be allowed
- (8) Outdoor recreation activity adjacent to residentially zoned property shall cease before 8:00 p.m.

(iii) *Residential mental health and substance abuse facility.*

(jjj) *Rooming and boarding house.* If in a residential district or abutting a residential district, the following standards shall apply:

- (1) No more than six occupants, not including owner and owner's family if residing on the premises.
- (2) Parking must be provided in an enclosed garage or in the rear or side yard.

- (3) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- (4) If meals are served on the premises, meals may only be served to residents and owner's family members if present.
- (5) At least 1,000 feet shall separate a rooming and boarding house from another rooming and boarding house, transitional housing facility or personal care home.

(kkk) *Salvage operation, junkyard, recyclable material wholesalers.*

- (1) The property shall contain a minimum of five acres.
- (2) Outdoor storage is to be located no closer than 300 feet to a property zoned for residential use, O-I, CID, OBP, NC, C-1, C-2, or MXD, measured along a straight line connecting the nearest points on the property lines of the two subject properties.
- (3) Outdoor storage is to be completely enclosed with a solid fence of not less than eight feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to screen effectively all storage and other operations from view.
- (4) Outdoor storage is to be located no closer than 100 feet from the right-of-way of any major arterial roadway.
- (5) Outdoor storage yard shall have a maximum slope of five percent.

(III) *School K—12, private.*

(1) *Minimum lot size.*

- a. Elementary school: Five acres, plus one additional acre for each 100 students based on the design capacity of the school.
- b. Middle school: 12 acres plus one additional acre for each 100 students based on the design capacity of the school.
- c. High school: 20 acres, plus one additional acre for each 100 students based on the design capacity of the school.

(2) *Private school in residential zoning district.* When located in a residential zoning district, the following additional standards shall apply:

- a. A 50-foot buffer adjacent to residential zoning is required.
- b. Driveways and parking areas must set back 25 feet from side property lines.
- c. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties.
- d. *Accessory uses and facilities.* In addition to the accessory uses and facilities that are permitted in section 218-7 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities occupying less than 10,000 square feet. No signage shall be allowed for accessory uses.

(3) The following additional uses may be permitted as accessory to the private school only upon approval of a special use permit in accordance with section 238-6, and provided that they meet all regulations specific to the proposed use or facility contained in this section 218-13, and that they meet each of the additional standards provided in subsection (III)(4):

- a. Outdoor recreation facilities 10,000 square feet or larger.
- b. Indoor recreation facilities such as gymnasiums, health, and fitness facilities.

- c. Recreation center and club.
 - d. Health and social services; including counseling, outpatient clinics, and the like.
 - e. One dwelling for an employee of the private school.
- (4) Standards for approval of special use permits for additional uses listed in subsection (III)(3):
- a. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m., unless a temporary use permit is obtained from the director.
 - b. The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties.
 - c. No signage shall be allowed for any accessory or special use.
- (5) Retail and commercial sales uses shall be prohibited in a residential zoning district.
- (mmm) *School, private residential.* A private school or similar institution may include residential facilities and accessory kitchen, dining, and recreational facilities, provided it is granted a conditional use permit and meets the following standards:
- (1) The site contains at least ten acres.
 - (2) Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.
 - (3) Residential facilities, dormitories, kitchens, and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of the UDO and the applicable county and state public health and building codes.
 - (4) No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
 - (5) Provide a 50-foot undisturbed buffer adjacent to residential zoning districts.
 - (6) Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- (nnn) *Solid waste transfer station/materials recovery facilities.*
- (1) A survey, demonstrating compliance with all standards in this section and sealed by registered surveyor, and site plan are required.
 - (2) Minimum acreage of site: Five acres.
 - (3) Maximum acreage of site: Ten acres.
 - (4) The property shall be located at least 500 feet, measured from nearest property line to nearest property line, from residential zoning districts, nonconforming residential dwellings in nonresidential zoning districts, private or public wells, lakes, medical facilities, childcare facilities, schools or churches.
 - (5) A minimum 100-foot-wide landscaped buffer, to include evergreen species and meeting all other requirements of this chapter, with access only allowed in the buffer, shall be maintained along all property lines including property lines abutting a public street.
 - (6) All facilities shall be enclosed with a solid security fence at least eight feet in height parallel to all property lines and placed on the interior side of the required landscape buffer. A sight line study shall be submitted to county staff for approval.
 - (7) Processing, equipment, materials and waste shall be strictly confined to the interior of the transfer station building.

- (8) Solid waste shall not be allowed to be stored on the tipping floor in the transfer station building overnight. Vehicles containing waste materials shall not be allowed to remain on-site overnight.
- (9) All runoff from wash water and stormwater shall be discharged to an on-site wastewater treatment system approved by the county. All paved areas shall drain into the on-site wastewater treatment system.
- (10) Solid residues from sewerage or other materials treatment processes shall be excluded from transfer station facilities.
- (11) Dust, odors and similar conditions, rodents, insects, and other such pests shall be controlled in accordance with federal, state and county health codes. All necessary action shall be taken to mitigate such conditions at transfer station facilities. These conditions shall not be detectable at the boundary of the property without the aid of instruments.
- (12) All parking and queuing of vehicles shall be paved and provided on-site. In addition to the parking requirements of this chapter, a minimum of five spaces for queuing of vehicles containing waste materials shall be provided. No parking or queuing shall be allowed in any buffer area or on a public street.
- (13) Vehicular access shall not be through any residential subdivision or development. Routes and entrances shall be approved by the director of the department of public services and engineering to ensure that access is derived from paved streets, that such streets will withstand anticipated maximum load limits, and that all safety issues are satisfactorily addressed.
- (14) All vehicles containing waste materials shall enter and leave the facility in a covered condition as required in subsection m above.
- (15) Establish operating hours of 5:00 a.m. to 4:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday, to reduce the nuisance produced by the operation.
- (16) The operation of transfer station facilities will comply with any and all current and updated applicable federal, state and local laws regarding the processing and disposal of solid waste.
- (17) All permits are required to be in force and active from the state environmental protection division prior to permitting of the facility. Permit or certificate of approval from the state environmental protection division is to be provided to the department of public services and engineering on an annual basis at the time of business licensing renewal.

(ooo) *Sports teams and clubs.*

- (1) All athletic fields shall have access to collector or arterial street.
- (2) No amplified outdoor sound system speaker may be located closer than 200 feet from the nearest residence, measured along a straight line connecting the source with the nearest point of the nearest residential structure.

(ppp) *Storage tank, bulk, flammable liquids.*

- (1) No above-ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.
- (2) No tank or other structure used for storage of flammable or toxic liquids shall be closer than 100 feet from a property line.
- (3) A fire prevention, evacuation and safety plan must be approved by the Rockdale County Fire Department.
- (4) A spill containment and noise and air pollution abatement plan must be approved by the department.

(qqq) *Storm shelter.* Storm shelters are permissible as accessory uses and structures, where permitted, subject to the following conditions:

- (1) If any portion of the structure extends above the ground, that portion above the ground must comply with the minimum setback and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the director.
 - (2) If the structure is completely underground, it shall comply with yard requirements of an accessory use, and the impervious surface limits or building coverage limits in chapter 206 shall not apply to an underground storm shelter which has no impervious surface extending closer than two feet below natural grade.
 - (3) A storm shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.
 - (4) Storm shelters may be contained in other structures or may be constructed separately.
- (rrr) *Swimming pool, home.* Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of four feet with a gate containing a self-closing positive latch device to insure that the pool is enclosed at all times. Health department approval shall be required prior to issuance of a building permit. The fence and gate shall be installed prior to filling the pool with water.
- (sss) *Swimming pool, nonresidential.* Any constructed or prefabricated pool used other than in conjunction with a private residence requires health department approval. Public pools shall be enclosed by a fence of a minimum height of four feet with all gates containing a self-closing positive latch device to insure the pool is enclosed at all times.
- (ttt) *Temporary building.*
- (1) A temporary building shall be any small building, not to exceed the size of a large house trailer (20 feet by 50 feet), or any portable, movable or mobile building or trailer, which is placed on a construction site within the unincorporated areas of the county; or any building as used for a sales office for real estate brokers and agents properly authorized to do business within the county; or any building as used as an office for the contractor who is properly authorized to do business within the county; or any other properly licensed agents within the county.
 - (2) A temporary building may be located on a particular site during the construction of houses, factories, stores and the like as provided in this section:
 - a. A permit for the construction or location of a temporary building to be used as a real estate sales office or construction office may be issued by the department only after verification of proper zoning and approval of the construction site plans.
 - b. The permit, when issued, shall expire one year from the date of issuance or immediately upon the completion of the construction concerned or if a subdivision, when the last house is sold, if before the one-year limit.
 - c. An extension may be granted to the holder of a permit by the board of commissioners upon request, and may be granted for any length of time so approved, not to exceed a period of six months; and the fee may be prorated on a per-month basis if so deemed by the board of commissioners.
 - d. Cost of the permit shall be as established by the board of commissioners.
 - e. Any violation of this section shall constitute grounds for the refusal of the county to issue any building permit requested by the violator.
- (uuu) *Temporary use, commercial retail.* Commercial structures of a seasonal or temporary nature including, but not limited to food stands, vendors or similar uses are permitted only in those commercial districts allowing similar uses on a permanent basis. Such structures shall meet appropriate county building codes, and if connected to utility systems, shall obtain necessary permits. A commercial retail temporary use shall require a permit issued by the department for a duration not to exceed 90 days with a single three-day extension if approved by the director.
- (vvv) *Townhouse.* No more than six or fewer than three continuous townhouses shall be connected in a row within the same building.

(www) *Transitional housing facility.* If in an RM district abutting a residential district or authorized by special use permit for a place of worship in a residential district, the following standards shall apply.

- (1) No more than six residents, not including owner and owner's family if residing on the premises.
- (2) Parking must be provided in an enclosed garage or in the rear or side yard.
- (3) The outer appearance of the building shall be compatible in height, style, front setback, roof type, fenestration and floor area with buildings on the same block.
- (4) If meals are served on the premises, meals may only be served to residents and owner's family members, if present.
- (5) Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection (1) of this subsection.
- (6) At least 1,000 feet shall separate a transitional housing facility from another transitional housing facility, rooming and boarding house or personal care home.

(xxx) *Timber harvesting.* See section 328-37.

(yyy) *Utility structures and buildings.* Utility structures and buildings, including electric power generating units and natural gas substations, telephone exchanges, and similar structures must be fenced and properly screened with a six-foot high planted buffer as approved by the department.

(zzz) *Veterinary services.*

- (1) Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least 50 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
- (2) Medical treatment or care shall be practiced only within an enclosed building or structure.
- (3) Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed building or structure located at least 100 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
- (4) The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.

(aaaa) *Wood product manufacturing (including sawmills and planing mills).*

- (1) The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from any right-of-way line.
- (2) The saw mill must be at least 500 feet from the nearest residential use on an adjacent property, measured along a straight line connecting the nearest points of the subject properties.
- (3) A portable sawmill may be permitted for up to six months if used solely to process timber removed from the parcel on which it is located.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, §§ 10, 11, 5-22-2007; Ord. No. 0-2007-23, § 7, 10-9-2007; Ord. No. 0-2007-14, §§ 6, 7, 7-24-2007; Ord. No. 2008-11, § 6, 9-23-2008; Ord. No. 0-2010-09, § 3, 5-25-2010; Ord. No. 0-2012-11, § 14, 11-27-2012; Ord. No. 0-2012-19, §§ III, IV, 12-11-2012; Ord. No. 0-2013-03, §§ IV—VII, 4-23-2013; Ord. No. 0-2013-10, § II, 11-12-2013; Ord. No. 0-2013-13, § 3, 11-12-2013; Ord. No. 0-2014-13, §§ 3, 5—7, 12-9-2014; Ord. No. 0-2015-02, §§ II, III, 2-10-2015; Ord. No. 0-2015-07, §§ VIII—XI, 10-13-2015; Ord. No. 0-2015-13, § VII, 12-8-2015; Ord. No. 0-2017-01, § II, 2-14-2017; Ord. No. 0-2017-17, § III, 7-18-2017; Ord. No. 0-2017-18, § II, 7-18-2017; Ord. No. 0-2017-22, § II, 9-19-2017; Ord. No. 0-2017-24, § II, 9-19-2017)

Secs. 218-14—218-19. - Reserved.

ARTICLE IV. - TELECOMMUNICATION FACILITIES

Sec. 218-20. - General.

- (a) *Title.* This article shall be known and may be referred to as the "Rockdale County Telecommunications Ordinance."
- (b) *Authority.* This article is enacted pursuant to Rockdale County's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3, as well as the general police powers of Rockdale County and other authority provided by federal, state and local laws applicable hereto.
- (c) *Findings, purpose, and intent.* Rockdale County finds that the number, height, design, characteristics and location of telecommunications towers and antennas in the county directly affect the public health, safety and general welfare. The county finds that such structures have substantially increased in number in the county, and are likely to continue to do so in the future. The county further finds that such structures, when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public, and substantially detract from the beauty and appearance of the county. The county finds that there is substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of the following regulations. These regulations are designed and intended to balance the interests of residents of Rockdale County, telecommunication providers and telecommunication customers in the siting of telecommunication facilities in Rockdale County so as to protect the public health, safety and welfare and the integrity and character of residential neighborhoods and to foster, through appropriate land use controls, a competitive environment for telecommunication carriers without prohibiting the provision of personal wireless services or unreasonably discriminating among providers of functionally equivalent personal wireless services. The purpose and intent of the governing authority of Rockdale County in enacting this article are as follows:
 - (1) Avoid locating telecommunication facilities in residential areas whenever possible.
 - (2) Encourage the location of towers in appropriate nonresidential areas.
 - (3) Protect Rockdale County's built and natural environment by promoting compatible location and design standards for telecommunication facilities.
 - (4) Encourage placement of telecommunication facilities in areas where the adverse impact on the community is minimal.
 - (5) Maximize the co-location of services on new and existing towers so as to minimize the need for new towers and reduce the total number of towers.
 - (6) Encourage use of alternate telecommunication technologies as a primary option rather than construction of additional single-use towers.
 - (7) Minimize adverse visual effects of telecommunication facilities through careful design, siting, screening, and utilization of innovative technology.
 - (8) Avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of telecommunication structures, and other requirements.
 - (9) Ensure compliance with applicable federal statutes and regulations, including the Telecommunications Act of 1996, as amended.
 - (10) Lessen traffic impacts on surrounding residential areas.

(11) Further the implementation of the county's comprehensive plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-21. - Scope of regulations.

- (a) *Compliance required.* Except as specified in this subsection, it shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any telecommunications tower or antenna or cause the same to be done within Rockdale County except in accordance with the provisions of this article IV. Except as otherwise specifically provided herein, all towers and antennas shall also comply with all development regulations applicable to the district in which said tower or antenna is located.
- (b) *Height limitations.* Height limitations applicable to buildings and structures set forth elsewhere in chapter 214 of the UDO shall not apply to towers and antennas which are subject to this section.
- (c) *Public property.* Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority in accordance with the governing authority's telecommunications leasing policy.
- (d) *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued and lawfully continues in effect prior to the effective date of this article shall not be required to meet the requirements of this ordinance, other than the requirements of subsections 218-23(b) through (f) inclusive.
- (e) *Amateur radio equipment.* This article shall not govern receiving or transmitting equipment owned and operated by a federally licensed amateur radio station operator provided that the total height of the antenna and its associated tower or other supporting device shall not exceed 100 feet. Additional height may be authorized by the board of adjustment in compliance with chapter 238 of the Rockdale County UDO.
- (f) *Receive-only equipment.* This article shall not govern "receive-only" antennas or satellite dishes provided the total height of the antenna or dish and its associated tower or other supporting device shall not exceed 100 feet. Additional height may be authorized by the board of adjustment in compliance with chapter 238 of the Rockdale County UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-22. - Application requirements and standards.

- (a) All telecommunication antennas and towers shall require a permit issued pursuant to the requirements of this article. Prior to review and decision regarding a requested permit, a complete application shall be filed with the department of public services and engineering. Said application shall provide all of the following information and documentation and meet each of the standards set forth below. No application shall be deemed complete and filed until all of the following information has been provided.
- (b) A survey drawing or plat of the entire tract, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site, and including a metes and bounds legal description of the entire tract.
- (c) A site plan, prepared and sealed by an appropriate licensed professional, to scale, specifying the location and all dimensions of the telecommunications facilities, as well as all other improvements, height of facilities, topography using two-foot contours, setbacks, transmission building and/or other accessory uses, access, drives, parking, fences, landscape plan, and all land uses within 500 feet of the exterior boundary of the leased area or proposed tower site.

- (d) Scaled elevations showing the impact of the proposed telecommunications facility. If the proposal is for a tower, the applicant shall also arrange a balloon test with department of public services and engineering staff, to be conducted at a date and time coordinated by staff, physically demonstrating the actual height and location of the proposed tower.
- (e) A full description, including photographic exhibits, of the environment surrounding the proposed telecommunications facility, including all residential structures and zoning districts within 500 feet of the exterior boundary of the leased area or proposed telecommunications facility site, existing tree coverage and general topography within said distance, and any districts, structures or sites of historic significance.
- (f) A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.
- (g) A report from a qualified engineer licensed in the State of Georgia, documenting each of the following:
 - (1) Telecommunications facility height and design, including technical, engineering, economic, and all other pertinent factors governing selection of the proposed design and demonstrating that the proposed facility would provide the required coverage or capacity;
 - (2) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated;
 - (3) Evidence of structural integrity of the telecommunications facility; and
 - (4) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.
- (h) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, facsimile number, electronic mail address and pager number.
- (i) Identification of the geographic service area to be served by the subject installation, including accurately scaled color radio frequency (RF) plotted maps showing the applicant's existing network including the proposed site as well as the nearest or associated telecommunications facility site within the network, proposed coverage, and the existing network overlaid with plots of all potential co-location sites and containing sufficient engineering data to show that said sites would not be feasible to fill significant, required service gaps.
- (j) A site inventory and five-year facilities plan including the following:
 - (1) An inventory of all the applicant's existing and proposed telecommunications facility sites within Rockdale County and within one-half mile of the border thereof, and a map showing each of these sites. If no such sites are located within one-half mile of the border, the applicant's inventory shall include the applicant's nearest facility in each adjoining jurisdiction. The list must include (1) street address, land lot, section, district, and parcel number; (2) zoning district; (3) type of building or structure and number of stories or height; (4) the number of towers, antennas and base transceiver stations per site, the location and type of antenna installation, and the location of the base transceiver station installation(s); (5) the telecommunications facility height and (6) the radio frequency range of megahertz, the wattage output of the equipment and effective radiated power.
 - (2) If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
- (k) Applicants for towers must identify all existing towers, and major structures potentially capable of supporting telecommunication equipment, and all towers for which there are applications currently on

file with the department of public services and engineering which are located within the applicant's search area. This shall include a description of the distance and location of all such tower and structure sites, both within and outside the applicant's network. Evidence shall be submitted which demonstrates that no existing or pending tower or major structure can accommodate the applicant's proposed antenna and shall consist of analysis of the following:

- (1) No such towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - (2) Such towers or structures are not of sufficient telecommunications facility height to meet applicant's engineering requirements and cannot be adequately modified;
 - (3) Such towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and can not be adequately modified;
 - (4) Such towers, structures and existing tower sites lack space to locate the proposed antenna or to construct a tower for the proposed antenna;
 - (5) The applicant's proposed antenna would cause electromagnetic interference with the antenna on such towers or structures, or the antenna on such towers or structures would cause interference with the applicant's proposed antenna; and
 - (6) The applicant demonstrates that there are other factors that render such towers and structures unusable.
 - (7) If the evidence demonstrates co-location is feasible and if co-location on any such towers or structure would result in less visual impact than the visual impact of the proposed tower, applicant shall justify why such co-location is not being proposed. If co-location on any such tower or structure would increase negative visual impact, then the applicant must so state and demonstrate. Requests by the applicant to co-locate on existing towers and structures shall be in writing and said written requests as well as written denials of same are required and shall be included in the application materials. The county will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The county shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site and on the surrounding area.
- (l) If the proposed site is zoned A-R, R-1, R-2, CRS, CSD, MUR, RM, MxD or W-P, applicants for towers shall provide evidence as to why alternate sites in the CID, NC, C-I, C-2, O-I, OBP, M-1 or M-2 zoning districts have not been proposed. If requests by the applicant to utilize said alternate sites have been denied, said denials shall be in writing and included in the application materials. The county will review with special care justifications that rely upon undue expense and/or difficulties in entering into a lease agreement. The county shall carefully weigh such claims, and the evidence presented in favor of them, against a tower's negative impacts at the proposed site and on the surrounding area.
- (m) In all zoning districts, applicants shall provide evidence demonstrating that they cannot provide adequate personal wireless communication service consistent with the requirements of their federal license without the use of a telecommunications facility at the specific location requested.
- (n) The applicant for a tower shall provide evidence establishing that the proposed tower constitutes the least intrusive means necessary to close significant service gaps or otherwise provide coverage mandated by the terms of their federal license. Statements shall be provided demonstrating that all alternatives have been investigated by the applicant, including alternative tower design, alternative technology, multiple smaller sized, less-intrusive towers, alternative locations, co-location opportunities for placement upon existing structures or buildings, and similar alternatives.
- (o) The applicant shall provide any other evidence necessary to establish compliance with each of the criteria set forth in this article IV.
- (p) The applicant shall provide any other information requested by the department needed to fully evaluate the potential impact of the proposed facility in accordance with the criteria set forth in this article IV.

- (q) In order to cover the actual cost to Rockdale County of reviewing these applications and obtaining expert opinion and studies, the following fees are hereby established. For those telecommunications facility applications requiring administrative approval, a fee of \$500.00 shall be paid at the time of application. For telecommunication facility applications requiring a special use permit, a fee of \$1,000.00 shall be paid at the time of application. If the actual cost to Rockdale County is greater than this fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the board. In no case shall the maximum total charge exceed \$3,000.00.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-23. - Requirements for all telecommunications facilities.

The following requirements shall apply to all telecommunications facilities:

- (a) *Multiple uses.* The presence of existing uses or structures on the same lot shall not preclude the installation of an antenna or tower on such lot provided said installation is otherwise in accordance with this article IV. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- (b) *Building codes and safety standards.* To ensure the structural integrity of telecommunications facilities, the owner of such a facility shall ensure that it is maintained in compliance with standards contained in applicable Rockdale County and state building and safety codes for telecommunications facilities, as amended from time to time. Towers shall be located in a manner such that all ice-fall or debris from the tower or alternative tower structure or guy wires will not fall outside the parcel under the ownership or control of the applicant and on which the tower is located.
- (c) *Regulatory compliance.* All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, to the extent required by any such regulations, then the owners of the telecommunications facilities governed by this article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
- (d) *Security.* All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device(s) to prevent unauthorized access to the telecommunications facility. All towers shall be enclosed by security fencing not less than six feet in height.
- (e) *Lighting.* No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. If lighting is required, it shall be to the minimum applicable standard and shall be shielded and/or designed so as to minimize disturbance to surrounding areas.
- (f) *Advertising.* No signs shall be permitted on telecommunications facilities unless required to be posted by the FCC or FAA. Antennas added to existing structures containing signs shall not be construed as violations of this provision.
- (g) *Visual impact.*
 - (1) Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

- (2) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (3) Where feasible, telecommunications facilities should be placed directly above, below or incorporated into horizontal or vertical design elements of a building to help in camouflaging.
 - (4) The design of the buildings and related structures at a telecommunications facility site shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunication facilities to the existing natural setting and built environment.
 - (5) Equipment shelters or cabinets shall be either below grade or screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
- (h) *Landscaping.*
- (1) Landscaping shall be provided that effectively screens the view of the equipment shelters or cabinets from adjacent uses to a planted height of at least six feet and in a manner that effectively reduces visual obtrusiveness of the site. The standard buffer shall consist of a landscape strip at least ten feet wide outside the required fence. All landscaping shall be reviewed and approved by the county arborist for compliance with all county landscaping and tree regulations prior to the issuance of any certificate of occupancy (CO). If there is no county arborist, then the director shall designate the appropriate person to review said regulations. All landscaping shall be maintained for the duration of the facility.
 - (2) Existing trees and vegetation on the site shall be preserved to the greatest extent possible. The applicant shall provide a landscaping plan showing existing trees and vegetation to be removed, and vegetation to be replanted to replace that lost, in order to meet the requirements of this section.
 - (3) In locations where the strict application of this landscaping requirement would not result in the minimization of visual impact, as determined by the department, the department may modify or waive this requirement in a manner that is at least equally protective of the visual impact of the tower on adjacent and surrounding properties.
- (i) *Accessory uses.* Accessory structures used in direct support of a telecommunications facility shall be allowed but not used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.
- (j) *Set backs.* Telecommunications towers and antennas shall be set back a distance equal to the total height of the tower from any adjacent property line and all public rights-of-way, measured radially from the base of the tower. In addition, all telecommunication facilities, including towers, guy wires and accessory facilities, shall meet the set back and other development standards specified for the applicable zoning district.
- (k) *Site integration.* Site location and development shall preserve the preexisting character of the surrounding buildings and land uses. Towers and alternative tower structures shall be integrated through location and design to blend in with existing characteristics of the site.
- (l) *Multiple towers.* Placement of more than one tower on a lot shall be permitted, provided all set back, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails. The clustering of new towers on the same parcel near existing telecommunications facilities is encouraged in situations in which the other requirements of this article IV are met.

- (m) *Historic areas.* Telecommunications facilities shall not be sited where they will negatively affect historic properties or scenic view corridors identified by the governing authority or any state or federal law or agency.
- (n) *Co-location design.* Any tower proposed for a height of between 80 and 100 feet shall be designed and intended to accommodate two users. Any tower proposed at a height greater than 100 feet and up to 150 feet shall be designed and intended to accommodate at least three users. Any tower proposed for a height of over 150 feet shall be designed and intended to accommodate at least four users.
- (o) *Removal requirements.* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment.
- (p) *Conditions.* In granting administrative or special use permit authorization pursuant to this article IV, conditions may be imposed to minimize or ameliorate any negative impacts or effects of the proposed telecommunications facility on adjacent properties.
- (q) *Annual reports.* The owners of all telecommunications facilities operated within Rockdale County shall file an annual report with the Rockdale County Tax Assessor's Office. Said report shall be filed on or before the 31st day of December each year, and shall include the following:
 - (1) Certification that the telecommunications facility is currently in use, and if not in use, the date the telecommunications facility ceased being in use.
 - (2) A report from a licensed professional engineer or other qualified industry expert that the facility structure meets or exceeds all relevant federal or state requirements.
 - (3) A report by a radio frequency engineer or other appropriate industry expert that the facility is in compliance with current FCC radio emission standards as well as the terms of their federal license.
 - (4) An updated, current inventory of the owner's existing telecommunication facility sites within Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-24. - District regulations.

Telecommunications facilities shall be specifically permitted only by administrative approval or by special use permit approval as follows. In addition to the following requirements, all such uses shall comply with the application standards and requirements of section 218-22 and the general standards and requirements of section 218-23 as well as all other applicable county ordinances.

- (a) *Uses permitted administratively.* The following telecommunication facilities may be approved administratively by the director following administrative review.
 - (1) In commercial zoning districts C-1 and C-2, locating a tower up to a telecommunications facility height of 35 feet, or 50 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennas and supporting equipment used in connection with the tower or antennas.
 - (2) In industrial zoning districts M-1 and M-2, locating a tower up to a telecommunications facility height of 50 feet, or 100 feet if designed and intended to accommodate at least two users, including the placement of accompanying antennae and supporting equipment used in connection with the tower or antenna.
 - (3) Installing an antenna, including microcells and similar arrays, on an existing structure other than a tower, such as a non-residential building, sign, light pole, water tower, or other free-standing non-residential structure, in any district zoned C-1, C-2, O-I, OBP, M-1 or M-

2 so long as said additional antenna adds no more than 20 feet to the telecommunication facility height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: ten feet high antenna and supporting structures requires a ten-foot setback from edge of roof) shall be maintained unless an alternative placement: (i) is shown to reduce the visual impact from surrounding areas; or (ii) is necessary to achieve the antenna's telecommunication purpose and is shown to equal or reduce the visual impact from surrounding areas.

- (4) Alterations to existing telecommunications towers, alternative tower structure, or antennas, including addition of additional antennas, provided that such alteration does not result in an increase in the existing telecommunications tower or antenna height by more than 20 feet. The director may relax or eliminate the application requirements set forth in section 218-22 for alteration applications if the director determines that said application requirements are not necessary to effectively evaluate the alteration application.
 - (5) Administrative approval for subsection (a)(1) through (4) above shall be granted only upon a finding by the director that (a) compliance with sections 218-22 and 218-23 and all other requirements of county codes, has been fully established; and (b) the proposal is compatible with the land uses surrounding the site and will not create a demonstrated negative impact to any residential areas from which said proposal can be viewed.
- (b) *Uses permitted by special use permit.* A special use permit shall be required for all telecommunications facilities not authorized administratively in subsection (a) above. Said telecommunication facilities may be erected, installed, constructed, enlarged, moved, or converted only following approval of a special use permit by the board subject to the following regulations:
- (1) *Compliance with section 238-6.* The granting of a special use permit for a telecommunications tower or antenna shall be subject to all provisions of section 238-6 of the Rockdale County UDO except:
 - a. Notwithstanding the provisions of section 238-6, special use permits for telecommunication towers and antennas shall not expire, but shall continue indefinitely or for such time as is established by the board in a particular case.
 - b. The procedures referenced in section 238-6 shall be modified so as to allow an additional 30-day time period following receipt of a complete application and prior to the 60-day submission for advertisement, so as to allow additional time to secure independent analysis of submitted data and adequately review all application materials.
 - (2) *Compliance with other standards.* All proposed telecommunication facilities shall comply with the application standards and requirements of section 218-22 and the general standards and requirements of section 218-23 as well as all other applicable county ordinances.
 - (3) *Residential districts not favored.* No tower permit shall be granted for any site zoned A-R, R-1, R-2, CRS, CSD, MUR, RM, MxD or W-P unless the evidence establishes that it is not possible to locate said tower in a non-residential district and close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.
 - (4) *Co-location.* No tower permit shall be granted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna.
 - (5) *Least intrusive means required.* No tower permit shall be granted unless the evidence establishes that the proposed tower's location and design constitute the least intrusive means necessary to close significant service gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunications license.

- (c) *Factors considered in granting special use permits.* In addition to requiring compliance with subsection (b)(1) through (5) above, the governing authority shall consider the following factors in determining whether to issue a special use permit, as well as those factors set forth in section 238-6 of the Rockdale County UDO. No special use permit shall be granted unless the governing authority determines that the proposed telecommunications facility is compatible with the surrounding land uses as determined by application of the following factors to the specific application:
- (1) The proposed telecommunications facility height and the height of adjacent or nearby structures and/or tree coverage.
 - (2) Proximity of the telecommunications facility to residential structures and residential district boundaries and the degree of visual intrusiveness of the proposed tower or facility from said residential areas.
 - (3) Nature of uses of adjacent and nearby properties.
 - (4) Surrounding topography, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
 - (5) Surrounding tree coverage and foliage, particularly with regard to the ability to screen or fail to screen proposed telecommunications facilities.
 - (6) Design of the telecommunications facility, with particular reference to design characteristics and/or alternative tower structures that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Proposed ingress and egress.
 - (8) The extent to which compliance with subsections 218-22(k) and 218-22(l) has been demonstrated for the particular location selected by the applicant.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 12, 5-22-2007)

Sec. 218-25. - Decisions.

All final decisions made pursuant to this chapter with regard to the issuance or denial of special use permits or administratively approved permits for telecommunications towers and antennas shall be in writing and a written record shall be maintained by the director of the department or by the commissioners as applicable. Such decisions shall be made within a reasonable time from the date completed application is duly filed with the department.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 218-26. - Conflicts.

If any conflicts occur between the terms of this article and the terms of any other section or ordinance of the Rockdale County Code, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this article IV shall prevail.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Chapter 222 - OFF-STREET PARKING STANDARDS

Sec. 222-1. - General requirements.

- (a) *Applicability.* Automobile parking space shall be provided for every permitted and conditional use established in accordance with this UDO.
- (b) *Time of completion.* Parking and loading areas shall be completed, landscaped and ready for use prior to the issuance of a certificate of occupancy.
- (c) *Application for additions and renovations.*
 - (1) Additions or renovations to a building or use, other than an addition to an existing residential dwelling unit that does not increase the number of families or household units, that increases its gross floor area by 500 or more square feet shall provide additional parking and loading space commensurate with the addition.
 - (2) When an addition or renovation of an existing building or use increases the gross floor space of a building or use by more than 50 percent, the entire building or use shall meet parking and loading requirements of this UDO, unless an administrative variance is granted in accordance with chapter 238.
 - (3) No addition to an existing building shall reduce the number of spaces or usability of an existing parking or loading area unless it conforms to this UDO.
- (e) *Prohibited uses.*
 - (1) No parking areas may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless permitted by the zoning district in which the area is located.
 - (2) Inoperable vehicles may not be parked in required parking spaces or in any side or front yard, and shall be completely screened from view from all surrounding public streets by a fence or wall as provided in section 328-7.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-2. - Parking space requirements.

- (a) *Minimum parking space requirements.* The minimum number of parking spaces shall be determined from the table of minimum parking requirements, unless the development qualifies for a reduction in minimum parking requirements as provided in section 222-3.
- (b) *Maximum parking requirements.*
 - (1) Maximum parking requirements are established in order to promote efficient use of land, enhance urban form, encourage alternate modes of transportation, provide for better pedestrian movement, reduce the amount of impervious surface and protect air and water quality.
 - (2) The maximum number of parking spaces allowed is 125 percent of the number shown in the table of minimum parking requirements in this section 222-2.
 - (3) For any surface parking lot that provides more than the minimum required number of spaces, the number of parking spaces that are in excess of the minimum shall be placed on pervious paving surfaces approved by the director. Recommended pervious paving materials include those described in Volume 2 - Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.

Table of Minimum Parking Requirements

Use	Minimum Number of	Required for Each:
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	Parking Spaces:	
Residential		
Single-Family Detached Dwelling	2	Dwelling Unit
Two-Family Dwelling (Duplex)	2	Dwelling Unit
Multi-Family Dwelling	1.5	Dwelling Unit
Home for the Elderly, Personal Care Home, Nursing Care Facility	1	3 residents or beds
Bed and Breakfast Inn, Rooming and Boarding House	1	Room to be rented
Hotel and Motel: (a) Hotel or Motel with a restaurant or lounge (b) Hotel or Motel with no restaurant	1.51 1	Room Room
Commercial		
Professional Offices, Real Estate Agent and Brokerage Offices	3	1,000 sq. ft. of GFA1
Commercial Banking, Credit Unions	4.5	1,000 sq. ft. of GFA
Offices of Physicians and Dentists	4.5	1,000 sq. ft. of GFA
Funeral Home and Funeral Services	25	Viewing Room
Day Care Center (Child or Adult)	1 1	1,000 sq. ft. of GFA Employee
Motion Picture Theater	1	3 Seats
Convenience Store, Gasoline Station, Automobile Repair and Maintenance	2 4	Service bay, plus 1,000 sq. ft. of retail space

Motor Vehicle Sales and Recreational Vehicle Dealers, and Manufactured Home Dealers	2 1 3	1,000 sq. ft. of indoor sales area, plus 2,500 sq. ft. of outdoor display, plus Service bay
Full-Service Restaurant	16	1,000 sq. ft. of GFA
Limited Service Restaurant (incl. Fast Food) (a) with drive-through window (b) no drive-through window	14 16	1,000 sq. ft. of GFA
Bowling Center	4	Lane
Amusement Arcade or Recreation Center	5	1,000 sq. ft. of GFA
Fitness and Recreational Sports Center	4	1,000 sq. ft. of GFA
Shopping Center	4.5	1,000 sq. ft. of total GLA
Food and Beverage Store or Grocery Store	4	1,000 sq. ft. of GFA
Furniture and Home Furnishing, Electronics and Appliance, Household Appliance, or Floor Covering Store	1.5	1,000 sq. ft. of GFA
Building Material and Garden Equipment and Supplies Dealers, Hardware Store, Home Center	4 1	1,000 sq. ft. of indoor sales area, plus 2,500 sq. ft. of outdoor display
Other Retail Sales, General Merchandise Stores, or Service Establishments	4.5	1,000 sq. ft. of GFA
Industrial and Manufacturing		
Wholesale Trade	1 1	200 sq. ft. of office space, plus 1,000 sq. ft. of storage area
General Warehousing and Storage	1	2,000 sq. ft. of GFA
General Warehousing and Storage, including commercial sales to the public	1 1	1,000 sq. ft. of storage area 200 sq. ft. of sales or office, plus

Manufacturing	2	1,000 sq. ft. of GFA
Institutional and Other		
General Medical and Surgical Hospital	2.5	Bed
Places of Worship, Performing Arts, Spectator Sports, and Related Activities; including Amphitheaters, Stadiums, Concert Halls, and Other Places of Public Assembly	1 1	4 seats, or 100 sq. ft. in the largest assembly room
Colleges, Universities, and Professional Schools	8	Classroom, but not less than 1 space per 100 sq. ft. of seating in the stadium, gym or largest public assembly room, whichever is greater.
Technical and Trade Schools	8	Classroom, but not less than 1 space per 100 sq. ft. of seating in the stadium, gym or largest public assembly room, whichever is greater.
Senior High Schools	5 1	Classroom, plus Teacher or administrator but not less than 1 space per 100 sq. ft. of seating in the stadium, gym or largest public assembly room, whichever is greater.
Elementary, Middle & Jr. High Schools	2	Classroom
Library, Museum and Archives	2	1,000 sq. ft. of GFA
Civic or Social Organizations	1	200 sq. ft. of GFA

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-3. - Reduction in minimum parking requirements.

- (a) Shared parking may be permitted by the director if the applicant satisfactorily demonstrates that the actual peak parking requirements of the proposed development or use can be satisfied with a lesser

number of parking spaces through sharing adjacent parking for two or more proximate uses because peak demand periods for proposed land uses do not occur at the same time periods.

- (b) Developers requesting reductions based on shared parking shall submit the following to the director for review at the time of submitting a preliminary plat or site development plan for the project:
- (1) Site plan indicating the location of uses proposing to share parking requirements and design of shared parking facilities.
 - (2) Names and addresses of the owner(s) and uses that share parking.
 - (3) Location and number of parking shared spaces.
 - (4) If there is more than one owner, submit a cross-access legal agreement between owners to assure the continued availability of adequate parking.
 - (5) A shared parking analysis that shall follow the procedures detailed in the paragraph below.
- (c) The procedures for determining parking requirements in a mixed use development are:
- (1) Determine the minimum amount of parking required for each separate use described in the table of minimum parking requirements.
 - (2) Multiply the parking requirement for each use by the corresponding percentage for each of the time periods in the table of parking ratios by use and time of day for mixed-use developments.
 - (3) Sum the total parking requirements for all uses for each of the five time periods in the table of parking ratios by use and time of day for mixed-use developments.
 - (4) The parking requirement for the time period having the largest required total number of parking spaces based on use of table of parking ratios by use and time of day for mixed-use developments shall be the minimum required number of parking spaces for the mixed-use development.

Table of Parking Ratios by Use and Time of Day for Mixed-use Developments

Uses	Weekdays		Weekends		Night Time
	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
Office	100%	10%	10%	5%	5%
Retail/Commercial	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	5%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Recreational	40%	100%	80%	100%	10%
Church	50%	50%	100%	100%	10%

- (d) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in ownership or use, the owner must apply to the director for an evaluation and confirmation of the reduction. If the director finds that the parking reduction is no longer justified, the director shall notify the owner to construct the number of parking spaces necessary to meet the required level.
- (e) *On-street parking.* Up to 50 percent of the on-street parking spaces available within 600 feet of a use may be counted towards the minimum off-street parking requirements, provided that the same parking space cannot be used to contribute to the off-street parking requirements of by more than one parcel. No more than 25 percent of the number of required off-street parking spaces may be provided by on-street parking.
- (f) *Administrative variance.* The director shall have the authority to grant a reduction in the total number of off-street parking spaces by up to 20 percent of the number required by the table of minimum parking requirements through administrative variance. Such administrative variance requires review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:
 - (1) Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique and undue hardship.
 - (2) The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized.
 - (3) The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.
- (g) *Landscaped reserve.* Where it can be demonstrated that a use or establishment will temporarily need a lesser number of parking spaces than is required (such as phased occupancy of large new facilities or eventual succession of a new use), the number of such spaces required may be reduced by not more than 50 percent, subject to the site plan approval, provided that the following requirements are met:
 - (1) The applicant shall submit documentary evidence to the planning and development director that the use will temporarily justify a lesser number of spaces for a period of time not less than one year.
 - (2) A reserve area provided shall be sufficient to accommodate the difference between the spaces required and the lesser number provided. Said reserve area shall:
 - a. Be inclusive of all associated parking spaces, drive aisles, access routes, transition slopes, and infrastructure.
 - b. Not encroach upon or directly drain to any water body, wetland, undisturbed buffer, impervious setback, floodplain, or other environmentally sensitive area.
 - (3) Said reserved area shall be maintained exclusively as landscaped area and shall be clearly indicated as "Reserve Parking Area" on the site plan.
 - (4) The landscaping may either consist of existing natural vegetation or be developed as a new landscaped area, whichever is granted site plan approval.
 - (5) No structure, mechanical equipment, material stockpile, or trash may be placed in the landscaped reserve; and no parking shall be allowed within the landscaped reserve until developed as a parking lot.
 - (6) Said reserve area shall not be counted toward the minimum open space required by lot coverage provisions of this section.

- (7) When in the opinion of the planning director additional parking is required, said reserve area may be required to be developed as a parking lot.
- (8) A separate land disturbance permit shall be required for any modification to the reserve area regarding its location, size, use, configuration, or impervious coverage.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2016-14, § 1, 9-27-2016)

Sec. 222-4. - Parking structures.

Parking structures are allowed as an accessory use in the RM, CID, O-I, NC, C-1, C-2, MUR, MxD, OBP, M-1 and M-2 zoning districts.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-5. - Handicap-accessible parking.

- (a) Off-street parking for persons with disabilities is to be provided as required by the federal Americans with Disabilities Act and the Georgia Accessibility Code for all multifamily and non-residential uses.

Table of Minimum Number of Handicap-Accessible Parking Spaces Required

Total Required Parking Spaces	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

- (b) Handicap-accessible parking spaces shall be counted as part of the total number of parking spaces required in section 222-2 of the UDO.
- (c) The number of required handicap-accessible parking spaces is shown in table of minimum number of handicap-accessible parking spaces required in section 222-5.
- (d) One of every eight handicap-accessible spaces, but not less than one per parking lot that provides handicap-accessible spaces, shall be designed to be "van accessible" in accordance with the ADA Accessibility Guidelines. See subsection 222-7(b)(4) for design of "van-accessible" spaces.
- (e) The number of parking spaces required for persons with disabilities is not subject to variance and may not be reduced in number to below the minimum number required by the Federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, as Amended.
- (f) Design of handicapped spaces shall be as required in subsection 222-7(b)(3).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-6. - Bicycle parking.

- (a) Bicycle parking spaces (racks or lockers) must be provided for any use that is required to provide more than 100 parking spaces. At least one bicycle parking space must be provided for each 50 parking spaces.
- (b) Required bicycle parking spaces shall be no more than 100 feet from the main entrance of the principal building or use on a parcel.
- (c) Bicycle racks or lockers shall be permanently and securely attached to the ground.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-7. - Construction and dimensional requirements of parking areas.

(a) *Layout.*

- (1) Off-street parking areas shall be laid out, constructed, and maintained in accordance with the following requirements (except for single- and two-family residential uses):
 - a. All parking areas shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.
 - b. Adequate interior driveways shall connect each parking space with a public right-of-way.
 - c. Parking spaces shall be separated from sidewalks and streets in public right-of-ways by wheel bumpers and by a strip of land at least ten feet wide reserved as open space and planted in grass, shrubs and trees.
 - d. All parking areas must be striped in conformance with the parking dimension standards of this UDO.

(2) *Pedestrian movement.*

- a. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
- b. The pathways from the principal building entrance to the adjacent streets shall include a sidewalk at least five ft. wide with marked crosswalks across all interior driveways.

(b) *Parking area dimensions.*

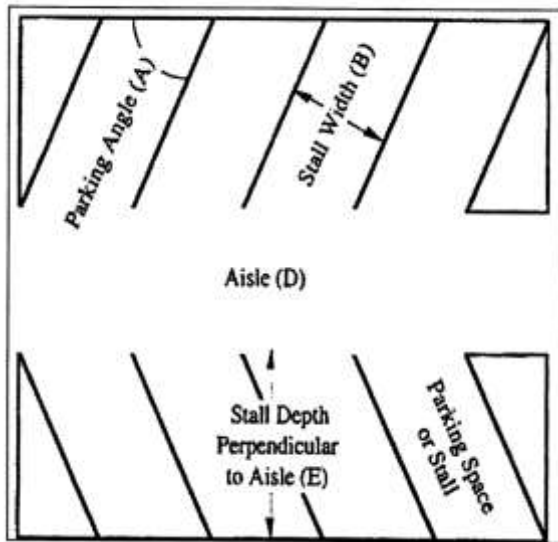
- (1) Standard off-street parking stalls and aisles shall conform to the minimum dimensions provided in the table of minimum parking space requirements and dimensions of parking stalls provided in this subsection.

Table of Minimum Parking Space Dimensions

	Parking Angle (A)		
	45 degrees	60 degrees	90 degrees
Width (B)	8 ft. 6 in.	8 ft. 6 in.	8 ft. 6 in.
Depth* (E)	17 ft.	17 ft. 6 in.	19 ft.
Aisle (D)	14 ft. one-way 20 ft. two-way	16 ft. one-way 20 ft. two-way	24 ft. one-way 24 ft. two-way

*Depth measured perpendicular to aisle to farthest corner of stall or nearest wall.

Dimensions of Parking Stalls



Parking Stalls

- (2) Parallel parking spaces shall be a minimum of eight feet wide and 22 feet and six inches long.
- (3) *Handicap-accessible spaces.* Handicap-accessible parking spaces shall be a minimum of eight feet in width by 19 feet in length and shall be located adjacent to a paved accessible aisle or walkway at least 60 inches in width. If the accessible walkway is at an elevation different from the elevation of the parking space, a 1:6 slope ramp shall be provided up to the walk. An aisle,

having a width of not less than three feet shall be from the handicap-accessible spaces to the building entrance.

- (4) *Van-accessible spaces.* Van-accessible parking stalls shall have a minimum width of eight feet and a minimum length of 19 feet. Each van-accessible space shall be adjacent to a passenger loading aisle that is a minimum use of eight-foot wide leading to an accessible aisle or walkway at the front of the parking spaces that is a minimum of three feet wide leading to the closest building entrance.
 - (5) *Signage.* Handicap-accessible parking spaces and van-accessible parking spaces shall be identified by signs meeting the requirements of the ADA Accessibility Guidelines and the MUTCD (Manual on Uniform Traffic Control Devices).
- (c) *Paving materials for parking lots.*
- (1) All parking areas shall be paved with asphalt, concrete or pervious materials approved by the director. Recommended pervious paving materials include those described in Volume 2—Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.
 - (2) Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-8. - Driveways.

- (a) Parking areas shall provide an adequate ingress and egress with a minimum vertical clearance of 14 feet and a driveway grade no greater than five percent.
- (b) Driveways entering public streets must be designed as follows:
 - (1) No driveway curb cut may be located closer than 75 feet from the extended curb line of an intersecting street.
 - (2) Except for driveways that are restricted to right-in/right-out access only, no driveway curb cut may be located opposite an exclusive left turn lane that serves an adjacent intersection.
 - (3) Except for driveways that are restricted to right-in/right-out access only, the minimum spacing between driveways along the same side of an arterial or major collector street shall be as follows:

Posted highway speed	Minimum driveway spacing
25 mph	125 ft.
30 mph	125 ft.
35 mph	150 ft.
40 mph	185 ft.
45 mph	230 ft.

50 mph	275 ft.
55 mph	350 ft.
60 mph	450 ft.
65 mph	550 ft.

- (4) The centerline of driveway curb cuts located on public streets that are not divided by a raised median should be aligned with the driveways on the opposite side of the street where feasible. Driveways intersecting a public street that are not aligned with an opposing driveway or street shall be offset by a minimum of least 125 feet from a driveway or street on the opposite side of the street.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-9. - Landscaping in parking lots.

- (a) Parking lots shall be designed with landscape areas, in accordance with section 328-21.
- (b) Where the parking lot fronts a public street or public right-of-way, trees preserved or planted in the perimeter planting strip may be used to meet the parking lot planting requirement.
- (c) Landscaped median islands in parking lots shall be constructed as stormwater bioretention areas with a grade level that is recessed at least four inches below the grade of the adjacent paved surfaces. Curbs separating recessed landscaped median islands from parking areas shall be either flush with the paved surface or notched at intervals of four feet to allow stormwater runoff to pass through them into the landscaped areas for bioretention.
- (d) Landscape materials in median islands shall be selected to be compatible with the bioretention function of the landscaped areas, and adequate drainage shall be provided for the chosen species. Recommended plant species are listed in this subsection. Additional appropriate species are listed in the Georgia Stormwater Management Manual, Volume 2, Appendix F, Table F.5 on page F-23.

Approved Plant Species for Bioretention Areas in Parking Lots

Trees	Shrubs	Herbaceous Plants
Red Maple	Bottlebrush Buckeye	Broom sedge
River Birch	Red Chokeberry	Joe Pye Weed
Eastern Red Cedar	Fothergilla	Day Lily
Golden Rain Tree	Witch Hazel	Yellow Iris

Black Gum	Common St. Johns Wort	Cardinal Flower
London Plane-Tree	Inkberry	Switchgrass
Sycamore	Winterberry	Fountaingrass
Pin Oak	Creeping Juniper	Greenhead Coneflower
Willow Oak	Spicebush	Woolgrass
Black Willow	Bayberry	Ironweed

Source: Georgia Stormwater Manual, Volume 2, Appendix F, Table F-4, page F-20.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-10. - Lighting in parking lots.

- (a) If parking and loading areas are to be used at night, they shall be properly illuminated for the safety and security of pedestrians and vehicles.
- (b) Lighting shall be designed to preclude light spillover on to adjacent properties. Parking areas abutting residential uses shall use only cut-off luminary fixtures mounted in such a manner that its cone of light is directed internally and does not cross any property line of the site.
- (c) Only incandescent, florescent, metal halide or color-corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 222-11. - Parking vehicles in residential districts.

- (a) In any residential zoning district, it shall be unlawful for any person to park or stand for any period longer than six hours any vehicle in excess of 14,000 pounds gross vehicle weight as identified, classified or defined by the manufacturer, except while actually engaged in loading or unloading. Trailers, mobile homes, motorized homes, boats, boat trailers and utility trailers are exempt from this paragraph. For purposes of this section, trailers are defined as vehicles with or without motive power, designed for carrying persons or property and for being drawn by motor vehicles and so constructed that no part of its weight rests upon the towing vehicle.
- (b) In any residential district, the parking of any vehicle shall be within a garage, driveway, or carport or within a side or rear yard, except for moving vans that are actually loading and unloading. The parking of any vehicle in excess of 14,000 pounds gross vehicle weight, as identified or classified or defined by the manufacturer, shall be prohibited.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2016-13, § 1, 9-27-2016)

Chapter 226 - OFF-STREET LOADING AND UNLOADING SPACE

Sec. 226-1. - Provision of off-street loading spaces.

- (a) *Application.* Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area must be provided in accordance with this UDO.
- (b) *Minimum number of spaces.* The minimum number of off-street spaces required for buildings containing more than 5,000 gross square feet of retail business, office, wholesale, industrial, governmental and institutional uses including public assembly places, hospitals and educational institutions, shall be one space for the first 25,000 square feet of total floor area or fractional part thereof. For such uses in excess of 25,000 square feet, the building shall provide loading spaces as provided in this subsection.

Table of Minimum Loading and Unloading Space Requirements

Sq. ft.	Number of Spaces
5,000-25,000	1
25,001-99,999	2
100,000-159,999	3
160,000-239,999	4
240,000-349,999	5

For each additional 100,000 square feet or fraction thereof, one additional space shall be required.

- (c) *Prohibited use.* No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (d) *Location of off-street loading spaces.*
 - (1) All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve or on an adjacent lot where shared with the use occupying said adjacent lot.
 - (2) Each required off-street loading space shall have direct access to a street or alley that provides safe and adequate ingress and egress for trucks.
- (e) *Permanent reservation.* Areas reserved for off-street loading, in accordance with the requirements of this UDO, shall not be reduced in area or changed to any other use unless the permitted use that is served, discontinued or modified; except where equivalent loading space is provided and approved by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 226-2. - Construction and dimensions of off-street loading spaces.

- (a) *Required dimensions for each loading stall.* Each loading stall shall be a minimum of ten feet wide and 30 feet in length, except that for wholesale and industrial use, loading stalls shall be a minimum of ten feet wide and 50 feet in length.
- (b) Loading areas shall provide an adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than four percent. The loading area shall not exceed a grade of two percent.
- (c) *Paving.* All required loading areas shall be paved with asphalt, concrete, porous paving blocks, gravel or other materials, as approved by the director. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 226-3. - Dumpsters.

- (a) *Location.* Dumpsters shall be enclosed either within a building and out of sight from public streets or located outside to the rear of the principal building.
- (b) *Pad.*
 - (1) Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
 - (2) Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.
- (c) *Screening.* Dumpsters not located in the rear yard shall be surrounded by an opaque enclosure not less than six feet in height and also screened by perimeter planting as required in section 328-7.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Chapter 230 - SIGN REGULATIONS^{[11](#)}

Footnotes:

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Editor's note— Ord. No. 0-2012-11, § 1, adopted Nov. 27, 2012, repealed the former Ch. 230, §§ 230-1—230-14, and enacted a new Ch. 230 as set out herein. The former Ch. 230 pertained to similar subject matter and derived from Ord. No. 0-2006-32, §§ 1—3, adopted Nov. 28, 2006; Ord. No. 0-2007-14, §§ 8—10, adopted July 24, 2007; Ord. No. 0-2007-23, § 8, adopted Oct. 9, 2007; Ord. No. 2009-13, §§ 2, 3, adopted Sept. 25, 2009; Ord. No. 0-2010-05, §§ 3, 4, adopted Apr. 27, 2010; and Ord. No. 0-2010-14, § 1, adopted July 27, 2010.

Sec. 230-1. - Short title.

This chapter shall be known and be cited as the "Rockdale County Sign Ordinance."

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-2. - Findings and purpose.

Rockdale County finds that the number, size, design characteristics, and locations of signs in the county directly affect the public health, safety, and general welfare. The county finds that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public, and can substantially detract from the beauty and appearance of the county. The county finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of the following regulations. The purpose and intent of the governing authority of Rockdale County in enacting this chapter are as follows:

- (a) To protect the health, safety and general welfare of the citizens of Rockdale County and to implement the policies and objectives of the Comprehensive Plan through the enactment of a comprehensive set of regulations governing signs in Rockdale County.
- (b) To regulate the placement of signs within Rockdale County in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distraction to drivers or pedestrians.
- (c) To regulate the placement of signs in windows to allow emergency services and the public in general to see inside an establishment.
- (d) To maintain an aesthetically attractive county in which signs are compatible with the use patterns of established zoning districts.
- (e) To preserve the value of property on which signs are located and from which signs may be viewed.
- (f) To establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers and visitors of the county.
- (g) To provide fair and reasonable opportunities for the identification of legitimate businesses which are located in Rockdale County, and to provide for the identification of the availability of products, goods or services so as to promote the economic vitality of businesses and industries which are located within the county.
- (h) To ensure the protection of free speech and property rights under the Georgia and United States Constitutions.
- (i) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts.
- (j) To address the needs of certain uses that are specific and do not apply to other uses.
- (k) To allow certain signs that are small, safe, unobtrusive or incidental to the principal use of the respective lot on which they are located, subject to the substantive requirements of this chapter but exempt from permitting.
- (l) To provide fair and reasonable regulations in governing the time, place and manner in which signs are permissible.
- (m) To reflect changes in the practices and the availability of new technologies in the sign industry.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-3. - Effect of provision and administration.

This sign chapter shall be a part of the zoning ordinance and shall be administered and enforced by the director of [the] department or his/her designee. The enforcing officer's duties shall include issuing permits required by this chapter for signs that meet the requirements of this chapter and are otherwise lawful.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-4. - Definitions.

- (a) Except as specifically defined herein and in section 106-1, all words used in this article shall be as defined in a recent edition of the Merriam-Webster Dictionary. Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section and article in which they occur.
- (b) For the purpose of this article, certain words or terms used herein shall be defined as follows:
 - (1) Words used in the singular include the plural and words used in the plural include the singular.
 - (2) Words used in the present tense include the future tense.
 - (3) The word "erected" includes the words "constructed", "moved", "located" or "relocated".
 - (4) The word "lot" includes the word "plot" or "parcel".
 - (5) The word "map" or "zoning map" means the Zoning Map of Rockdale County, Georgia.
 - (6) The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
 - (7) The word "shall" is always mandatory and never discretionary.
 - (8) The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."
- (c) Definitions specific to this chapter.
 - (1) *Accessory ground sign*: A ground sign which is secondary and subordinate in size and appearance to a primary ground sign.
 - (2) *Air or gas filled device*: An inflatable sign using forced air or other gas to support its structure. Air or gas filled devices may require the use of a power source to remain inflated.
 - (3) *Animated sign*: A sign or portion of a sign which changes physical position by any movement including rotation; or which gives the visual impression of movement; or which displays blinking, flashing or varying intensity of light.
 - (4) *Balloon*: An inflatable device typically made of latex, vinyl or mylar using forced air or other gas to support its structure.
 - (5) *Banner*: A type of temporary sign made of fabric or similar material, intended to be hung either with or without a frame.
 - (6) *Barber pole, traditional*: A type of wall sign utilized by a licensed barber, made of a striped vertical cylinder which may rotate and may have a ball on top.
 - (7) *Billboard*: A ground sign with a sign area of between 401 and 672 square feet intended for the public traveling on the interstate highway. Synonym of "oversized sign."
 - (8) *Canopy sign*: A type of wall sign affixed to, superimposed on or painted on any canopy, which is a roof-like structure extended over a sidewalk or walkway or vehicle access area.
 - (9) *Double-faced sign*: A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.
 - (10) *Drive-through board*: A ground or wall sign that informs on the products or services offered at a drive-through facility.
 - (11) *Electronic sign*: A type of sign whose message may be changed at intervals by electronic process or by remote control. Electronic signs are generally internally illuminated.
 - (12) *External illumination*: Illumination device or system, independent of the sign face, projecting light primarily toward the sign.

- (13) *Flag*: A piece of fabric or other flexible material intended to be attached to a flagpole or similar device.
- (14) *Free speech sign*: A sign intended to be displayed for a finite period of time, such as a real estate for sale sign, a campaign sign, a political sign, or a yard sale sign, by way of examples.
- (15) *Ground sign*: A permanent, non-movable sign affixed to a structure attached to the ground and independent from a building for support.
- (16) *Interior project directional sign*: A sign located within a subdivision or planned center, intended to guide pedestrians and drivers.
- (17) *Internal illumination*: Illumination device or system attached to or integrated in the sign face. Includes backlit panels, neon and light boxes.
- (18) *Multi-faced sign*: A sign structure with more than two sign faces designed so that each face can be seen from a different direction.
- (19) *Multiple message billboard*: An animated type of billboard which changes the message or copy on the sign digitally by means of lights or light emitting diodes (LED), or electronically by movement or rotation of panels or slats.
- (20) *Nonconforming sign*: A sign lawfully existing on the effective date of this chapter that does not conform to all the standards and regulations of the adopted or amended ordinance.
- (21) *Obsolete sign*: A sign and/or sign structure which no longer correctly directs any person or no longer advertises a bona-fide business, product or service where such sign and/or structure is located.
- (22) *Pennant and/or streamer*: A sign not exceeding one square foot in sign area made of flexible material such as cloth or plastic, suspended and fastened to a stringer in combination with other such signs, and designed to move in the wind.
- (23) *Portable sign*: A type of temporary sign designed to be transported or that is not permanently attached to the ground or a structure. Includes commercial signs carried, worn or held by people.
- (24) *Primary ground sign*: A prominent ground sign which is larger than other signs on the property.
- (25) *Promotional banner-flag*: A type of portable sign made of fabric or similar material, attached to a pole. Includes signs commercially known as "swooper", "feather", "wing", "blade" and "sail".
- (26) *Roof sign*: A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.
- (27) *Sign*: An object, device, display, structure, or part thereof which is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
- (28) *Sign structure*: Poles, beams, columns, posts, foundation, cabinet or other means providing structural support for the sign.
- (29) *Temporary sign*: A sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure and displayed for a finite period of time.
- (30) *Vehicle sign*: A sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal day-to-day operations of the business. A vehicle sign is a type of portable sign.
- (31) *Wall sign*: A sign painted on, attached to or mounted to the wall or surface of a building or structure.

- (32) *Window sign:* A sign installed on the interior or exterior of a window and intended to be viewed from the outside of the building. Includes signs made of perforated film and other semi-opaque materials. Window signs are distinct from wall signs.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-5. - Applicability.

- (a) This chapter shall apply to all properties within the unincorporated areas of Rockdale County. Signs that are not visible from a public right-of-way and are not intended to be viewed from a public right-of-way are not regulated.
- (b) Any alteration or modification of a sign structure, with the exception of minor repair and regular maintenance, shall require a permit. A change in the copy of a sign shall not constitute an alteration.
- (c) Businesses shall obtain a county business license before applying for a sign permit. Nonprofit organizations shall register with the county before applying for a sign permit. Applications shall not be processed until this requirement is fulfilled.
- (d) The standards and requirements of overlay districts, as set forth in chapter 210 of Title 2 of the Rockdale County Code of Ordinances, shall govern and supersede the standards and requirements of this chapter.
- (e) No new sign shall be allowed or permitted on a nonconforming lot of record, for a nonconforming use, or on a nonconforming building or structure.
- (f) Any sign allowed by this chapter to contain a commercial message may also contain a noncommercial message.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-6. - Permit application.

- (a) Applications for sign permits shall be submitted by the sign owner or their agent upon official forms furnished by the county.
- (b) It is the duty of the applicant to provide all the information listed below to process the application.
- (c) Applications shall be complete and shall include at a minimum the following:
 - (1) The street address of the property where the sign will be located. In the absence of a street address, a method of location acceptable to the department shall be used;
 - (2) The name, address, phone number and email address of the business owner(s) requesting the sign;
 - (3) The name, address, phone number and email address of the owner(s) of the real property upon which the sign is to be located;
 - (4) Written consent of the property owner, or their agent, granting permission for the placement and/or maintenance of subject sign;
 - (5) The name, address, phone number and email address of the sign installation contractor. A legible copy of the valid business and professional license of the contractor;
 - (6) The type of sign(s) requested;
 - (7) The sign area of each sign and the aggregate sign area for the whole property, including existing and requested signs, as described in the computation section of this chapter;
 - (8) Construction details, including dimensions, materials and structure;

- (9) For existing buildings: Drawings or photographs with dimensions of all existing signs on the lot, including signs of other tenants, if any;
 - (10) For new multi-tenant buildings, new planned centers, subdivisions and gasoline stations: A sign master plan, as defined in this section;
 - (11) For ground signs: A site plan drawn to scale, showing the proposed location of all sign(s) on the lot. The site plan shall include, at a minimum, a survey of the property which shows the buildable area of the property, gross acreage, the proposed sign location, street right-of-way lines, public or private easements, driveway locations and parking spaces;
 - (12) For wall signs: A set of building elevations, showing the proposed location of all signs and anchoring method;
 - (13) For signs 50 square feet or larger and/or for signs 15 feet tall or higher: Plans shall comply with the requirements of the International Building Code, Chapter 1, and further described in Appendix H, Section H105, of the International Building Code. The plans shall be certified and stamped by a Georgia registered professional engineer.
- (d) Sign master plan.
- (1) New multi-tenant buildings, planned centers, subdivisions and gasoline stations shall submit a sign master plan with the application for a land disturbance permit or a building permit, whichever comes first.
 - (2) Such master plan shall include all application materials as defined in this chapter, for the entirety of the property. A site plan shall illustrate the location of all ground signs, and building elevations shall show the allocation for wall signs for each unit in the development.
 - (3) All owners and tenants of individual units within the development shall comply with the approved plan.

Any subsequent modification to the property impacting the sign master plan, including subdivision of tenant space, shall cause an update of the master plan to be reviewed by the director of [the] department for approval.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-7. - Sign permit fees.

A sign permit shall not be issued until a complete application has been submitted and non-refundable fees have been paid in full, as established in the most recent fee schedule adopted by the Rockdale County Board of Commissioners.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-8. - Permit approval, denial or revocation.

(a) *Procedure.*

- (1) The director of [the] department or his/her designee shall take action to approve or deny a sign permit within 15 business days of receipt of a complete sign permit application. Any completed sign permit application for which no action has been taken after 15 business days or more shall be deemed to be approved. An application shall be deemed complete once all the material requested by the department is provided by the applicant.
- (2) The director of [the] department or his/her designee shall deny permit applications for signs that do not comply with the provisions of this article, incomplete applications, and applications containing any false material statements. Should it be determined that a sign permit was issued

pursuant to an application containing false material, or that a permit in violation of this article has been erroneously issued, the director of [the] department or his/her designee shall revoke the permit.

- (3) Should the director of [the] department or his/her designee deny a permit, the reasons for the denial are to be stated in writing and delivered by hand to the applicant, or by certified mail, return receipt requested, to the address on the permit application, postmarked within 15 business days after receipt of the complete application.
 - (4) Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, not the date of the original submission. A permit shall not be denied or revoked except for due cause, being the violation of the provisions of this article, the submission of an incomplete application or an application containing false material statements.
- (b) *Appeal.* A person whose permit application has been denied or whose permit has been revoked may appeal the decision of the director of department or his/her designee to the board of adjustment pursuant to section 238-8 of Title 2 of the Rockdale County Code of Ordinances.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-9. - Permit expiration.

A sign permit shall expire if the sign has not been erected, installed and completed within six months after the date of permit issuance. A six-month extension of the permit may be granted once, if requested in writing to the director of [the] department prior to the expiration date of the initial permit. After expiration of the permit, a new application must be processed and another fee paid in accordance with the current fee schedule.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-10. - Measurements and computation.

The following principles shall control the computation of the sign area and the measurement of the sign height:

- (a) *Individual sign area.*
 - (1) The area of a sign is computed as the surface of the smallest square, rectangle, circle, triangle or combination thereof that will encompass entirely the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, such as a cabinet.
 - (2) Individual sign areas shall be rounded to the nearest half square foot.
 - (3) Minor appendages to a particular shape, as determined by the director or his/her designee, may be excluded from the computation. Such appendage shall not occupy more than ten percent of the individual sign area.
- (b) *Double and multi-faced signs.* The sign area of double and multi-faced signs is the sum of the area of all faces of the sign, excluding the area of the smallest face.
- (c) *Aggregate sign area.* The aggregate sign area is the sum of the individual sign area of each sign in a particular sign category on a single parcel.
- (d) *Sign height.*
 - (1) The height of a sign is the vertical distance between the normal ground level at the base of the sign structure to the highest point of the sign structure. For signs placed on a graded

mound, the normal ground level shall be considered same as the grade of the nearest pavement.

- (2) The height of a sign mounted flush to a building - such as a wall sign - or other structure used for a purpose different than signage is equal to the height of its face.
- (e) *Associated façade.* The length of a façade shall be measured from the centerline of the party walls.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-11. - Construction and maintenance of signs.

- (a) *Materials.* All signs, either permanent or temporary, shall be made of wood, metal, plastic or other durable and weatherproof material, and built and installed in a professional manner. Signs on lots used for residential purposes may be made of paper.
- (b) *Repair.* All signs shall be maintained in good condition, so as to present a neat and orderly appearance. Neglected or dilapidated signs may exhibit any of the following: unintended rust or holes on surfaces, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or missing letters in sign copy. Neglected or dilapidated signs are deemed illegal. Refer to section 230-24, Enforcement and penalties for official removal procedures.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-12. - Illumination of signs.

- (a) No sign shall give off light which glares, blinds or has any other potential adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (b) Signs located within any residential zoning district may be illuminated externally only. Light fixtures shall be aimed downward, with the exception of primary ground signs located at the entrance of subdivisions or multi-family properties.
- (c) If the department finds an illuminated sign to cause glare, to impair the vision of a user of the road or to interfere in any manner with the safety of the public, the owner of the sign shall adjust the intensity of the fixture within 24 hours after notice from the director of department. Maximum brightness levels for illuminated signs shall not exceed 0.3 footcandles over ambient light conditions. Footcandles shall be measured at a height of five feet and viewing the display head-on (directly at a 90-degree angle) from the nearest adjacent property line or 100 feet, whichever is closest to the sign.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-13. - Electronic signs.

- (a) Electronic signs shall be permitted on properties abutting an arterial or collector road (as defined by the Rockdale County Department of Transportation).
- (b) No electronic sign shall include any illumination which is flashing, intermittent, scrolling or moving. For purposes of this chapter, sign faces which remain still for a minimum of ten seconds will not be considered intermittent.
- (c) Electronic signs shall have automatic dimming capability to adjust the brightness of the fixture to the ambient light at all times of day and night. If the department finds an electronic sign to cause glare, to

impair the vision of a user of the road or interferes in any manner with the safety of the public, the owner of the sign shall adjust the intensity of the fixture within 24 hours after notice from the director of department.

- (d) The area of a digital message shall not exceed 30 percent of the permitted maximum individual sign area as provided in the sign table of this chapter.
- (e) Each digital message shall remain fixed for at least ten seconds. When a message is changed, it shall be accomplished in two seconds or less.
- (f) No electronic sign shall emit or utilize in any manner any sound capable of being detected on the main traveled way by a person with normal hearing.
- (g) Electronic signs shall contain a default design that will freeze the sign in a fixed position if a malfunction occurs.

Maximum brightness levels for electronic or digital LED signs shall not exceed 5,000 nits during the daylight hours or 100 nits between sunset and sunrise, as those times are determined by the National Weather Service, or 0.3 footcandles over ambient light conditions, whichever is brighter. Nits shall be measured from the computer control system or directly from the sign's face. Footcandles shall be measured at a height of five feet and viewing the display head-on (directly at a 90-degree angle) from the nearest adjacent property line or 100 feet, whichever is closest to the sign.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-14. - Prohibited signs and sign devices.

- (a) The following types of signs or advertising devices are prohibited in all zoning districts:
 - (1) Roof signs.
 - (2) Portable signs, except if allowed as a temporary sign, WES or free speech sign.
 - (3) Vehicle signs as described further in this chapter.
 - (4) Air or gas filled devices, balloons, inflatables, and banners, except if permitted as a temporary sign, as provided by this chapter.
 - (5) Animated signs, except if permitted as multiple message billboards and electronic signs as provided by this chapter, and except traditional barber poles.
 - (6) Signs made of cardboard, paper or other nondurable material except window signs or signs located in residential zoning districts.
 - (7) Signs placed within the public right-of-way, except publicly maintained signs.
 - (8) Signs erected by painting, nailing, fastening or affixing the sign in any manner to any fence, tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure except as provided in this chapter.
 - (9) Signs posing a hazard to people or building due to structural deficiencies.
 - (10) Signs simulating an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign.
 - (11) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
 - (12) Signs interfering with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
 - (13) Signs obstructing any fire escape, any means of egress or ventilation or preventing free passage from one part of a roof to another part thereof.

- (14) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-15. - Vehicle signs.

- (a) Vehicles, trailers or other non-motorized vehicles with the explicit purpose and intent of promotion are prohibited. Vehicle signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the main purpose of providing advertisement of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle as described in subsection (b) of this section, are prohibited.
- (b) Any vehicle or common carrier with a sign attached to its operational structure may park in a legal parking space associated to the business. The vehicle shall be used regularly for transportation relating to the activity advertised and shall display a valid license plate.
- (c) Permissible vehicle signs include: paint, magnets, decals and vinyl wrap. Banners, A-frame and other temporary fixtures are prohibited.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-16. - Temporary signs.

- (a) *Permit.*
- (1) Applications for a temporary sign permit shall be submitted by the sign owner or their agent upon official forms furnished by the department.
- (2) Temporary signs or devices shall be permitted only by issuance of a temporary sign permit. The temporary sign may be displayed for a maximum of 60 consecutive days and then shall be removed. A subsequent temporary sign permit may be issued for the same premises no earlier than 90 consecutive days after expiration of the permit, and no more than three times per calendar year.
- (3) No more than two temporary signs shall be permitted at once for a same premises.
- (4) The fee for one temporary sign for a special event will be waived, provided a special event permit is secured with the department. Such sign shall be removed within 24 hours of the conclusion of the event.
- (b) *Types.* Types of temporary signs permitted are limited to banners, self-supported signs, promotional banner-flags, air or gas filled devices as detailed in Table 16-1.

Table 16-1. Temporary Signs

Type of sign	Max. height	Max. sign area	Additional requirements
Banner	Same as supporting structure	32 sq. ft.	One (1) banner per tenant, per public street frontage
Freestanding	8 feet	32 sq. ft.	One (1) sign per public street frontage, per lot

Promotional banner-flag	12 feet	36 sq. ft.	Maximum width of 3 ft.
Air or gas filled device	12 feet	N/A	No dimension to exceed 12 ft. Air filled devices designed for motion known as "air dancers", "wacky men", "fly guys" and similar are prohibited.

(c) *Support.*

- (1) Banners shall be individually attached to a building façade and shall not extend above the façade or roofline. No banner shall be attached to a light pole, freestanding pole, utility pole or similar structure.
- (2) Freestanding signs shall be supported by an integrated frame, and completely independent from any additional structure.
- (3) Promotional banner-flags shall be displayed on purpose-built, professionally fabricated pole, anchored to the ground with a spike, with brackets or with another stabilizing device;
- (4) Air filled devices shall be securely attached to the ground and shall not be placed on the roof of a building.

(d) *Specifications.* Temporary signs shall be built and installed in a professional manner, with durable and weatherproof materials. All temporary signs must be maintained in good condition.

(e) *Location.* Signs shall be located at least ten feet from the right-of-way, on private property with the explicit consent of the owner. At intersections, the setback shall be 15 feet.

(f) *Illumination.* Illumination of temporary signs shall conform to the regulations set forth by this chapter.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-17. - Signs exempt from permitting.

(a) Signs exempt from permitting shall abide by all other applicable dimensional and maintenance requirements included in this chapter. Signs exempt from permitting are subject to enforcement and penalties as set forth in section 230-24, Enforcement and penalties unless otherwise stated.

(b) All signs exempt from permitting shall be made of a durable, weatherproof material if they are installed outdoor.

(c) All freestanding signs exempt from permitting must be placed outside the right-of-way, on private property with the permission of the owner of the property.

(d) The following types of signs are exempt from obtaining a sign permit:

- (1) Signs with the sole purpose of displaying street numbers;
- (2) Signs not visible from public thoroughfares;
- (3) Signs inside a building or totally enclosed area, including window signs. The latter shall meet the dimensional requirements set forth in the sign table as further described in this chapter;
- (4) Flags, as further described in this chapter;

- (5) Weekend signs (WES):
 - a. WES shall be allowed in all zoning districts from 3:00 p.m. on Friday to 7:00 a.m. on Monday.
 - b. The sign owner is responsible for removing the signs. Failure to remove WES shall constitute a litter violation, enforceable under the Rockdale County Code of Ordinances section 78-45.
 - c. Dimensions. Maximum sign area: four square feet per side. Maximum height: four feet.
 - d. WES shall be mounted on independent frames or stakes, and shall not be affixed in any manner to trees, natural objects, utility poles, other signs, or other sign structures.
 - e. There shall be no more than two WES per lot.
- (6) Free speech signs, providing they meet the dimensional requirements set forth in tables 20-1 and 20-2 of this chapter.
 - a. Function and severance. In the event that a court adjudges any part of the definition of a free speech sign a violation of the Georgia or United States Constitutions or any other provision of law, it is the specific intent of the Board of Commissioners of Rockdale County that the definition a free speech sign referencing a limitation to noncommercial speech or commercial speech that pertains to a commercial enterprise located on the property be omitted from the chapter and the remainder of the chapter stay in effect to regulate signs on property within the county. This severance section is in addition to the legislative intent of severance expressed elsewhere in this chapter.
- (7) Pennants and/or streamers, in nonresidential zoning districts, on a strand not to exceed the width of the lot at the public road.
- (8) Balloons less than 18 inches in diameter, provided they are removed within 72 hours after being installed.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-18. - Flags.

- (a) Flags shall be displayed on purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles. No permit is necessary for the erection of a flagpole.
- (b) In nonresidential districts, flagpoles shall not exceed the allowed height for a structure or building in the applicable zoning district, or 50 feet, whichever is higher. In residential districts, flagpoles shall not exceed 25 feet in height or the height of the existing primary structure on the lot, whichever is less.
- (c) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the flagpole. In addition, flags are subject to the following limitations:

Table 18-1. Flag Dimensions

Pole height or length	Maximum flag area
Up to 30 feet	30 square feet
30 to 50 feet	60 square feet

50 feet or greater	150 square feet
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- (d) Each lot is allowed a maximum of two flagpoles and a maximum of three flags per flagpole.
- (e) A vertical flagpole shall be set back from all property boundaries by a distance which is at least equal to the height of the flagpole.
- (f) Flags and flagpoles shall be maintained in good repair, and shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (g) Flags not meeting the definition of a flag contained herein shall conform to the remainder of this chapter.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-19. - Signs for specific uses.

- (a) *Gasoline stations.* In addition to signs otherwise allowed in this chapter, gasoline service stations with pump islands may have signage subject to the following limitations:
 - (1) One pump island canopy sign per public street frontage, each sign not to exceed six square feet;
 - (2) Two signs affixed to each pump, each sign not to exceed two square feet. All other portable signs shall be prohibited, including signs installed on poles and A-frame signs;
 - (3) Commercial logos and colors may be displayed on pump and valance;
 - (4) If a separate drive-through carwash building is on site, one wall sign on carwash building, not to exceed six square feet;
 - (5) The property owner shall provide a sign master plan.
- (b) *Places of worship.* Refer to UDO subsection 218-13(ccc) Standards of use and development.
- (c) *Signage during construction.* Two additional signs shall be allowed during construction of a building on residential or non-residential property. The signs shall not be internally illuminated.
 - (1) *Duration.* The signs shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a certificate of occupancy or installation of a permanent sign at a subdivision entrance, whichever comes first.
 - (2) *Size.* The signs shall not exceed 12 square feet and six feet in height for residential property, and 32 square feet and six feet in height for nonresidential property.
 - (3) *Location.* Construction signs shall be posted within the buildable area of the lot.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-20. - Sign table.

- (a) Signs shall be permitted and regulated in accordance with the sign table in this chapter, unless otherwise regulated, prohibited or exempted as set forth in this chapter.

- (b) Location. All signs shall be entirely located a minimum of ten feet from the public right-of-way, on private property with the explicit consent of the owner. At intersections, the setback shall be 15 feet.
- (c) Non-residential subdivisions may be considered as planned center or as a collection of individual buildings for signage planning purposes. A subdivision with common parking area between two buildings or more will be automatically considered a planned center. If the subdivision is treated as a planned center, all the buildings and tenants shall share primary ground signs. If the subdivision is treated as a collection of individual buildings, each building may obtain primary ground signs, but the subdivision shall not have a shared "entrance" sign. The initial property owner shall present a master plan reflecting the preferred option.
- (d) Properties located within an overlay district are regulated under chapter 210 of the Rockdale County Code of Ordinances.

Table 20-1: Sign table for nonresidential districts

Type of sign	Max. sign height	Maximum sign area			Additional requirements
1. Primary ground signs for lots abutting the interstate right-of-way	48 feet	400 sq. ft. per face, max. 2 faces			a) Max. one (1) primary ground sign per lot. b) No additional primary ground sign shall be permitted on lot. c) Sign face shall be oriented towards the interstate.
2. Primary ground signs for multi-tenant buildings and planned centers	20 feet	GFA (sq. ft.)	Max. aggregate sign area of all ground signs	Max. sign area per face	a) Max. one (1) primary ground sign per public road frontage, per lot.
		0—10,000	200 sq. ft.	50 sq. ft.	
		10,001—50,000	250 sq. ft.	50 sq. ft.	
		50,001—100,000	300 sq. ft.	100 sq. ft.	
		Greater than	400 sq. ft.	150 sq. ft.	

		100,000			
3. Primary ground sign for single-tenant buildings	20 feet	Max. aggregate area of all ground signs: 200 sq. ft. Max. individual ground sign area: 50 sq. ft.			a) Max. one (1) primary ground sign per public road access.
4. Accessory ground signs	4 feet	4 sq. ft. per sign face			a) Max. one (1) accessory ground sign per public road access.
5. Interior directional signs in planned centers	4 feet	4 sq. ft. per sign face			a) Located at least 100 ft. from any public road access.
6. Wall signs	Equal to height of building	Max. aggregate wall sign area per tenant: 2 sq. ft. of sign per lin. ft. of associated facade; Max. individual wall sign area: 100 sq. ft.			a) Wall signs permitted exclusively on facades fronting a public road.
7. Drive-through board	8 feet	32 sq. ft. per sign face			a) Max. (1) one board per drive-through lane; b) Included in max. aggregate sign area.
8. Window signs	N/A	Max. aggregate area of all window signs per building elevation: 30% coverage of window area			a) Aggregate area includes all permanent and temporary signs. b) No permit required, but subject to enforcement and penalties.
9. Free speech signs	8 feet	Lot acreage	Max. aggregate sign area of all free speech signs	Max. sign area per face	a) No permit required, but subject to enforcement and penalties
		Less than 5 acres	16 sq. ft.	16 sq. ft.	

		5—10 acres	24 sq. ft.	16 sq. ft.	
		Greater than 10 acres	32 sq. ft.	16 sq. ft.	

Table 20-2: Sign table for residential zoning districts

Type of sign	Max. sign height	Maximum sign area			Additional requirements
1. Ground sign for subdivisions or multi-family properties	8 feet	Max. aggregate area of ground signs per entrance: 64 sq. ft. Max. sign area per face: 32 sq. ft.			a) Max. two (2) ground signs per public road access.
2. Ground signs on single-family lots	4 feet	4 sq. ft. per sign face			a) Max. one (1) ground sign per public road access.
3. Interior directional signs in subdivisions	4 feet	4 sq. ft. per sign face			a) Shall be located at least 100 ft. from any public road access
4. Window and wall signs	N/A	4 sq. ft. per sign face			a) Max. one (1) window or one (1) wall sign per public road frontage b) No permit required, but subject to enforcement and penalties
5. Free speech signs	4 feet	Lot acreage	Max. aggregate sign area of all free speech signs	Max. sign area per face	a) No permit required, but subject to enforcement and

		Less than 3 acres	16 sq. feet	6 sq. ft.	penalties
		3—5 acres	16 sq. feet	9 sq. ft.	
		Greater than 10 acres	16 sq. feet	12 sq. ft.	

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-21. - Billboards.

Billboards shall be permitted subject to the following restrictions:

- (a) Billboards shall be governed by the Georgia Advertising Act (O.C.G.A. § 32-6-70 et seq.).
- (b) Billboards are permitted on lots abutting the interstate in nonresidential zoning districts.
- (c) Billboards shall not be placed within 500 feet in any direction of a residential zoning district, place of worship, school, designated park or cemetery, unless the sign is not visible from those locations at any time.
- (d) No billboard shall be located closer than 500 feet from another billboard on the same side of the interstate, unless the signs are separated by buildings or other obstructions so that only one sign face located within the 500 foot zone is visible from the interstate at any time.
- (e) Billboards shall be completely independent of any building or other structure, excluding their own structure.
- (f) All portions of billboards shall be erected within the buildable area of the lot.
- (g) Maximum dimensions: 672 square feet in sign area per face (maximum two faces), 14 feet in height, and 48 feet in length. Maximum height including structure: 48 feet.
- (h) Billboards may be illuminated indirectly from a light source pointing downwards.
- (i) Multiple message billboards shall be subject to the additional following restrictions:
 - (1) Each sign shall remain fixed for at least ten seconds. If the message is changed mechanically, the transition shall be accomplished within three seconds. If the message is changed electronically, the transition shall be accomplished within two seconds;
 - (2) No such sign shall be located closer than 5,000 feet to another multiple message billboard on the same side of the interstate;
 - (3) Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs;
 - (4) No multiple message sign shall give off light, which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from illuminated multiple message sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways, these signs shall comply with the requirements of section 230-13;

- (5) Multiple message sign shall not emit or utilize in any manner any sound capable of being detected on the main traveled way by a person with normal hearing; and
- (6) No multiple message sign shall include any illumination which is flashing, intermittent, or moving when the sign is in a fixed position.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-22. - Variances.

- (a) Where a literal application of this chapter would result in an unusual hardship, as distinguished from a mere inconvenience, a variance may be granted by the board of adjustments pursuant to section 238-9. In reaching a decision, the board of adjustments shall consider the following criteria, at a minimum:
 - (1) Exceptional physical conditions of the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 - (2) Without a variance, the applicant would be deprived of rights that are commonly enjoyed by others similarly situated;
 - (3) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - (4) The exceptional circumstances are not the result of action by the applicant;
 - (5) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) The board of adjustments shall have the authority to grant variances from the dimensional standards of this chapter, in accordance with the standards and procedures as set forth in section 238-9.
- (c) The authority to grant such variances shall be limited to 50 percent of any dimensional standard, with the following exceptions: No variance shall be granted from maximum aggregate sign area and maximum billboard sign areas.
- (d) No variance shall be granted from non-dimensional requirements, such as illumination, material, or number of signs.

(Ord. No. 0-2012-11, § 1, 11-27-2012; Ord. No. 0-2014-04, § 1, 4-8-2014)

Sec. 230-23. - Nonconforming and obsolete signs.

- (a) *Nonconforming signs.*
 - (1) *Findings.* Rockdale County finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of Rockdale County and may adversely affect public safety due to the visual impact of these signs on motorists and pedestrians. Furthermore, nonconforming signs frustrate the purpose of adoption of this chapter as expressed in article 1.
 - (2) *Continuation of nonconforming signs.* A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:
 - a. Shall not be enlarged or altered except in conformance with this chapter, but it may be repaired to the extent necessary to maintain it in a safe condition;

- b. Shall not be expanded, modified or replaced by another non-conforming sign;
 - c. Shall not be allowed to be increased in height, size or relocated on the property, but may be decreased in height or size;
 - d. Shall be removed if the property on which the sign is located becomes vacant, or has been unoccupied for a period of at least six months. An intent to abandon is not required as the basis for removal under this subsection;
 - e. Shall be removed if there is a change in ownership of the property or the business; and
 - f. Shall not be repaired or restored after having been damaged to the extent of more than percent of its value immediately prior to the event causing the damage or destruction.
 - g. To the extent any portion of this chapter conflicts with O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 § 6, ¶ 4(a) in application, this section shall be deemed to provide affected parties the minimum protections provided by O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 § 6, ¶ 4(a), as amended from time to time. In no event is it the county's intent to obligate itself to pay any compensation related to the removal of any nonconforming sign.
 - h. The owner of the real property shall be responsible for assuming the burden of proof and present sufficient facts and evidence to demonstrate the nonconforming status of the sign in question.
- (b) *Discontinuation of business.* If a sign advertised an activity, product, business, service or other use which has ceased or the sign user has vacated the premises, the sign shall be considered obsolete and it shall be removed or the sign text shall be covered up in such a way as to render the text unreadable. The owner of the property on which the sign is located shall be responsible for removal (or covering) of the sign within 60 days of discontinuation of the business or service.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-24. - Enforcement and penalties.

- (a) The sign provisions of this article shall be administered and enforced by the director of department or his/her designee.
- (b) *Removal of signs.* The director of department or his/her designee may inspect signs regulated by this chapter at any time necessary to ensure compliance with the requirements of this chapter. In case any sign is installed, erected or constructed in violation of any of the terms of this chapter, is unsafe, is abandoned, or is obsolete, the director of department shall notify by certified mail or written notice served personally, the owner or lessee thereof to correct the deficiencies or remove the sign. If such order is not completed within ten working days from the time of notice being received, the director of department or his/her designee may have the sign removed at the expense of the owner. If the identity of the sign owner cannot be determined, the real property owner will be responsible for correction of the deficiencies or removal of the delinquent sign.
- (c) The director of department or his/her designee may issue a citation for violation of this article by any person, including, if applicable, the owner, manager or tenant of the lot on which a sign is located; for a sign erected, altered, maintained, converted, or used in violation of this article; or in violation of any other applicable ordinance, including, but not limited to, building or electrical codes.
- (d) Any person violating any provision of this article shall be guilty of an offense, and upon conviction by a court of competent jurisdiction, shall be subject to a penalty of not less than \$25.00 and no more than \$1,000.00, or by confinement for a total time not to exceed 180 days, or both. Each day in which a sign is in violation of this chapter shall be a separate and distinct offense and shall be punishable as such.
- (e) Failure to comply with the requirements of this chapter may result in the loss of business license pursuant to section 22-39.

- (f) The county may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this article.
- (g) The director of department or his/her designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.
- (h) A violation of any provision of this article will be grounds for terminating a permit granted by the county for the erection of a sign.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Sec. 230-25. - Severability.

In the event any section, subsection, sentence, or word of this article is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this chapter, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The board of commissioners declares that it would have enacted the remaining parts of this chapter if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The board of commissioners declares its intent that should this article be declared invalid in part or in whole, signs are to be subject to regulations applicable to structures contained in other ordinances, including the zoning resolution.

(Ord. No. 0-2012-11, § 1, 11-27-2012)

Chapter 234 - NONCONFORMING SITUATIONS

Sec. 234-1. - Statement of intent and purpose.

Within the districts established by Title 2, or in other UDO provisions or amendments, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings and structures that were lawful before the UDO was adopted or amended, but that would be prohibited under the terms of the UDO or future amendment. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the county to require the cessation of certain of these nonconformities, and to allow others to continue, on a limited basis, until they are otherwise removed or cease. It is further the county's intent that nonconformities not be used as grounds for adding other buildings, structures, or uses of land prohibited by the UDO, and that no such building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-2. - Nonconforming use of land.

The nonconforming use of land may be continued, but no such nonconforming use of land which has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2013-11, § I, 11-12-2013)

Sec. 234-3. - Nonconforming lot of record.

A legal nonconforming lot of record in a residential district may be used for one single-family residence.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-4. - Nonconforming use of land and buildings in combination and nonconforming use of land and structures in combination.

The following regulations apply to the nonconforming use of land and building(s) in combination and the nonconforming use of land and structure(s) in combination:

- (a) Such uses of land and buildings or land and structures may be continued, but no such use which has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.
- (b) Such uses of land and buildings or land and structures, or any such building or structure, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- (c) A nonconforming use of a building may be extended into those interior parts of a building which were manifestly designed for such use prior to the enactment of this chapter.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2013-11, § II, 11-12-2013)

Sec. 234-5. - Nonconforming characteristics of buildings and structures.

No building or structure with nonconforming characteristics which is occupied by a conforming use shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-6. - Nonconforming uses requiring special use permit.

No nonconforming use, building or structure requiring a special use permit under the terms of Title 2, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of the UDO, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now-required special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for a special use permit. No such use, building, or structure that has been discontinued for a continuous period of 12 months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2013-11, § III, 11-12-2013)

Sec. 234-7. - Reconstruction.

Any building or structure constituting a nonconforming use of land and building(s), nonconforming use of land and structure(s), or building or structure with nonconforming characteristics that has been damaged by fire or other cause, may be reconstructed to its previous nonconforming characteristics and used as it was prior to damage if said reconstruction is completed within one year of the date of the

damage, except that if said building or structure has been declared by the director to have been damaged to an extent exceeding 60 percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-8. - Buildings and structures.

Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-9. - Buildings and structures where construction has begun.

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, or a preliminary or final subdivision plat was lawfully approved, prior to the effective date of the UDO or amendment thereto, provided:

- (1) Such permit or approval has not by its own terms expired prior to such effective date.
- (2) Actual building construction is commenced prior to the expiration of such permit or approval.
- (3) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.
- (4) No renewals or extensions of said permit or approval shall be authorized.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-10. - Prior authorization.

Variances, rezonings, and special use permits lawfully authorized and granted prior to the effective date of this Title 2 shall continue to be utilized provided the terms and conditions of said authorization are followed. It shall be the responsibility of the owner of a nonconforming use or structure to prove to the director of the department of planning and development or his/her designee that such use was lawfully established and existed on the effective date of adoption or amendment of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2013-11, § IV, 11-12-2013)

Sec. 234-11. - Reversions and changes.

- (a) Any nonconforming use, use of land or building in combination, use of land and structure in combination, nonconforming lot of record, or nonconforming characteristic ("Nonconforming situations") that is changed to a conforming state shall not be permitted to revert to a nonconforming situation.
- (b) No nonconforming situation shall be changed to another nonconforming situation.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-12. - Area extensions prohibited.

A nonconforming use, or building or structure in combination with a use, or building or structure with nonconforming characteristics, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the building or structure as it existed on the date of adoption of the UDO or amendments applicable thereto.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 234-13. - Sign provisions.

Nonconforming situations relating to signs shall be governed by chapter 230 of this Code of Rockdale County, Georgia, as amended.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-11, § 15, 11-27-2012)

Chapter 238 - PROCEDURES

Sec. 238-1. - Administrative bodies.

The provisions of the UDO shall be administered by the department, in association with the Conyers-Rockdale County Planning Commission (planning commission), the board of adjustment and the board of commissioners of Rockdale County (board of commissioners).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-2. - Board of commissioners.

- (a) *Duties.* The specific duties of the board of commissioners with respect to the UDO shall include, but not be limited to, the following:
- (1) *Recommendations.* Receiving from the department and from the planning commission recommendations concerning the comprehensive plan, amendments to the comprehensive plan, amendments of provisions of the UDO, special use permits or any other matters relating to planning and zoning within the county.
 - (2) *Public meetings.* Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the comprehensive plan, text of the UDO, official zoning map, special use permit, and other actions pursuant to the UDO. The board of commissioners may conduct public hearings and may solicit additional advice, information or comments prior to rendering its decision.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-3. - Planning commission.

- (a) *Authority.* The planning commission shall have the authority granted by section 2-135 of the Rockdale County Code of Ordinances and by the provisions of the UDO and shall work within the framework of a joint resolution adopted by the City of Conyers and Rockdale County (Ord. No. 1978-11, as amended by Ord. No. 1978-13).
- (b) *Purpose and duties.* The purpose and duties of the planning commission shall include, but not be limited to, conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the board of commissioners concerning matters brought before them. Carrying out this purpose shall include, but not be limited to the following duties:

- (1) To review and make recommendations regarding proposed amendments to the comprehensive plan, UDO, official zoning map, and applications for special use permits according to the standards of subsection 238-6(c) of this chapter.
 - (2) To review preliminary and final plats according to the standards of the UDO.
 - (3) To advise the city and county governments regarding environmental policy, comprehensive planning, community development, housing, transportation, land use issues and capital improvements..
 - (4) To work with the department, other county departments, boards and authorities, when appropriate to the purposes of the planning commission, the board of commissioners in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future Rockdale County residents, businesses and property owners.
- (c) *Finances.* The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the governing authorities of the city and the county.
- (d) *Appointment and terms.*
- (1) *Composition.* The planning commission shall be composed of seven members. Three of the members of the planning commission shall be residents of the unincorporated area of the county and shall be appointed by the board of commissioners. Three members of the planning commission shall be residents of the City of Conyers and be appointed by the city council. The seventh member of the planning commission shall be appointed by the county commissioners one term and then by the Conyers City Council the following term.
 - (2) *Terms.* In alternate years, the city council or Rockdale County Board of Commissioners shall appoint two members, one of which shall be for a four-year term and the other for a three-year term. The seventh member shall be appointed as in subsection (d)(1), above, and shall serve a three-year term. No member shall be eligible for more than two consecutive terms.
 - (3) *Qualifications.* When possible, the chair and at least two other members of the planning commission shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction or related fields.
 - (4) *Compensation.* All members of the planning commission shall serve without compensation but may be reimbursed for expenses as set forth in a resolution adopted by the city and county, incurred in connection with their official duties.
 - (5) *Vacancies.* All appointees shall continue to serve until a successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If a member appointed by the board of commissioners moves to reside outside of the county, or if a member appointed by the city council moves to reside outside of the city limits, such member shall be deemed to have resigned from the planning commission.
 - (6) *Other offices.* Members of the planning commission shall hold no other elected or appointed office or other county- or city-compensated position.
 - (7) *Expiration of term.* Appointments shall expire on July 1 in the last year of the term.
 - (8) *Removal from office.* A member of the planning commission may be removed from office prior to the expiration of his/her appointed term by a majority vote of the body that appointed him or her, namely the board of commissioners or city council, as appropriate. A member also may be automatically removed pursuant to subsection (h)(3).
- (e) *Planning commission officers.*
- (1) *Chair.* In July of each year the planning commission shall elect its chairperson from among its members. The chair's term shall be one year with eligibility for re-election.
 - (2) *Duties of chair.* The chair shall preside at all meetings and hearings of the planning commission and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise the planning commission in its work.

- (3) *Vice-chair.* The planning commission shall elect a vice-chair in July of each year. The vice-chair's term shall be one year with eligibility for re-election.
 - (4) *Duties of the vice-chair.* The vice-chair shall serve as acting chair in the absence of the chair and, when acting in such capacity, shall have the same powers and duties as the chair.
 - (5) *Secretary.* A designated person from the department shall serve as the secretary of the planning commission. The secretary shall have responsibility for assisting the chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the planning commission; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the planning commission; attendance to the correspondence of the planning commission; and other duties assigned by the chair, subject to the budgetary limitations of the department.
- (f) *Committees.* The chair may appoint, with the concurrence of the planning commission, various standing and temporary committees to further the purposes of the planning commission. Such committees may include ex-officio members of the staff of various city or county departments (excluding the staff of the city council and board of commissioners), residents and business owners of the city or county and other individuals whose background and knowledge may be of benefit to the planning commission in its deliberations.
- (g) *Meetings of the planning commission.*
- (1) *Regular meetings.* Unless there is no business to be conducted, the planning commission shall hold regularly scheduled meetings each month. The planning commission shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act. Each member shall be notified of each regular meeting at least five days preceding the meeting through a written agenda prepared and distributed by the secretary.
 - (2) *Special called meetings.* The chair, secretary, or a majority of the planning commission may call a special meeting at any time provided that written notice is posted for at least 24 hours at the place of regular meetings and written or oral notice is given at least 24 hours in advance of the meeting to the official legal organ of the county. The secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each planning commission member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
 - (3) *Cancellation of meetings.* In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the meeting may be cancelled. In such a case, the secretary shall notify each member at least 24 hours prior to such scheduled meeting and shall place an appropriate public notice at the county courthouse or annex building stating the date of the canceled meeting at least 24 hours in advance of the scheduled meeting.
 - (4) *Agenda and minutes.*
 - a. The chair and secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the planning commission shall appear on the agenda. The agenda shall be available prior to each meeting and posted at the meeting site for the public.
 - b. Not more than two business days following the adjournment of a meeting of the planning commission, the secretary shall ensure that a written summary of the subjects acted on by the planning commission and a list of those members present is available for public inspection in the offices of the department.
 - c. Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a brief summary of any explanation or

commentary that is relevant to the decisions made on matters before the planning commission.

- d. Copies of the approved minutes for each meeting of the planning commission shall be available to the public immediately following the next regularly scheduled meeting of the planning commission.
- (5) *Procedures.* The planning commission shall make its own rules of procedure and determine its time of meeting. Such rules shall be subject to approval of the board of commissioners. Robert's Rules of Order shall govern any procedural question not otherwise covered by section 238-3 or said rules of procedure.
- (6) *Order of business at meetings.* The order of business at meetings shall be as follows:
 - a. Roll call and determination of a quorum.
 - b. Approval of minutes of previous meetings.
 - c. Approval of the agenda.
 - d. Old or unfinished business.
 - e. New business.
 - f. Reports.
 - g. Public comment.
 - h. Adjournment.
- (7) *Agenda changes.* The chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.
- (h) *Quorum and voting.*
 - (1) *Quorum.* A quorum shall consist of four members of the planning commission. A majority vote of those present constituting a quorum shall be sufficient to decide all matters that come before the planning commission except where a greater number is required by Roberts Rules of Order.
 - (2) *Voting.*
 - a. A planning commission member, who is part of a quorum of the planning commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from voting on that specific matter. No planning commission member who is present, may abstain from voting except in the case of having a conflict of interest with respect to the matter under consideration as provided in O.C.G.A. § 36-67A-1 et seq.
 - b. A majority vote of those members present of the planning commission is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position.
 - c. The planning commission may add conditions to any proposed amendment to the comprehensive plan, amendment to the official zoning map or any special use permit it deems necessary so as to mitigate impacts of the proposal upon surrounding properties consistent with the purposes of the county's resolutions, ordinances, regulations, policies and procedures.
 - (3) *Attendance.* If any member of the planning commission is absent without cause for three consecutive regular meetings of the commission, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in subsection (d)(1) of this section.

Sec. 238-4. - Amendments.

(a) *Initiation of amendments.*

(1) *Persons entitled to propose amendments.* Amendments to the official zoning map or to the future land use map of the comprehensive plan may be initiated by:

- The owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, or
- The board of commissioners pursuant to a proposed ordinance introduced by one or more members of the board of commissioners.
- Staff through a proposed ordinance.

Amendments to the text of the comprehensive plan and amendments to Title 2 of the UDO may only be initiated by:

- The board of commissioners pursuant to a proposed ordinance introduced by one or more members of the board of commissioners, or
- Official action of the planning commission, or
- Staff through a proposed ordinance.

Once an amendment to the future land use map, official zoning map, text of the UDO, or text of the comprehensive plan is initiated, no application for a land disturbance permit or land development or building permit, variance or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment. No amendments to the text of the comprehensive plan or Title 2 of the UDO, the official zoning map or the comprehensive plan land use maps shall become effective unless it has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.

(2) *Application schedule.*

- a. Amendments to the official zoning map, to the text of the UDO and to the comprehensive plan must be submitted at least 60 days prior to the date on which final action is to be considered by the board of commissioners.
- b. Review and consideration of text, zoning and comprehensive plan amendments will be scheduled before the planning commission and board of commissioners in accordance with a schedule prepared annually by the department of planning and development.
- c. An application for an amendment to the comprehensive plan land use maps or the official zoning maps affecting all or a portion of the same property shall not be submitted more than once every 12 months measured from the date of final decision by the board of commissioners. The board of commissioners may waive or reduce this 12-month time interval by resolution, provided that if the application was denied by the board of commissioners, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six months. This 12-month time interval shall not apply to amendments initiated by the board of commissioners, provided that if such a proposed amendment to the official zoning map or comprehensive plan land use map was denied by the board of commissioners, the time interval between the date of said denial and any subsequent application or amendment shall be no less than six months.
- d. Following an application for a text, zoning or land use amendment, the department of planning and development shall present an ordinance to the board of commissioners for consideration of a first reading. If the application is initiated by a property owner, the board of commissioners shall refer the application to the planning commission for review and

recommendation. If the application is initiated by the board of commissioners pursuant to a proposed ordinance introduced by one or more members of the board of commissioners, or official action of the planning commission, or staff through a proposed ordinance, the first reading of the application may be approved by the board of commissioners for referral to the planning commission for review and recommendation or the first reading of the application may be denied, terminating the application process.

(b) *Content of applications.*

- (1) *Amendments.* Applications to amend the official zoning map or the comprehensive plan shall be submitted on a form available from the department and shall, at a minimum, include the following:
 - a. An application fee as established by the board of commissioners.
 - b. The name, address, telephone number, fax number, and email address (if applicable) of the owner, and the same information from the applicant, if different.
 - c. The street address and a valid legal description of the property to be reclassified.
 - d. The applicant's interest in the property, if the applicant is not the owner.
 - e. An electronic/digital version of a property survey, drawn to scale, showing north arrow, land lot and district, location of the tract, dimensions along all property lines, acreage of the tract and the street names and right-of-way dimensions of abutting streets. The plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's signature and seal shall be affixed to the plat.
 - f. A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
 - g. The current and proposed zoning and land use classification, existing and proposed uses of the property proposed to be reclassified and all zoning and land uses of properties abutting the subject property.
 - h. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would impact the capacities of public facilities including, but not limited to, transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste and emergency medical facilities.
 - i. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would impact the natural environment, especially existing trees, water bodies and water quality.
 - j. A written statement addressing how the proposed amendment to the official zoning map or comprehensive plan would result in an orderly and logical development pattern.
 - k. If the application requests a change in the official zoning map, the applicant shall provide a written statement addressing the standards governing the exercise of zoning as listed in subsection (g)(1) of this section. If the application requests a change in the future land use map, the applicant shall provide a written statement addressing the standards for review of comprehensive plan amendments as listed in subsection (g)(2) of this section.
 - l. Any such other information or documentation as the department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.
 - m. If the proposed amendment to the official zoning map would meet the thresholds of a development of regional impact (DRI) as described in section 238-5, the applicant shall prepare and submit to the department the necessary documentation required by such section.

- (c) *Withdrawal of applications.* An application for an amendment to the official zoning map or comprehensive plan that is filed prior to the deadline for filing such amendment may be withdrawn with full refund of fees prior to the application deadline upon a written request by the applicant. An application may be withdrawn upon a written request by the applicant prior to the submittal for publication of the required legal advertising in the legal organ of the county; however, there shall be no refund of application fees after the application deadline has passed.
- (d) *Procedures for review of applications.*
- (1) *Pre-application conference.* At least ten business days prior to submitting an application for an amendment to the comprehensive plan or official zoning map, the applicant should schedule a pre-application conference with the department. The purpose of this meeting is to acquaint the applicant with the requirements of the UDO and the views and concerns of the county. Within ten business days of such a request, the department shall schedule a pre-application conference with the applicant and other relevant county departments.
 - (2) *Application submission.* Within five business days after the established deadline for applications for an amendment to the official zoning map or the comprehensive plan, the department shall determine whether the application is complete. If the department determines the application is not complete, the director shall send a written statement to the applicant (by first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the department shall take no further action on the application until it is re-submitted for a subsequent application cycle. No application that has been determined as complete shall be amended later than the required deadline for advertising in the legal organ of the county prior to the scheduled hearing before the planning commission, except as provided for in this code section.
 - (3) *Application review.* When the department determines an application for an amendment to the official zoning map or the comprehensive plan is complete, the department shall distribute copies of the application for review and comment to representatives from county agencies and departments including planning, zoning, transportation, stormwater, general engineering, GIS, water/sewer, environmental health, 911, county arborist/urban forester, fire marshal, board of education and any other public agencies having jurisdiction over the proposed action that are invited by the department.
 - (4) *Site review.* Prior to issuing its report and recommendation regarding the subject amendment, the department shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate county agencies and departments regarding the impact of the proposed amendment upon public facilities and services.
 - (5) *Staff analysis and standards of review.*
 - a. The department shall prepare an analysis of each proposed amendment and shall present its findings and recommendations in written form to the planning commission. Copies of the written report and recommendations of the staff shall be made available to the public at the planning commission public hearing.
 - b. In determining whether to recommend approval or denial of an application to amend the official zoning map, the department shall consider and apply the standards in subsection (g)(1) of this section.
 - c. In determining whether to recommend approval or denial of an application to amend the comprehensive plan, the department shall consider and apply the standards in subsection (g)(2) of this section.
 - d. *Recommended amendments.* The department's report may recommend amendments to the applicant's request that would reduce the land area for which the application is made, recommend a change in the district requested to a less intensive or lower density than requested, or recommend conditions of approval, as provided in section 238-15 of this chapter.

- (6) *Public hearing.* Upon notification of the completed application for an amendment to the official zoning map or an amendment to the comprehensive plan, the planning commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of the UDO.
 - (7) *Public notices.* The public notices and public hearings held by the planning commission and board of commissioners concerning the application shall be in accordance with the requirements of the UDO.
 - (8) *Developments of regional impact (DRI).* If the proposed amendment to the official zoning map would meet the thresholds of a dri, as described in section 238-5 of this chapter, the county shall follow the procedures outlined in said section 238-5 prior to taking any action to further such proposed amendment in the development process.
- (e) *Notice of public hearings.*
- (1) *Legal notice.* Due notice of public hearings, pursuant to this section, shall be published in a newspaper of general circulation within the county. The legal advertisement shall be published at least 15 days but not more than 45 days prior to the date of each required public hearing. The notice shall state the time, place and purpose of the hearing. If the proposal is to amend the official zoning map or future land use map and is initiated by a party other than the Rockdale County Board of Commissioners, it shall also contain the location of the property, current land use category and zoning district of the property, and the proposed land use and zoning district of the subject property. Notices for variance applications shall include reference to the section of this UDO from which the applicant is seeking a variance.
 - (2) *Signs posted.* For an application to amend the official zoning map or future land use map, or a special use permit, or a variance from the requirements of this UDO, the department shall post a sign or signs at least 15 days prior to each public hearing required by this section. Sign(s) shall be double-faced and a minimum of 24 inches x 36 inches in size. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the street address of the property, the current land use category and zoning district of the property, the proposed land use category and zoning district of the property, and the phone number of the department. A sign shall not be required for amendments to the text of the UDO or comprehensive plan, nor for amendments or ordinances initiated by the board of commissioners.
 - (3) *Letters to adjoining property owners.* For an application to amend the future land use map, other than an amendment initiated by the board of commissioners, the department shall send notification of the requested application by regular mail to all adjacent property owners as shown by the county tax records at the time of filing. For an application to amend the official zoning map or for a special use permit, other than an amendment initiated by the board of commissioners, the department shall send notification of the requested application by regular mail to all adjacent property owners as shown by the county tax records at the time of filing. For an application for a variance from the requirements of this UDO, the department shall send notification of the requested variance by regular mail to all adjacent property owners as shown on the county tax records at the time of filing. All such notifications shall be mailed at least 15 days prior to the first required public hearing and shall include a description of the application, and the date, time and place of all scheduled public hearings.
 - (4) When a proposed zoning amendment, variance or special use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the planning commission on the proposed action. The hearing required by this subsection shall be at held at least six months and not more than nine months prior to the date of final action on the zoning decision and shall be in addition to other public hearings required under this subsection. The department shall publish a notice of

the time, location and date of such hearing that shall include a prominent statement that the proposed action relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. Such notice shall be given by the following:

- a. Posting a sign as provided in subsection (2) of this subsection displaying such notice; and
- b. At least 15 days and not more than 45 days prior to the date of the hearing, the department shall publish such notice in a newspaper of general circulation within the county. Such notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

(f) *Rules of procedure for public hearings.*

(1) *Public hearing procedures for the planning commission.* For each matter concerning the amendment of the comprehensive plan, the official zoning map, text of the UDO or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the planning commission, the following procedure shall be followed:

- a. Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
- b. The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
- c. The chair shall request a report from the staff regarding its findings and recommendations.
- d. The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than ten minutes per side. If desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
- e. Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.
- f. Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (h) of this section.

(2) *Public hearing procedures for the board of commissioners.* For each matter concerning the amendment of the comprehensive plan, the official zoning map, text of the UDO or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the board of commissioners, the following procedure shall be followed:

- a. Rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
- b. The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
- c. The chair shall request a report from the staff regarding its findings and recommendations.
- d. The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than ten minutes per side. If

desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.

- e. Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.
- f. Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter.

- (3) *Continuance of a public hearing.* All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except in the case of a public hearing of the board of commissioners, if a majority of the members of the board of commissioners present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in subsections (e)(1), (e)(2), and (e)(3) of this section.

- (g) *Application review standards.*

- (1) *Standards governing the exercise of zoning power.* In reviewing the application of a proposed amendment to the official zoning map, the board of commissioners, the planning commission and the department shall consider the following standards:

- a. Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
- b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
- c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
- d. Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- e. Whether the proposed rezoning is in conformity with the policy and intent of the comprehensive plan.
- f. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
- g. Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
- h. The feasibility of serving the property with public wastewater treatment service and the impacts of such on the wastewater system; and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method is authorized in Rockdale County and will have a detrimental impact on the environment.

- (2) *Standards for review of comprehensive plan amendments.* When considering an application to amend the future land use map, the board of commissioners, the planning commission and the department shall consider:

- a. Whether a proposed future land use map amendment would result in a future land use classification that is more consistent with the text and policies of the comprehensive plan than the current classification of the property on the future land use map.
- b. Whether the proposed amendment would result in a land use that is more compatible with the current and future land use of adjacent and nearby property.
- c. Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.

- d. The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.
 - e. Whether the proposed amendment would reduce dependence on the automobile.
 - f. The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.
 - g. If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future land use that includes review of future land use for the subject parcel and other surrounding property.
 - h. The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.
 - i. Whether the proposed amendment would result in any negative impacts on the public water supply and wastewater collection and treatment systems or would conflict with adopted long-term water and sewer plans.
- (h) *Action by planning commission.* In making a recommendation on the application for an amendment to the comprehensive plan or to the official zoning map, the planning commission shall review and consider the application and materials of record, the recommendations of the department and the applicable standards in subsection (g) of this section.
- (1) *Recommendation.* Within a reasonable time of the conclusion of the public hearing regarding a proposed amendment, the planning commission shall make a recommendation to the board of commissioners to:
 - a. Approve the proposed amendment as requested by the applicant.
 - b. Approve an amendment to include a lesser geographic area or a less intense zoning district or land use category.
 - c. Approve the proposed amendment with conditions.
 - d. Deny the proposed amendment.
 - (2) *No recommendation.* A motion that fails by majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position. If the planning commission fails to make a decision on a recommendation regarding an application following at least three motions, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.
- (i) *Action by the board of commissioners.*
- (1) *Public hearing.* Upon receipt of the recommendation of the department and planning commission, the board of commissioners shall place the application on a public hearing agenda of the board of commissioners for a public hearing or hearings, in accordance with the requirements of this chapter.
 - (2) *Considerations by the board of commissioners.* In making a decision on the application for an amendment to the comprehensive plan or the official zoning map, the board of commissioners shall review and consider the application and materials of record, the recommendation of the department, the planning commission, and the applicable standards in subsection (g) of this section. The director shall prepare a proposed ordinance for action by the board of commissioners to effect the proposed amendment.
 - (3) *Actions by board of commissioners.* At the first regularly scheduled board of commissioners' meeting of the following month subsequent to the board of commissioners' public hearing, the board of commissioners shall take one of the following actions regarding the proposed amendment:
 - a. Approve the proposed amendment, as requested by the applicant.

- b. Approve the proposed amendment with conditions;
 - c. Approve an amendment to include a lesser geographic area or a less intense zoning district or land use category.
 - d. Deny the proposed amendment.
 - e. Refer the matter back to the planning commission for reconsideration at its next regularly scheduled or called meeting; if such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (e)(1) and (e)(2) of this section.
 - f. Defer final action until the next regularly scheduled or special called meeting.
- (4) *Notification and final record of action.* Within ten business days following action by the board of commissioners, written notification shall be mailed to the applicant and property owner, if different. Thereupon the department shall record the map amendment on the official zoning map or future land use map, as appropriate.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-01, §§ 1—13, 2-28-2012; Ord. No. 0-2013-16, § 1, 12-10-2013)

Sec. 238-5. - Developments of regional impact (DRI).

- (a) *Application.* When an application for rezoning, special use, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the GRTA, it shall be deemed to be a DRI. The application for such rezoning, conditional use, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC).
- (b) *Procedures.* The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by GRTA and the ARC.
- (c) *Recommendation from the ARC and GRTA.* No required public hearings or final action shall occur on such a rezoning, conditional use, variance, preliminary plat review or permit application by the board of commissioners until a recommendation is received from the ARC and GRTA regarding the DRI.
- (d) *Certified copy of resolution.* After the board of commissioners takes final action on the application, the department shall transmit to ARC and the Georgia Department of Community Affairs a certified copy of the ordinance recording the action, including a record of the total number of members of the board of commissioners that voted for and against approval of the application.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-6. - Special use permits.

- (a) *Purpose.* The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use of any particular site in the district and compatibility with adjacent uses. A special use may not be approved in a given zoning district unless it is listed as a special use for the subject district in the use table in section 218 of the UDO.

(b) *Authority.* The board of commissioners may, in accordance with the procedures, standards and limitations of the UDO, take final action on applications for special use permits for those uses listed in each of the zoning districts in the use table in section 218 of the UDO.

(c) *Application procedures.*

- (1) Special use permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
- (2) Applications for special use permits shall be made on forms published and provided by the department and shall be filed with the department.
- (3) Each applicant shall complete all questions and requested materials contained within the required application form and shall provide all of the following information:
 - a. Survey plat of subject property, prepared within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall:
 1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon.
 2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain.
 3. Include a notation as to the total acreage or square footage of the subject property.
 4. Name, mailing address and phone number of all owners of the property which is the subject of the application for special use permit;
 5. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for special use permit, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for special use permit. The application also shall contain the mailing address, email address, fax number and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property;
 6. Written legal description of property.
 7. Statement of current zoning classification of property, the proposed use of the property.
 8. A written, documented analysis of the impact of the proposed special use permit with respect to each of the criteria contained in subsection (m) of this section and, where applicable to the use proposed, also the applicable supplemental regulations contained in chapter 218, article III of the UDO.
 9. Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia showing the following:
 - A. All buildings and structures proposed to be constructed and their location on the property;
 - B. Height of proposed building(s);
 - C. Proposed use of each portion of each building;
 - D. All driveways, parking areas, and loading areas;
 - E. Location of all trash and garbage disposal facilities;
 - F. Setback and buffer zones required in the district in which such use is proposed to be located;

- G. Existing uses and current zoning of adjacent properties;
 - H. Landscaping plan for parking areas;
 - I. Method of wastewater treatment for the proposed use;
 - J. All other information necessary to demonstrate compliance with subsection (m) of this section and chapter 218, article III, as applicable.
- (4) *Application fees.* Application fees shall be as established by ordinance by the board of commissioners.
- (d) *Staff analysis, findings of fact, and recommendations.*
- (1) Applications shall be filed on forms provided by the department and shall not be considered an authorized application unless complete in all respects.
 - (2) The department shall conduct a site inspection and shall prepare an analysis of each application for special use permit and shall present its findings and recommendations in written form to the planning commission.
 - (3) Staff recommendations on each application for special use permit shall be based on the criteria contained in subsection (m) of this section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in chapter 218, article III.
- (e) *[Initiation of ordinance.]* Applications for a special use permit may only be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property. Once an application for a special use permit is initiated, no application for a land disturbance permit or land development or building permit, variance or appeal for property subject to such amendment shall be accepted until final action is taken on the proposed amendment. Following an application for a special use permit, the department of planning and development shall present an ordinance to the board of commissioners for consideration of a first reading. The board of commissioners shall refer the application to the planning commission for review and recommendation.
- (f) *Notice of applications filed.* The department shall provide to the board of commissioners, no later than 21 days following the monthly closing date for receipt of applications, a list of all applications for special use permit. The listing of applications shall be reasonably made available to the public.
- (g) *Public hearings required.* Before deciding on any special use permit pursuant to the requirements set forth in this section, the board of commissioners shall provide for public notice and a public hearing thereon. No application for a special use permit shall be decided by the board of commissioners unless it has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this section.
- (h) *Notice of public hearings.* Notice of public hearing on any proposed application for a special use permit shall be provided as is required in subsection 238-4(e) of this chapter and shall, in addition to the information required in subsection 238-4(e), indicate the special use requested for the subject property.
- (i) *Withdrawal of application.* An application for a special use permit that is filed prior to the deadline for filing such amendment may be withdrawn with full refund of fees prior to the application deadline upon a written request by the applicant. An application may be withdrawn upon a written request by the applicant prior to the submittal for publication of the required legal advertising in the legal organ of the county; however, there shall be no refund of application fees after the department has accepted an application.
- (j) *Action by the planning commission.*
- (1) The secretary shall provide the members of the planning commission complete information on each proposed application for special use permit which the commission considers including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, and the written report and recommendation of

the department applying the required criteria in subsection (m) and supplemental regulations of chapter 218, article III, where applicable, to each application.

- (2) After public notice as required in subsection (h) of this section, the planning commission, shall conduct a public hearing in a manner consistent with subsection 238-4(f) of this chapter. Prior to initiating a motion regarding its recommendation to the board of commissioners the planning commission shall review and consider each of the criteria contained in subsection (m) of this section, and the supplemental regulations contained in section 218, article III, where applicable to the use proposed use.
 - (3) The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in subsection (m), the supplemental regulations contained in section 218, article III, where applicable to the use proposed use, and the requirements of the comprehensive plan and zoning district in which such use is proposed to be located.
 - (4) The planning commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 238-15.
 - (5) The planning commission may recommend approval of the special use permit application, approval of the application with conditions, approval of the special use permit for a lesser area, extent or intensity, or denial of the application. Failure to achieve a majority vote following at least three motions on such decision shall result in no recommendation to the board of commissioners on the matter.
- (k) *Action by the board of commissioners.*
- (1) The board of commissioners, after conducting the public hearing with public notice required by this section, shall take one of the following actions:
 - a. Vote to approve the application.
 - b. Vote to approve the application with conditions.
 - c. Vote to approve the special use permit for a lesser area, extent or intensity.
 - d. Vote to deny the application.
 - e. Vote to defer the application to its next regular meeting or special called meeting.
 - f. Vote to refer the matter back to the planning commission for reconsideration at their next regularly scheduled meeting or special called meeting. If such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (e)(1), (e)(2), and (e)(3) of section 238-4.
 - (2) The decision of the board of commissioners on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in subsection (m) of this section, the use standards contained in chapter 218, article III where applicable to the use proposed, the consistency of the application with the comprehensive plan, the requirements of the zoning district in which such use is proposed to be located, and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties.
 - (3) The board of commissioners may impose conditions based upon the facts in a particular case in accordance with section 238-15.
- (l) *Time limits of special use permits.*
- (1) The board of commissioners shall specify limits, if any, of the duration of each such special use permit which is approved.
 - (2) Subject to any limit in duration, the special use permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the department in the same manner as any other

provision of the UDO, subject to the limitations provided in subsections (o) and (q) of this section.

- (m) *Special use permit criteria to be applied.* The following criteria shall be applied by the department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special use permit. No application for a special use permit shall be granted by the board of commissioners unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:
- (1) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
 - (2) Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, including the compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 - (3) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site.
 - (4) Consistency with the county's wastewater treatment system, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment.
 - (5) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.
 - (6) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
 - (7) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
 - (8) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.
- (n) *Development of an approved special use.* The issuance of a special use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
- (o) *Expiration of a special use permit.* Unless a building permit or other required approvals is secured within 12 months, and construction subsequently undertaken pursuant to such building permit, the special use permit shall expire automatically unless the permit is extended upon application to the board of commissioners in accordance with subsection (p) of this section.
- (p) *Time extension of a special use permit.* The time limitations imposed on special use permits by subsection (e)(l) and expiration date established pursuant to subsection (o) of this section may be extended by the board of commissioners not more than once, and not for more than 12 months, upon written request by the applicant and approval of the board of commissioners.
- (q) *Limitations on approvals for special use permits.* A special use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 months.
- (r) *Modifications to a special use permit.* Changes to an approved special use permit, other than time extensions provided under subsection (p) of this section, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

- (s) *Appeal of a special use permit decision.* Any person, persons or entities jointly or severally aggrieved by any decision of the board of commissioners regarding a special use permit application may take an appeal to the superior court of the county. The appeal shall be limited to the proceedings and record of the board of commissioners. Any appeal must be filed within 30 days of the decision of the board of commissioners, and upon failure of such appeal, the decision of the board of commissioners shall be final.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-01, §§ 14—16, 2-28-2012)

Sec. 238-7. - Board of adjustment.

- (a) *Powers and duties.* The board of adjustment shall have the following powers described below and as provided in section 2-133:
- (1) *Appeals.* To hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement or decision made by an administrative official based on or made in the enforcement of the UDO. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph. In exercising its powers, the board of adjustment may, in conformity with the provisions of the UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit other than a special use permit, provided that all requirements imposed by all other applicable laws are met. See also section 238-8.
 - (2) *Variances.* To authorize upon application in specific cases, specific variances from the required minimum development standards of property applicable to zoning districts, as provided in Title 2 of the UDO. See also sections 238-9 and 238-10 of this chapter.
 - (3) *Flood damage protection.* To hear and decide appeals and variance requests from the requirements for flood damage prevention. See section 238-10.
 - (4) *Stream buffers and other variances and appeals.* To hear and decide variance requests from the requirements for stream buffers set forth in section 310-105 and to hear and decide other variance requests or appeals specifically set forth elsewhere in the UDO.
- (b) *Appointment and terms of board of adjustment.*
- (1) *Terms.* The board of adjustment shall be composed of five members who shall be appointed by the board of commissioners and shall serve four-year staggered terms established by the board of commissioners.
 - (2) *Composition.* The board of commissioners shall appoint the five members of the board of adjustment.
 - (3) *Vacancies.* All appointees shall continue to serve until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside of Rockdale County, such member shall be deemed to have resigned from the board of adjustment.
 - (4) *Other offices.* Members of the board of adjustment shall hold no other elected office or other county compensated position.
 - (5) *Term limits.* No member of the board of adjustment shall be eligible for more than two consecutive terms.
 - (6) *Removal.* A member of the board of adjustment may be removed from office prior to the expiration of his/her appointed term by a majority vote of the board of commissioners. Cause for removal from office shall include, but not be limited to: failure to attend regularly scheduled meetings, as provided in subsection (d) of this section; failure to disclose a conflict of interest,

as provided in O.C.G.A. § 36-67A-1 et seq.; and failure to complete required training, as provided in subsection 238-16(g).

(c) *Board of adjustment officers.*

- (1) *Officers.* The board of adjustment shall elect a chair and vice-chair annually in the month of February.
- (2) *Duties of chair.* The chair shall preside at all meetings and hearings of the board of adjustment and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise it in its work.
- (3) *Acting chair.* The vice-chair shall be acting chair in the absence of the chair.
- (4) *Secretary.* A designated person from the department shall serve as the secretary of the board of adjustment. The secretary shall have responsibility for assisting the chair with scheduling and preparing the agenda for meetings; providing copies of staff reports to members of the board of adjustment; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the board of adjustment; and other duties assigned by the chair.

(d) *Meetings of the board of adjustment.*

- (1) *Regular meetings.*
 - a. Unless there is no business to be conducted, regular meetings, including public hearings on matters listed in subsection (a), shall be held on the first Monday of each month at a time so designated by the board of adjustment. If the first Monday of the month is a holiday, the hearing will be scheduled for the second Monday of the month. Meetings shall be held at the Rockdale County Administration & Services Building located at 901 Main Street, Conyers, Georgia.
 - b. All meetings shall be open to the public. Notice of all meetings shall comply with O.C.G.A. § 50-14-1, et seq., the Georgia Open Meetings Act.
 - c. Each member shall be notified of each regular meeting at least five days preceding the meeting through a written agenda prepared and distributed by the secretary.
- (2) *Special called meetings.* The chair, secretary or a majority of the board of adjustment may call a special meeting at any time that permits posting of a written notice for at least 24 hours in advance at the place of regular meetings and giving written or oral notice at least 24 hours in advance of the meeting to the official legal organ of the county. The secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (3) *Agenda and minutes.*
 - a. The chair and secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the board of adjustment shall appear on the agenda.
 - b. Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the board of adjustment.
- (4) *Order of business at meetings.* All meetings shall be open to the public. The order of business at meetings shall be as follows:
 - a. Roll call and determination of a quorum.
 - b. Approval of the agenda.
 - c. Approval of minutes from previous meetings.

- d. Unfinished business.
 - e. New business.
 - f. Reports.
 - g. Public comment.
 - h. Adjournment.
- (5) *Cancellation of meetings.* In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the secretary shall post an appropriate public notice at the stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.
- (6) *Continuance of hearing.* All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members of the board of adjustment present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the department shall provide public notice of the new time, date, and location of the continued hearing consistent with O.C.G.A. § 50-14-1, et seq., the Georgia Open Meetings Act.
- (e) *Quorum and voting.*
- (1) *Quorum.* A quorum shall consist of three or more members of the board of adjustment.
- (2) *Voting.*
- a. *Abstention.* A board of adjustment member, who is part of a quorum of the board of adjustment during the consideration of any matter, but not participating in the discussion or voting on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No member of the board of adjustment may abstain from voting, except in the case of having a conflict of interest with respect to the matter under consideration.
 - b. *Majority vote.* A majority vote of those members present of the board of adjustment is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, §§ 13—16, 5-22-2007)

Sec. 238-8. - Appeals.

- (a) *Procedures for application for appeals to the board of adjustment.*
- (1) *Eligibility for appeal.* Appeals to the board of adjustment may be initiated by any aggrieved person, or by department, official, agency or board of the county affected by any decision, final order, requirement, determination or interpretation of any administrative official of the county with respect to the provisions of the UDO. These appeals shall be taken by filing with the secretary of the board of adjustment a written notice of appeal, specifying the grounds thereof, within 15 days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.
- (2) A person shall be considered aggrieved for purposes of this subsection if:
- a. Said person or said person's property was the subject of the action being appealed; or
 - b. Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.
- (3) *Transmission of records.* The department shall transmit to the board of adjustment all papers constituting the record upon which the action being appealed was taken. The application shall

be accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application.

- (b) *Appeal stays legal proceedings.* An appeal stays all legal proceedings in furtherance of the action being appealed, unless the official from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Rockdale County on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) *Public hearings.* The board of adjustment shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearings and shall be posted and advertised per O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.
- (d) *Decisions of the board.* Following the consideration of all testimony, documentary evidence and matters of record, the board of adjustment shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the board of adjustment that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-9. - Variances.

- (a) *Authority.* Unless otherwise provided for in the UDO, the board of adjustment shall have authority to grant variances from the dimensional requirements of Title 2, in accordance with the standards and procedures as set forth in this section.
- (b) *Purpose.* The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of Title 2 would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.
- (c) *Initiation.* A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the board of commissioners.
- (d) *Application procedures.* An application for a variance shall be filed with the department, accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application. The application shall be in such form and shall contain at least such following information and documentation:
 - (1) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
 - (2) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
 - (3) The size of the subject property.
 - (4) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - (5) The specific provision of Title 2 from which a variance is requested.
 - (6) A statement concerning each of the Standards for granting variances in subsection (h) of this section.

- (7) A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the UDO and the comprehensive plan.
- (e) *Staff report.* The staff of the department shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (h) of this section. The staff report shall be presented in written form to the board of adjustment at least seven days prior to the scheduled hearing date.
- (f) *Public notice procedures.* The public notice procedures for a variance application shall be in conformance with subsection 238-4(e)(1)—(4).
- (g) *Public hearing procedures.* The public hearing procedures for a variance application shall be in conformance with subsection 238-4(f) of this chapter. However, all testimony before the board of adjustment shall be taken as if under oath, regardless of whether a formal oath or affirmation is administered. The chair, or in his/her absence, the vice chair, may administer oaths and compel attendance of witnesses by subpoena.
- (h) *Standards for granting variances.*
- (1) *Granting variances.* The board of adjustment shall not grant a variance unless it has, in each case, make specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:
- Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
 - Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.
 - The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
 - The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.
 - The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
 - The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
 - The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.
- (2) *No variance shall be authorized to:*
- Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
 - Allow an increase in maximum height of building.
 - Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
 - Reduce, waive or modify in any manner the minimum lot area established by the UDO in any zoning district.
 - Reduce, waive or modify in any manner the minimum lot area established by the board of commissioners through a special condition of approval.

- f. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, non-conforming use of land and structures in combination or nonconforming use requiring a special use permit.
 - g. Permit the re-establishment of any non-conforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring a special use permit where such use has lapsed.
- (3) *Ability to impose special conditions.* The board of adjustment may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-10. - Variance to the requirements of flood damage prevention.

(a) *General.*

- (1) *Authority.* The board of adjustment, shall hear and decide appeals and requests for variances from the requirements for flood damage prevention.
- (2) *Appeals.* The board of adjustment shall hear and decide appeals, when it is alleged that there is an error in any requirement, decision or determination made by the department in the enforcement or administration of the flood damage prevention regulations.
- (3) *Variances.* Variances to the flood damage prevention regulations may be issued consistent with subsection (c) of this section.

(b) *Application procedures.*

- (1) *Forms.* A person desiring a variance from the flood damage prevention requirements shall apply for a variance on a form provided by the department.
- (2) *Fees.* An application fee, as established by the board of commissioners, shall accompany the application.
- (3) *Application format.* The application shall be in such form and contain such information and documentation as shall at least contain the following:
 - a. Name and address of applicant.
 - b. Legal description of the property that is the subject of the application.
 - c. Size of the subject property.
 - d. The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - e. A statement of the hardship imposed on the applicant by the strict application of the UDO, and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
- (4) *Review by director.* Within a reasonable time, not to exceed ten days after receipt of any application or receipt of additional information pursuant to this section, the director shall examine the application and notify the applicant (by mail) of any apparent errors or omissions and request such additional information as may be necessary for the processing of the application.
- (5) *Review process.* Within 30 working days after an application has been determined to be complete by the department, and not less than five days before the scheduled public hearing on the matter, the application shall be reviewed by the department and a recommendation submitted to the board of adjustment.

- (6) *Public hearing.* Upon notification that an application for a variance is complete, the board of adjustment shall place the application on the agenda of a regularly scheduled meeting for a public hearing. In reviewing the application for variance approval, the board of adjustment shall use the standards in subsections (c) and (d) of this section. The board of adjustment may require the applicant to meet certain conditions before approval of the variance.
 - (7) *Notice.* Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the approved lower elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lower floor elevation.
 - (8) *Appeals.* Appeals of all final decisions of the board of adjustment shall be as provided in section 238-13.
 - (9) *Records.* The department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (c) *Standards for issuance of variance to the requirements of flood damage prevention.*
- (1) Variances shall be issued only upon a determination that the variance is the minimum variance necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall be issued only upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship.
 - 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 a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (4) In addition to the findings in subsection (3), the board of adjustment shall consider the following:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property resulting from flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity of a waterfront location, in the case of a functionally dependent facility.
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency purposes.
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (d) *Ability to impose special conditions.* Upon consideration of the factors listed above and the purposes of flood damage prevention requirements, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of the flood damage prevention requirements.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-11. - Burden of proof in appeals and variances.

- (a) *Requirements.* The standards and requirements of the UDO and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the UDO and the comprehensive plan.
- (b) *Review.* It is the duty of the board of adjustment to review such facts and evidence in light of the intent of the UDO to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO on the applicant's property.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-12. - Effect of decisions of board of adjustment.

- (a) *Compliance with standards upon denial.* If an application to the board of adjustment is initiated as a result of an existing violation of the UDO, and the application is denied, the violation shall be required to be corrected within 15 days of the denial or as specified by the board of adjustment if a greater time period is required. The maximum extension of time the board of adjustment may grant for correction shall not exceed 90 days.
- (b) *Successive applications.* An application for a variance affecting all or a portion of the same property that was denied by the board of adjustment shall not be accepted sooner than 12 months after the date of final decision by the board of adjustment. However, the board of adjustment may reduce this time interval by majority vote, provided that if the application for a variance was denied by the board of adjustment, the time interval between the date of the initial denial and any subsequent application or amendment affecting the same property shall be no less than six months.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-13. - Appeals of decisions of the board of adjustment.

Appeals of all final decisions of the board of adjustment under the provisions of this chapter shall be as follows:

- (a) *Review of decisions.* Any person aggrieved by a final decision of the board of adjustment, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Rockdale County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the board of adjustment is rendered.
- (b) *Notice to the board.* In any such petition filed, the board of adjustment shall be designated the respondent in certiorari and Rockdale County the defendant in certiorari. The secretary of the board

of adjustment shall be authorized to acknowledge service of a copy of the petition and writ for the board of adjustment as respondent. Service upon the county as defendant shall be as otherwise provided by law. Within the time prescribed by law, the board of adjustment shall cause to be filed with the clerk of Rockdale County Superior Court a duly certified record of the proceedings had before the board of adjustment, including a transcript of the evidence heard before it, if any, and the decision of the board of adjustment.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-14. - Administrative variances.

- (a) *Authority.* Administrative variances shall be submitted to the director of the department of planning and development, who may grant the variance, grant the variance with conditions, or deny the variance with reasons clearly stated. In granting an administrative variance, the director may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this zoning ordinance, as may be deemed necessary for the protection of adjacent properties, the environment and the public interest.
- (b) *Limitations.* Applications for administrative variances shall be considered on the following provisions exclusively:
 - (1) *Dimensional standards of zoning districts:* Reduction up to 50 percent on minimum lot width, minimum building setbacks, maximum impervious surfaces, and minimum lot depth (section 214-1). No administrative variance shall be granted in the CRS zoning district (subsection 206-5(j)(4)) or CSO zoning district (subsection 206-18(f)(18)).
 - (2) *Distance between buildings:* Reduction up to 50 percent of the minimum distance between buildings on the same lot (section 214-9).
 - (3) *Supplemental use and development standards:* Reduction up to 20 percent on minimum lot size, up to 50 percent on minimum setbacks and buffers, when required (section 218-13).
 - (4) *Signs:* Refer to chapter 230—Sign Regulations.
 - (5) *Parking requirements:* Reduction in the total number of off-street parking spaces up to 20 percent of the number required by the table of minimum parking requirements (subsection 222-3(f)).
 - (6) *Parking requirements for front yards:* Approval for up to 25% of required parking in a required front yard (as defined in Section 106-1, "Yard, front: A yard extending the full width of the lot or parcel and situated between the right-of-way line of the abutting street and the front yard line of the principal building or structure.") where it is otherwise prohibited or restricted. A ten-foot landscape buffer shall be provided between the public or private street right-of-way and the parking area.
 - (7) *Transitional buffer width:* Reduction up to 50 percent of required transitional buffer width (subsection 328-6(d)).
 - (8) *Administrative variance due to public right-of-way:* The department shall be authorized to approve an administrative variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
 - a. To reduce required minimum lot size by up to 50 percent.
 - b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be nonconforming with respect to the minimum setback standards of this Title 2.
 - c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.

- (9) *Fences, walls and hedges:* Approval for up to 150 percent of the maximum height of a fence, wall or hedge. An application for an administrative variance affecting all or a portion of the same property that was denied by the board of adjustment shall not be accepted sooner than six months after the date of the final decision by the board of adjustment.
- (c) *Application procedures.*
- (1) *Form.* An application shall be submitted on a form provided by the department.
- (2) *Fees.* A nonrefundable application fee shall accompany the application, as established from time to time by the board of commissioners, to defray the actual cost of processing the application.
- (3) *Documentation.* The application shall be in such a form and contain such information and documentation as shall be prescribed by the department, but shall contain at least the following:
- Name and address of the applicant.
 - Legal description of the subject property.
 - Size of the subject property.
 - A statement of the hardship imposed on the applicant by the UDO and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
 - Written documentation that all abutting property owners have been notified.
 - A site plan may be required by the director, in which case said plan shall be drawn to scale, showing property lines with dimensions, and any improvements, structures and buildings. The director may require a plat prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's signature and seal shall be affixed to the plat.
 - Any other pertinent information as requested by the director.
- (4) Within 15 business days after an application has been determined to be complete, the department shall either grant the variance, grant the variance with conditions, or deny the variance with reasons clearly stated in accordance with the standards set forth in subsection (e).
- (d) *Expiration.* An administrative variance shall automatically expire one calendar year from the date of approval, unless the proposed use or development has begun.
- (e) *Standards for issuance of administrative variances.* In deciding whether to grant an application for an administrative variance, the director shall consider all of the applicable standards provided in subsection 238-9(h) of Title 2. Approval of an administrative variance is not guaranteed and shall require demonstration of a hardship.
- (f) *Appeals of decisions to the board of adjustment.* The final decision of the director made pursuant to the provisions of section 238-14 may be appealed to the board of adjustment pursuant to section 238-8. Decisions made by the board of adjustment shall be final. All appeals of decisions made by the board of adjustment shall be by petitioning the Superior Court of Rockdale County for a writ of certiorari, setting forth plainly the alleged errors, pursuant to section 238-13.
- (g) *Repeal of an administrative variance.* Should the administrative variance cause negative impacts greater than anticipated at the time of approval, the board of adjustment shall have the right to repeal the administrative variance at the request of the director. The board of adjustment shall consider all of the applicable standards provided in subsection 238-9(h) of Title 2.
- (h) *Reporting to the board of adjustment.* The department shall report to the board of adjustment all decisions on administrative variances at regular board meetings.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2012-05, § 1, 5-8-2012; Ord. No. 0-2015-05, § II, 5-12-2015)

Sec. 238-15. - Conditional approval and alterations to conditions.

- (a) *Conditions of approval.* The planning commission and the department may recommend and the board of commissioners may impose reasonable conditions upon the approval of any amendment to the comprehensive plan, official zoning map or approval of a special use permit that it finds necessary to ensure compliance with the intent of the comprehensive plan or county ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
- (1) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
 - (2) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
 - (3) Greenspace and open space conservation.
 - (4) Driveway curb cut limitations.
 - (5) Restrictions to land uses or activities that are permitted.
 - (6) Prohibited locations for buildings, structures, loading or parking areas.
 - (7) The provision of adequate ingress and egress.
 - (8) Making project improvements for streets, sidewalks, parks or other community facilities.
 - (9) Building height, massing or compatible architectural design features.
 - (10) Hours of operation.
 - (11) The duration of a special use.
 - (12) A requirement that development shall conform to a specific site plan.
 - (13) Other conditions that the board of commissioners finds are necessary as a condition of approval of an amendment to the comprehensive plan, official zoning map or special use permit.
- (b) *Such conditions, limitations or requirements shall be:*
- (1) Set forth in the motion approving the amendment or special use permit.
 - (2) Set forth in the local ordinance that officially recorded the amendment or special use permit.
 - (3) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the comprehensive plan amendment, official zoning map amendment, or special use permit to which the conditions are attached and shall be:
 - a. Required of the property owner and all subsequent owners as a condition of their use of the property.
 - b. Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.
- (c) *Alterations to conditions of approval.*
- (1) Alterations or repeal of conditions attached to any amendment to the comprehensive plan, official zoning map, or approval of a special use permit shall be made only by the board of commissioners following a duly advertised public hearing conducted in accordance with

subsection 238-4(f) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).

- (2) Alterations or repeal of conditions attached to a variance granted by the board of adjustment shall be made only by the board of adjustment following a duly advertised public hearing conducted pursuant to procedures provided in subsection 238-9(g) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-16. - Orientation and continuing education training for planning commission and board of adjustment members.

- (a) *Training.* Each planning commission and board of adjustment member shall, within 120 days after appointment, attend a minimum of four hours of orientation training concerning the duties of the planning commission or board of adjustment, as applicable, and the substance of the UDO pertaining to his/her responsibilities. Such training program shall be provided by the staff of the county or city.
- (b) *Continuing education.* Each planning commission and board of adjustment member shall, within each period of two consecutive calendar years, starting at the date of the individual's appointment, attend no less than eight hours of continuing education in any of the subjects listed in subsection (e) of this section as provided by the American Planning Association (APA) or the Georgia Chapter of APA, or as otherwise approved by the director or city manager. Such training program shall be either through personal attendance or through audio or video teleconference.
- (c) *Written statements.* Each of the individuals above shall certify his or her attendance by a written statement filed with the secretary of his or her respective planning commission or board of adjustment by December 31 of each calendar year. Each statement shall identify the date of each program attended, its subject matter, location, sponsors and the time spent in each program.
- (d) *Funding.* The planning commission, board of adjustment or the legislative body of the city and county government in which the planning commission and board of adjustment have jurisdiction or representation, shall be responsible for providing training, as required in subsections (a) and (b) of this section or for providing funding to each planning commission and board of adjustment member so that each individual may obtain training, as required by subsections (a) and (b) of this section, from other sources approved by the director or city manager.
- (e) *Education subjects.* The subjects for the education required by subsections (a) and (b) of this section shall include, but not be limited to, the following: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; parliamentary procedure; public hearing procedure; planning or administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the planning commission and board of adjustment. Other topics reasonably related to the duties of planning officials may be approved by the director prior to December 31 of the year for which the credit is sought.
- (f) *Documentation of training.* The planning commission and board of adjustment shall keep in its official public records originals of all statements and the written documentation of attendance required in subsection (c) of this section filed with the secretary of each board pursuant to subsections (a) and (b) of this section for three years after the calendar year in which each statement and appurtenant written documentation is filed.
- (g) *Removal from position.* Members of the planning commission or board of adjustment shall be subject to removal if they fail to:
 - (1) Complete the requisite number of hours of orientation training and continuing education within the time allotted in this section.
 - (2) File the statement required by this section.

(3) File the documentation required by this section.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-17. - Conflict of interest.

(a) *Disclosure of conflicts.* A member of the board of commissioners or planning commission who:

- (1) Has a property interest in any real property affected by a rezoning action that is under consideration by the planning commission or board of commissioners;
- (2) Has a financial interest in any business entity that has a property interest in any real property affected by a rezoning that is under consideration by the planning commission or board of commissioners; or
- (3) Has a member of the family having any interest described in subsections (1) or (2) of this subsection.

Shall comply with the requirements of O.C.G.A. 36-67A-1., et seq., as amended.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 238-18. - Disclosure of campaign contributions.

It is the duty of all applicants and opponents of rezoning actions who have made campaign contributions aggregating \$250.00 or more to a member of the board of commissioners or planning commission within two years prior to the applicant's application for the rezoning action, to comply with the requirements of O.C.G.A. § 36-67A-1, et seq., or as amended.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-1. - Purpose.

This Title 2 is intended to implement the purposes set forth in section 102-2, and further is enacted for the purposes of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the county; lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, water, schools, parks and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the county, all in accordance with Rockdale County's Comprehensive Plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-2. - Authority.

This Title 2 is enacted pursuant to Rockdale County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, article 9, section 2, paragraph 4 and by article 9, section 2, paragraphs 1 and 3; pursuant to chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by Rockdale County's authority to enact regulations and exercise powers granted by local laws and by the county's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-3. - Incorporation of official zoning map.

The "Official Zoning District Maps for Rockdale County," hereinafter called official zoning maps, with all appendices, notations, references and other information shown thereon, shall be the official maps and are incorporated by this reference and hereby made a part of Title 2 of the UDO. Said maps shall be made a public record and shall be kept permanently in the Department of Public Services and Engineering of Rockdale County, where the maps or accurate reproductions thereof, will be accessible to the general public. Certified copies of said map shall be prepared by the Rockdale County Clerk.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-4. - Division of the county into districts.

For the purposes of this UDO, the county is divided into the following districts:

W-P	Watershed Protection District.
A-R	Agricultural-Residential District.
R-1	One-family Residential District.
R-2	Two-family (Duplex) Residential District.
CRS	Conservation Residential Subdivision.
CSD	Conservation Subdivision Development District.
CSO	Conservation Subdivision Ordinance.
MUR	Mixed-use Residential District.
RM	Residential Multi-family District.
CID	Civic-Institutional District.
O-I	Office-Institutional District.
NC	Neighborhood Commercial District.
C-1	Local Commercial District.

C-2	General Commercial District.
MxD	Mixed-use Development District.
OBP	Office Business Park.
M-1	Limited Industrial District.
M-2	General Industrial District.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 27, 5-22-2007)

Sec. 202-5. - Interpretation of zoning district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Official Zoning Map of Rockdale County, the following rules shall apply:

- (a) Unless otherwise indicated the district boundaries are intended to approximately follow property lines, land lot lines, centerlines of streets, highways, alleys or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- (b) Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, right-of-way of the same, or the centerlines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning maps. If no distance is given, such dimensions shall be determined by the director using the scale shown on the official zoning maps.
- (c) In case the exact location of a boundary cannot be determined by the foregoing methods, the board of commissioners shall, upon application, determine the location of the boundary pursuant to a regularly advertised public hearing.
- (d) When a parcel is split by a zoning district boundary, each such portion of the parcel shall be used only for the uses authorized within the zoning district that each such portion is classified.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-6. - Relationship to comprehensive plan.

- (a) *Land use role of the comprehensive plan.* The Rockdale County Comprehensive Plan is hereby established as the official policy of the county concerning designated land uses, under which the unincorporated areas of Rockdale County are divided into the following land use categories:
 - (1) Conservation subdivision.
 - (2) Low density residential.
 - (3) Medium density residential.
 - (4) Watershed protection.

- (5) High-density residential.
- (6) Special mixed-use activity center.
- (7) Historic village.
- (8) Office/professional.
- (9) Public/institutional.
- (10) Neighborhood commercial.
- (11) Commercial.
- (12) Office distribution - technology.
- (13) Light industrial.
- (14) Manufacturing.
- (15) Transportation/communications/utilities.
- (16) Park/recreation/conservation.
- (17) Water.

(b) *Relationship between land use categories and zoning districts.*

- (1) The comprehensive plan does not change the existing zoning districts in the county, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and provides, among other things, designated categories within which only certain zoning districts may be authorized.
- (2) The zoning districts that are permitted within each land use category shall be restricted to those shown in table of zoning districts permitted in each land use category of the comprehensive plan in this section.

Table of Zoning Districts Permitted in Each Land Use Category of the Comprehensive Plan

Comprehensive Plan Land Use Category	Permitted Zoning Districts
Conservation Subdivision	CSO, CRS
Low Density Residential	A-R
Medium Density Residential	R-1
Watershed Protection	W-P
High-density Residential	R-2, RM
Special Mixed-use Activity Center	CSD, MUR, NC, MxD, CID
Historic Village	CSD, R-1, R-2

Office-Professional	O-I
Public/Institutional	O-I
Neighborhood Commercial	C-1
Commercial	C-1, C-2
Office Distribution - Technology	O-I, OBP, M-1
Light Industrial	M-1
Manufacturing	M-2
Transportation/Communications/Utilities	All Zoning Districts
Park/Recreation/Conservation	All Zoning Districts
Water	All Zoning Districts

- (c) *Conformity of the zoning maps with the comprehensive plan.* Within the various land use categories described in this chapter and shown on the comprehensive plan, no amendment to the official zoning maps shall permit a use except in accordance with the uses permitted in the comprehensive plan land use category applicable to the property to which the proposed zoning map amendment applies.
- (d) *Amendments to comprehensive plan.* See section 238-4.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, §§ 28, 5-22-2007)

Sec. 202-7. - Zoning verification.

Upon request, the director shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel of property. Requests to the director shall be in writing, accurately identify the property, and be accompanied by a fee established by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-8. - Zoning classification of de-annexed properties.

- (a) Property de-annexed from the municipalities in Rockdale County shall automatically be deemed to be zoned to the least intense zoning district in Rockdale County that permits the current use and intensity of the subject property at the time of de-annexation.

- (b) Such de-annexation shall be reflected on the future land use map of the Rockdale County Comprehensive Plan and a consistent land use category shall be assigned to de-annexed property by the department based on the following standards:
 - (1) The future land use map category shall be consistent with the current use.
 - (2) The future land use category shall be consistent with the zoning district assigned in subsection (a).
 - (3) The future land use category shall take into consideration the land use classification of adjacent properties as shown on the adopted future land use map of the Rockdale County Comprehensive Plan.
- (c) Immediately upon de-annexation property owners of de-annexed property may present an application for amendment to the comprehensive plan and amendment of the official zoning map, based on the standards and procedures of the Rockdale County Comprehensive Plan and this UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 202-9. - Enforcement and penalties.

The provisions of Title 2 of the UDO shall be administered and enforced by the director, except as to those limited code enforcement duties assigned to the director of the department of community compliance and legal affairs. Said Directors shall have authority to revoke, suspend, or void any development permit, building permit, or certificate of occupancy and shall have authority to immediately suspend all work on a site or portion thereof that is in violation of Title 2 pursuant to UDO chapter 110.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

TITLE 3 - DEVELOPMENT AND PERMITTING

Chapter 302 - SUBDIVISION AND SITE DEVELOPMENT STANDARDS

ARTICLE I. - GENERAL

Sec. 302-1. - Purpose.

- (a) This title is adopted in order to encourage appropriate development and subdivision of land in the county and for the following purposes:
 - (1) To ensure economically sound and stable land development.
 - (2) To ensure the provision of required streets, utilities, and other facilities and services to land developments.
 - (3) To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments.
 - (4) To ensure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
 - (5) To ensure that the land is developed in conformity with the elements of the comprehensive plan, whenever reasonably practical.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-2. - Short title.

This chapter shall be known and may be cited as the "Rockdale County Subdivision Regulations."

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 302-3—302-7. - Reserved.

ARTICLE II. - DEVELOPMENT DESIGN STANDARDS

Sec. 302-8. - Subdivision and site design.

- (a) *Purpose.* The purpose of quality subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project that will be an asset to the community. To promote this purpose, any proposed subdivision and site plan shall conform to the following standards that are designed to result in a well-planned community without adding unnecessarily to development costs.
- (b) *Basis for proper planning and design.*
 - (1) Site context.
 - (2) Geology and soil.
 - (3) Topography.
 - (4) Climate.
 - (5) Ecology and environment.
 - (6) Existing vegetation.
 - (7) Existing structures.
 - (8) Road networks.
 - (9) Visual features.
 - (10) Past and present use of site.
 - (11) Local and regional plans for Rockdale County and surrounding communities.
- (c) *Suitability of the land.* Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geological, or other features that may endanger the health, life, or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are implemented in the site design for solving these problems.
- (d) *Conformance to the comprehensive plan.* All subdivision plats and site development plans shall conform to the maps, policies, and text of the comprehensive plan.
- (e) *Conformance to zoning.* All subdivision plats and site development plans shall conform to the official zoning map of Rockdale County and Title 2 of the UDO.
- (f) *Conformance to the Federal Functional Classification Systems for Rockdale County.* All streets and rights-of-way for streets shall conform in location, width, design, and construction standards of the latest Federal Functional Classification Systems for Rockdale County.
- (g) *Conformance to regulations of health department and state and federal agencies.* All subdivision plats and site development plans shall conform to the regulations promulgated by the Rockdale County Board of Health, Environmental Health Section, the Rockdale Department of Water

Resources, and the requirements of state and federal agencies, such as but not limited to the Georgia Department of Natural Resources and the Georgia Department of Community Affairs.

(h) *Dedication or reservation of public lands.*

- (1) When public land uses or facilities of the Comprehensive plan or other plans adopted by Rockdale County or other public agencies of the State of Georgia are located in whole or in part in a subdivision or site development plan requiring a permit from Rockdale County, such features shall be either dedicated or reserved by the developer for acquisition within a reasonable length of time by the appropriate public agency. However, nothing in the UDO shall conflict with the requirements of the O.C.G.A. § 36-71-1 et seq. (Georgia Development Impact Fee Act).
 - (2) Land dedicated for public rights-of-way or easements shall be suitable for their public purpose. No cross-slopes with a ratio steeper than 4:1 (horizontal: vertical) shall be permitted within rights-of-way or easements.
- (i) *Subdivision name.* The name of the subdivision shall be reviewed and approved by the department in coordination with Rockdale County Department of Communications. Any proposed names shall not duplicate nor closely approximate the name of an existing subdivision or development.
- (j) *Sewerage easements.* A 20-foot permanent easement within a 40-foot construction easement shall be shown on the plans and dedicated to Rockdale County in a location acceptable to Rockdale Water Resources in all proposed subdivisions in which:
- (1) Sanitary sewer is currently unavailable; and
 - (2) Rockdale County's wastewater master plan shows that the subdivision lies within an area projected to receive county sanitary sewer service in the future.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 11, 7-24-2007)

Sec. 302-9. - Design of lots.

- (a) *Unbuildable lots prohibited.* No preliminary plat shall be approved on which is shown a flag lot or other lot or parcel of land that would require a variance to be developed or used or that is otherwise unlawful or unbuildable, whether due to the presence of a floodplain, configuration, lack of public utilities, or other physical impediments.
- (b) *Lot design standards.* All lots established in connection with the development of a subdivision shall comply with the following design standards unless the proposed subdivision is covered by approved variances or conditions of zoning that take precedence:
- (1) Insofar as practical, side lot lines shall be perpendicular or radial to street lines, unless otherwise approved by the director.
 - (2) Each lot shall have direct abutting access to an approved street.
 - (3) Each lot shall abut a public street except those that front on an approved private residential street within a gated community, and shall contain at least 60 feet of street frontage, except for lots fronting on cul-de-sacs that shall abut a said public or private street with at least 30 feet of street frontage. All lots shall comply with section 214-1.
 - (4) Each lot intended for building development shall contain a building site with required buildable area that is outside the limits of floodways, easements, buffers, and building setback lines required by this UDO.
 - (5) Subdivisions shall be designed to minimize direct lot access to major thoroughfares. Reverse frontage lots shall be required for residential subdivisions along the state highway system or other arterials or collectors where internal access can be provided. An easement of at least ten feet in width, across which there shall be no right of access, shall be provided along the line of

lots abutting such a traffic artery. Said easement shall provide outdoor screening with an evergreen hedge planted along the roadway within said easement.

- (6) Lot remnants that constitute reserve strips shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.
- (7) No lot shall be created that is of a lesser dimension than that required to meet the frontage, minimum setbacks and yards established in chapter 214 and chapter 206 unless a variance is granted by the board of adjustment. However, this provision shall not apply when a conforming lot is made nonconforming as a result of public acquisition.
- (8) No lot shall be reduced in size less than the minimum lot area established in chapter 214 and chapter 206.
- (c) *Political boundaries.* No lot line of a lot established in connection with the development of a subdivision shall cross a jurisdictional boundary line.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-23, § 9, 10-9-2007; Ord. No. 2009-15, § 3, 11-10-2009)

Sec. 302-10. - Streets and driveways.

- (a) *Street names.* The names of streets shall be reviewed and approved by the department in coordination with Rockdale County Department of Communications. Proposed street names shall not duplicate nor closely approximate the name of an existing street.
- (b) *Connectivity.* See also section 332-2.
 - (1) Where feasible, a proposed subdivision shall provide a street system that is interconnected with the existing or planned street system, subject to the following requirements:
 - a. Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions.
 - b. Whenever a tract of land that is to be subdivided abuts a street stub or dead-end street, the design of the streets within the subdivision shall be arranged so that the abutting streets or rights-of-way are continued through the new subdivision and connected with other adjoining streets.
 - c. Whenever a dedicated or platted half-width street or alley adjoins the tract to be subdivided, the other half-width shall be platted and improved as required by this chapter.
 - d. Culs-de-sac are discouraged, except where streams, lakes, geological or topographical features make through-connections infeasible.
 - e. Culs-de-sac longer than 800 feet are prohibited. See subsection 332-4(e).
 - f. When culs-de-sac are necessary, the director may require that access easements be provided through one or more lots from the cul-de-sac to another nearby public street in order to ensure interconnected access for pedestrians, bicycles, and emergency vehicles to through-streets and multi-use trails.
 - (2) In order to ensure emergency access, every subdivision meeting the standards of section 302-23 shall have the minimum number of access points required by the table set forth in UDO subsection 332-2(d). If two or more public street entrances to a subdivision occur along the same existing street, the entrances shall have adequate sight distance, and be no less than 400 feet apart if on a local street, or 600 feet apart if on a street classified as collector or arterial street on the Conyers-Rockdale County Functional Classification System.
- (c) *Access management.*
 - (1) Driveways shall meet access management standards in section 332-2.

- (2) Street jogs with centerline offsets of less than 125 feet are prohibited.
- (3) An un-signalized driveway entrance onto a street classified as an arterial or collector shall provide a deceleration lane as required in subsection 332-3(d).
- (4) Deceleration lanes also may be required by the director if considered necessary for traffic safety based on traffic volumes and sight distance.
- (d) *Private gates.*
 - (1) Use of private gates across a private driveway that provides access to two or more lots shall be subject to approval of the director. All gates shall meet the minimum gate requirements of article VII of chapter 302.
 - (2) Gates placed across the entrance to a private development or a private driveway at the intersection with a public street shall be setback a minimum of 100 feet from the right-of-way of the public street in order to provide queuing space and not impede traffic on public streets.
- (e) *Private streets.* Private streets for residential development are permitted for multifamily, condominium and approved residential gated communities. Private streets for non-residential development are subject to approval by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2009-15, §§ 4, 5, 11-10-2009)

Sec. 302-11. - Monumentation.

- (a) *Boundary monument.* All subdivisions of residential property resulting in a total of three or more parcels and all subdivisions or site developments consisting of nonresidential property without regard to the number of resulting parcels shall have a boundary monument installed on its boundary with public rights-of-way.
- (b) *Construction.* Each subdivision monument shall be embedded in concrete or similar permanent material, complete with brass cap with a unique identification stamped or engraved into the cap face.
- (c) *Map registration and accuracy.* Georgia State Plan (West) coordinates for this boundary monument will be annotated on the final plat and also provided under separate cover to the GIS Manager, Rockdale County. The standard accuracy shall be in accordance with applicable American Land Title Act (ALTA) requirements for suburban surveys in all three planes (X, Y, and Z).
- (d) *Street corners.* Solid steel rods at least ½ inch in diameter and 18 inches long or concrete posts at least 3.5 inches square and 18 inches long shall be set at all street corners. The top of the monument shall have an indented cross to identify the location and shall be set flush or up to six inches above the finished grade.
- (e) *Lot corners.* All other lot corners shall be marked with solid steel rods not less than ½ inch in diameter, and at least 24 inches long and shall be set flush or up to six inches above the finished grade.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-12. - Property numbering.

- (a) The intent of this section is to establish a uniform system of property numbering for the county, to provide the method for instituting such a system, and for the enforcement thereof.
- (b) A uniform system of numbering properties, as shown on the official county zoning maps, shall be on file in the office of planning and zoning.
- (c) All legal lots of record within the county may be identified by reference to the property numbering system in this section.

- (d) Any new structure built in the county shall conform to the provisions of this section before occupancy.
- (e) The assignment of numbers shall be as follows:
 - (1) A separate number shall be allowed for each 20-foot interval along a road or street (except where dictated otherwise by street alignment) within each land lot (except in the 4th District). The grid in the 4th District shall be an extension of the grids in the 16th District.
 - (2) Lots located on one side of a public street shall be assigned only odd-numbers, and the lots located on the opposing side of the street shall be assigned only even numbers. This odd/even numbering pattern shall be maintained in a consistent manner along the full extent of each street and new streets shall be consistent with the pattern set by existing streets.
 - (3) The county shall be divided into four quadrants: N.E., S.E., S.W., and N.W., and the quadrant designation shall follow the street address for each property. The east-west base quadrant line shall be the centerline of the CSX Railroad. The north-south base quadrant line shall be the centerline of the following roads from north to south: Georgia Highway 20 from Walton County line to Milstead Avenue; to Main Street; to Center Street; to Green Street; to Oakland Avenue; to Parker Road; to Georgia Highway 138; to Ebenezer Road; to Troupe Smith Road; to Midway Road; to Oglesby Bridge Road; to Georgia 212 to the Newton County line.
 - (4) The numbers shall increase as distance from the City of Conyers and the base quadrant lines increases.
 - (5) In any structure that is occupied by more than one business or dwelling unit, each business or dwelling unit shall be assigned a separate number according to the location of each unit's primary vehicle access.
- (f) The owner of any improved parcel of land in the county shall cause the official assigned street numbers required by this section for such parcel to be posted in a conspicuous place in front of the principal entrance for each primary structure located thereon. Such number shall be affixed or painted on or adjacent to the front entrance or may be affixed or painted on the mailbox for that entrance provided that such mailbox is clearly associated with the entrance to which it refers; and such street number shall be painted on the street curb at the closest point of such curb to the relevant entrance. This requirement shall not be applicable if no street curb exists.
- (g) Numerals used for property numbering purposes shall be made of a durable material or shall be painted of a durable and weather-resistant paint and shall contrast in color with the background upon which they are placed or painted. Such numbers shall be posted or painted in numerals of no less than four inches in height with a minimum stroke width of 0.5 inch. All numerals required by this section shall be maintained in good condition at all times. All numerals shall be kept free of obstructions at all times so that they are clearly visible from the street right-of-way.
- (h) Neighborhoods, subdivisions, or residential properties utilizing a cluster mailbox or utilizing a post office box and not having individual mailboxes to use as address identification shall post individual address identification signage as follows:
 - (1) Address signage shall be no more than ten feet from the driveway and no more than 25 feet from the road.
 - (2) For multiple residential properties that share a common single private drive, each owner shall display address numbers at the vehicular access point to the private drive and at the vehicular access point to each individual structure.
- (i) The department shall issue to any property owner in the county upon request the number assigned to that property in accordance with the provisions of this section. The department shall assign additional numbers in the same manner whenever a property is subdivided or a new front entrance is opened.

- (j) The department shall be responsible for recording and maintaining the numbering system on the zoning maps. In the performance of this responsibility, the department shall assign numbers guided by the provisions of this section.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, §§ 12—14, 7-24-2007; Ord. No. 0-2017-23, §§ II, III, 9-19-2017)

Sec. 302-13. - Community mailboxes.

- (a) Installation of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the developer.
- (b) Maintenance of the mailbox unit(s), as well as any associated shelters, lighting, parking, and other related amenities shall be the responsibility of the homeowners. The establishment of a homeowners' association is strongly encouraged in developments where individual mail delivery will be unavailable.
- (c) Cluster mailbox units shall be prohibited within the public right-of-way.
- (d) Cluster mailbox units, and any associated structures, shall not adversely impact sight distance to any driveway or road intersection, as determined by the Rockdale County Department of Transportation. Whenever feasible, the mailbox unit should be located within an amenity center, if one is proposed for the development.
- (e) Cluster mailbox unit(s) shall be located in area(s) that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues, as determined by the Rockdale County Department of Transportation.
- (f) A paved area with adequate ingress/egress, designed to meet the requirements of the Rockdale County Department of Transportation, shall be provided to allow vehicles to pull off the county roadway safely while retrieving mail.
- (g) All access to cluster mailbox unit(s) shall comply with current Americans with Disabilities Act and the Georgia Accessibility Code. Any sidewalks required by other provisions of this ordinance shall be incorporated into the mailbox area(s).
- (h) The mailbox unit(s) must be installed according to the manufacturer's standards.
- (i) The mailbox unit(s) and shelter, if any, shall be exempt from the normal setback requirements; however, shelters or other structures must be submitted to the building official for review and must meet all applicable building codes.
- (j) Any required cluster mailbox station and related improvements shall be installed and approved prior to the recording of the final plat.

(Ord. No. 0-2017-23, § I, 9-19-2017)

Secs. 302-14—302-19. - Reserved.

ARTICLE III. - SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW PROCEDURES

Sec. 302-20. - Application and authority.

- (a) *Permitting authority.*

- (1) No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed structure, development or subdivision before obtaining a land disturbance permit from the department, with the following exception: agricultural activity

consistent with the general farming use permitted in the A-R zoning districts, provided that there is no subdivision of land and no structure is to be constructed.

- (2) No building or development permit of any kind shall be issued for any lot or lot of record not created by subdivision in accordance with the provisions of the Rockdale County Subdivision Regulations.
 - (3) Nonconforming lots shall be exempt from subsection (a)(2), provided that new development of said lots shall be in accordance with the UDO, except as to deficient lot dimensions on said lots and that said lots shall not be further divided in any manner except in accordance with chapter 302.
- (b) *Platting authority.* No plat of a land subdivision shall be filed or recorded in the office of the clerk of the superior court unless it receives final plat approval from the planning commission pursuant to the requirements of this UDO, except as otherwise authorized in O.C.G.A. § 15-6-67(d). The filing or recording of a plat of a subdivision not exempted by O.C.G.A. § 15-6-67(d) without the approval of the planning commission is a violation of section 302-20 of this UDO and is punishable as provided by chapter 110 of the UDO.
 - (c) *Prohibitions.* No lot or plat shall be created by subdivision except in accordance with the provisions of this chapter 302. No lot shall be created based solely on a metes and bounds legal description. All lots shall be conforming lots, except where otherwise specifically authorized.
 - (d) *Use of plat.* The transfer of, sale of, or agreement to sell land by use of a plat that has not been given final approval by the planning commission and recorded in the office of the clerk of the superior court is prohibited and shall constitute a violation of this chapter in accordance with UDO chapter 110. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties provided in chapter 110.
 - (e) *Opening and improving public streets.* Rockdale County shall not accept, lay out, open, improve, grade, pave, or light any street or lay any utility lines in any street unless the street corresponds to the location approved in the preliminary plat or site development plan prepared consistent with this chapter and meets other requirements of the UDO.
 - (f) *Erection of buildings.* No buildings except model homes approved by the director, and developments with approved private streets shall be erected on any lot in Rockdale County unless the street giving access thereto has been accepted or opened as a public street in accordance with this chapter and has met other requirements of the UDO. Model homes approved by the director pursuant to this subsection shall not be issued a certificate of occupancy until a final plat providing for approved access to a public street has been approved and recorded.
 - (g) *Refusal of building permit.* No building permit shall be issued in connection with any lot or parcel or building site created by subdivision in violation of this chapter.
 - (h) *Transfer or conveyance.* Transfer or conveyance of any lot, building site, or other parcel created by subdivision in violation of this chapter shall be illegal and shall be subject to enforcement action as provided in chapter 110(k) of the UDO.
 - (i) The process for receiving a land disturbance permit pursuant to this Title 3 shall be subject to the following procedures, reviews, and approvals:
 - (1) Application on the form furnished by the department and payment of fees.
 - (2) Preliminary plat, as provided in section 302-23, or site development plan as provided in section 302-24, as applicable.
 - (3) Natural resources plan, as provided in subsection 302-23(c).
 - (4) Buffer plan and the protection and replacement plan, as provided in section 302-63.
 - (5) Traffic impact study and traffic calming plan, if required.
 - (6) DRI review, if applicable, as provided in section 302-21.

- (7) The erosion and sedimentation control plan and supporting documentation required in chapter 306.
- (8) Stormwater management concept plan, permit application, and stormwater management plan, as provided in chapter 310.
- (9) The applicable civil design and construction drawings prepared in conformance with the specifications and standards of article IV of this chapter.
- (10) Payment of all land disturbance permit fees established by the board of commissioners.
- (11) Additional requirements as specified by each type of permit, as stated below.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-21. - Developments of regional impact.

- (a) *DRI review threshold.* When an applicant desires a building permit, land disturbance permit, site development plan, or preliminary plat review that meets the standards of a development of regional impact (DRI) as provided in Georgia Department of Community Affairs regulation 110-12-3, and the use has not had prior review in accordance with section 238-5 of the UDO, then the department shall initiate and the applicant for such permit or preliminary plat review shall participate in a review by the Atlanta Regional Commission as provided in section 238-5 of the UDO.
- (b) *Notification of applicant.* The applicant will be notified by Rockdale County in the pre-application conference or else shall be informed in writing by Rockdale County within five days of receipt of the completed application concerning the required DRI procedures, and additional information requirements, if any.
- (c) *Suspension of land development processing during review.* No action shall occur on such application by Rockdale County until a recommendation is received from the Atlanta Regional Commission regarding the DRI. The schedule for review and action on the application shall be adjusted accordingly.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-22. - Subdivisions not requiring preliminary plat.

- (a) *Applicability.* For the purpose of this ordinance, each of the types of activities described below shall be considered subdivisions, but are exempt from the procedures and required site improvement provisions of this ordinance and may be approved by the director.
 - (1) The combination, recombination, or reconfiguration of two or more buildable lots of record, where the total number of lots is not increased.
 - (2) The division of land into four or fewer lots where no new streets or other public improvements, or access easements are planned or required.
 - (3) The conveyance of land to a public entity as defined in chapter 106.
- (b) *Standards.* The following standards apply to subdivisions meeting the standards of subsection (a):
 - (1) The subdivision or lot meets all requirements of this UDO, and the applicant demonstrates that approval of the subdivision or lot will not create nonconformity to the requirements of this UDO on any other portion of the original property from which the lot was subdivided.
 - (2) All new lots fronts on an existing public street with a minimum frontage of 60 feet.
 - (3) No extension of utilities or construction of public streets are required or provided.

- (4) The lots shall comply with the requirements of the water provider and Environmental Health Department, or Rockdale Water Resources, as appropriate. If existing utilities are being modified, the Environmental Health Department or Rockdale Water Resources, as appropriate, shall certify approval of wastewater treatment service prior to approval of the final plat by the director.
- (5) All slope and utility easements and additional street right-of-way, as determined by the director on the basis of the latest Federal Functional Classification Systems for Rockdale County shall be provided at no cost to Rockdale County.
- (c) *Procedures.* Subdivisions not requiring a plat shall be platted in accordance with the final plat standards of this UDO, and shall be submitted with an application and appropriate non-refundable fees to the director for review and approval. Upon approval, the director shall authorize and the planning commission shall approve the recording of the final plat with the clerk of Superior Court of Rockdale County and grant the issuance of building permits pursuant to the codes and ordinances of Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 23, 5-22-2007)

Sec. 302-23. - Subdivisions requiring preliminary plat.

- (a) *Applicability.* This section applies to all subdivisions of property for non-residential use, all multi-phase subdivisions, and subdivisions of property for residential use other than those meeting the standards of section 302-22.
- (b) *Process.* All subdivisions not meeting the standards of section 302-22 shall be subject to the application, review, and approval procedures of this section, consisting of the preparation and approval of a preliminary plat, construction plans, and final plat.
- (c) *Preliminary plat.*
 - (1) *Application.*
 - a. Prior to any land disturbance activities or selling any lots, the developer shall submit a preliminary plat of the proposed subdivision to the department for review and approval. When multi-phase subdivisions receive prior approval as a whole in the concept plan stage, preliminary plat applications may be submitted individually for each phase. The application for approval of a preliminary plat shall be accompanied by the required fee and the following additional documents, as appropriate:
 - 1. A natural resources plan, shall be required by the department. The natural resources plan shall include a map drawn at one inch = 100 feet that indicates the presence of streams, lakes, floodplain, wetlands, areas of vegetation, steep slopes, shallow or exposed rock, or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
 - 2. A traffic impact study for developments that exceed the thresholds published by GRTA, or 200 lots, whichever is less, prepared in accordance with the standards and requirements of GRTA, or the Institute of Transportation Engineers.
 - 3. Traffic calming plan, in accordance with the Rockdale County Traffic Calming Ordinance.
 - b. The preliminary plat for a subdivision shall be in substantial conformity with the concept plan.
 - c. The preliminary plat shall be prepared in accordance with this chapter and consist of the elements as described in section 302-61. After approval of the preliminary plat, the developer shall also provide copies of the preliminary plat to all utility companies serving the area.

(2) *Preliminary plat review procedures and standards.*

- a. Preliminary plats prepared pursuant to this section shall be reviewed with respect to their consistency with the Rockdale County Comprehensive plan and conformity with each of the standards and requirements of this section and all other applicable sections of the UDO and state and federal regulations as they may be applicable.
- b. The applicant shall be responsible for compliance with all federal, state, and local codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the department and related agencies reviewing the preliminary plat.
- c. Within 15 working days from receipt of the preliminary plat, the director shall coordinate the internal review of said preliminary plat with staff representing the disciplines of planning, zoning, transportation, stormwater, general engineering, GIS, water/sewer, environmental health, the Rockdale County Department of Communications, county arborist/urban forester, and the fire marshal and other departments, as applicable.
- d. Review of natural resources plan, traffic impact study, and traffic calming plan.
 1. Concurrent with review of the preliminary plat the director shall review the natural resources plan, traffic impact study, and traffic calming plan, if required. Such review shall assess the conformity with each of the standards and requirements of this chapter, chapter 332 and chapter 222.
 2. If the natural resources plan, traffic impact study, or traffic calming plan is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the director.
 3. Approval of the preliminary plat shall be contingent on the director's approval of the natural resources plan, tree protection and landscape plan, traffic impact study, and traffic calming plan, if applicable.
- e. The director shall indicate on a review copy of the drawings or in a memorandum all comments related to compliance of the preliminary plat with this ordinance, principles of good engineering and design, conditions of zoning approval, and regulations of other county departments and state agencies as appropriate. The director shall have final staff authority to determine the applicability of any and all comments of staff, and review agencies under these regulations or conditions of zoning approval.
- f. When the director has determined that the preliminary plat is in compliance with this UDO and approval has been received from all affected county departments and outside agencies having jurisdiction, the director shall deliver the preliminary plat to the planning commission for their review. Not less than seven days prior to the planning commission meeting at which the preliminary plat will be reviewed, the director shall notify the applicant of the time and place of the planning commission meeting by first class mail.

(3) *Action on application.*

- a. No more than 60 days following submission of the preliminary plat, the planning commission shall either approve or disapprove the preliminary plat unless the applicant consents to waive this requirement and consent to an extension. Otherwise, if the planning commission fails to take action within 60 days after the date of submission of the preliminary plat, then the preliminary plat shall be deemed to be approved.
- b. If approved, the chair of the planning commission shall sign such preliminary plat and certify approval on two copies of the preliminary plat. One copy shall be returned to the applicant and the other copy retained and made a part of the department's records.
- c. If the preliminary plat is disapproved, the director shall notify the developer in writing, within seven days of the planning commission meeting at which it was reviewed, stating the reasons for disapproval.

- (4) *Resubmission.* If the preliminary plat application is disapproved, the applicant shall resubmit the preliminary plat and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit within 180 days shall require the applicant to submit a new preliminary plat.
- (5) *Effect of preliminary plat approval.*
 - a. Approval of the preliminary plat shall be deemed an expression of approval of the layout of the subdivision to be used as a guide to the preparation of the final plat.
 - b. Approval of the preliminary plat shall entitle the applicant to prepare and submit construction plans for site development and improvement as provided in article IV of this chapter 302 and to meet all other provisions of the UDO.
 - c. The approval of the preliminary plat shall expire if a land disturbance permit for any required improvements has not been issued or a final plat has not been submitted for recording within 12 months of the date of approval of the preliminary plat.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-24. - Site development plans.

- (a) *Applicability.* Site developments consist of proposed developments of a single parcel of land, having a single phase, other than a one- or two-family dwelling or a residential accessory structure, that do not require subdivision of property into separate lots or units for sale.
- (b) *Process.* Site development plans shall be subject to the application, review and approval procedures of this section, consisting of the preparation and approval of a site development plan and construction plans for site development and public improvements.
- (c) *Site development plan application.*
 - (1) Prior to undertaking disturbance of land or construction requiring a building permit, the developer shall submit to the department a site development plan and an application on a form provided by the department. The application for approval of a site development plan shall be accompanied by the required fee and the following information:
 - a. A natural resources plan, if the site is larger than one acre and has not been developed previously for commercial use or is a recorded lot in a commercial subdivision. The natural resources plan shall include a map drawn at one inch = 100 feet that indicates the presence of streams, lakes, floodplain, wetlands, prime vegetation, endangered species, steep slopes, shallow or exposed rock or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
 - b. A traffic impact study for developments that exceed the thresholds published by GRTA, or have trip generation greater than 2,000 daily trips, whichever is less, prepared in accordance with the standards and requirements of GRTA, or the Institute of Transportation Engineers.
 - (2) The site development plan shall provide all elements required in section 302-62.
- (d) *Site development plan review.*
 - (1) If the application is certified as complete, the director shall review the site development plan with respect to its consistency with the Rockdale County Comprehensive plan and conformity with each of the standards and requirements of this section and all other applicable sections of the UDO.
 - (2) Concurrent with review of the site development plan, the director shall review the natural resources plan and traffic impact study, if required. Such review shall assess the conformity with each of the standards and requirements of this chapter, chapter 332 and chapter 222.

- (3) If the natural resources plan or traffic impact study is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the director.
- (4) The director shall coordinate the internal review of all site development plans and related documents with staff members representing the disciplines of planning, zoning, transportation, stormwater, general engineering, GIS, water/sewer, environmental health, the Rockdale County Department of Communications, county arborist/urban forester and the fire marshal. The director shall have final staff authority to determine the applicability of any and all comments of staff and review agencies under these regulations or conditions of zoning approval.
- (5) Approval of the site development plan shall be contingent on the director's approval of the natural resources plan and traffic impact study, if applicable.
- (6) The director shall indicate on a review copy of the drawings or in a memorandum, all comments related to compliance of the site development plan with the comprehensive plan, this UDO, principles of good engineering and design, conditions of zoning approval and regulations of other county departments and state agencies as appropriate.
- (7) The director shall have no more than 60 days either to approve or disapprove the site development plan. If the director disapproves of the application, the director shall notify the applicant in writing, stating the reasons. If approved, such action shall be noted on two copies of the site development plan. One copy shall be returned to the applicant, and the other copy shall be retained and made a part of the department's records.
- (8) The applicant shall be responsible for compliance with all federal, state and local codes, regulations and zoning requirements and for the satisfaction of all of the noted and written comments of the department and related agencies reviewing the site development plan.
- (e) *Resubmission.* If the site development plan is not approved, the applicant shall resubmit ten copies of the site development plan and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit the site development plan within 180 days shall void the application and require the applicant to submit a new application for site development plan approval with appropriate fees.
- (f) *Effect of approval.*
 - (1) Approval of the site development plan shall be deemed an expression of approval of the layout of the development to be used as a guide to the preparation of construction plans.
 - (2) The approval of the site development plan shall expire if a land disturbance permit for any required improvements has not been issued within 12 months of the date of approval of the site development plan.
 - (3) Approval of the site development plan shall entitle the applicant to prepare and submit construction plans for site improvements required in this section in conformity with article IV of this chapter and other provisions of the UDO (g), Land disturbance permits.

Following approval of construction plans for site developments and required improvements, a land disturbance permit to construct the required improvements for a site development may be issued at the applicant's request. See also section 302-46.

(h) *Development conformance for site developments.*

- (1) After completion of the construction of any required improvements for all or part of the area shown on the approved site development plan and before seeking a building permit, the developer shall submit all required certificates, including certification for stormwater management facilities, and guarantees and sureties for required improvements not yet completed, as provided in section 302-28, to the department for approval. The applicant also shall provide copies of the site development plan to all utility companies serving the area.

- (2) All improvements and utility installations that are required for approval that are to be dedicated under the rules and regulations of the county shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with the performance and maintenance agreement, as provided in section 302-28.
- (3) The director shall certify by signature on the original of the site development plan that all of the requirements of this UDO, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have inspected and approved the construction of improvements pursuant to the approved site development plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-25. - Approval of development conformance for subdivisions.

- (a) *Approval of development conformance.* Approval of development conformance shall be a prerequisite to the approval of a final plat or issuance of a certificate of completion or certificate of occupancy for any part of a project included in a land disturbance permit, except for single-family and two-family residential structures. The approval shall reflect certification that all site work and construction has been accomplished according to the terms of approved plans and permits, except when performance bonds have been authorized, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.
- (b) *As-built drawings.* Upon completion of the development activity as authorized by the land disturbance permit, and prior to final development inspection of public and private improvements, the developer shall submit to the department for review and approval a complete set of drawings prepared by a registered land surveyor in the state of Georgia showing "as-built" conditions. As-built drawings of water and sewer systems shall be provided to Rockdale Water Resources. See chapter 98.
- (c) *Certification.*
 - (1) Upon completion of the project, the owner may request a certificate of completion or certificate of occupancy from the director. The certificate of completion or certificate of occupancy shall be in a form as provided by the director.
 - (2) Following final inspection and approval of all as-built drawings, the director shall approve the certificate of completion or certificate of occupancy.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-26. - Final plat approval.

- (a) *Final plat required for subdivisions.*
 - (1) After completion of the construction of any required improvements for all or part of the area shown on the approved preliminary plat and before selling any lots, the applicant shall submit a final plat meeting the specifications of section 302-66. The final plat application shall be submitted to the department for approval together with the required certificates, including certification for stormwater management facilities and guarantees and sureties for required improvements not yet completed. The applicant also shall provide copies of the approved final plat to all utility companies serving the area.
 - (2) The final plat shall be in substantial conformity with the approved preliminary plat.

- (3) All improvements and installations to the subdivision that are required for approval of the final plat and that are to be dedicated shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with approved performance guarantees agreement, as provided in section 302-28.
 - (4) The following certifications shall accompany the final plat application:
 - a. A statement from the director of the Rockdale Water Resources and/or the Environmental Health Section of the Rockdale Health Department, as appropriate, approving the water supply and wastewater disposal systems, and a statement from the Rockdale County Fire Department approving the provision of fire hydrants. No final plat shall be approved except that the applicant has shown compliance with all of the requirements of chapter 98 regarding public utilities.
 - b. A statement from the department that all improvements have been made as required by this chapter.
 - c. The appropriate final plat review and filing fees as established by the board of commissioners.
 - (5) After final plat approval by the director, the applicant shall prepare appropriate documents and as-built plans for work done on dedicated public lands and prepare a metes and bounds description of dedicated streets, other public spaces and utilities for acceptance by the county. See section 302-65.
- (b) *Final plat approval.*
- (1) The final plat shall not be approved by the director until after a final inspection, as required in section 302-37, certification by the director that all requirements of these and other applicable regulations have been met, preparation of as-built drawings, dedication of public land and improvements, and approval of an executed performance guarantee and maintenance agreement and security, if required, consistent with section 302-28.
 - (2) The director shall certify by signature on the original of the plat that all of the requirements of this UDO, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have approved the plat.
 - (3) After the final plat has been approved, the director shall authorize recording with the Clerk of the Superior Court of Rockdale County. The applicant shall provide the department with an appropriate number of copies of the recorded plat, as determined by the director. The final plat shall indicate rights-of-way and other lands within the subdivision that are required to be dedicated to the county.
 - (4) Periodically, but no less than once each month, the director shall submit a listing of all approved final plats to the board of commissioners for ratification. The board of commissioners shall ratify final plats and accept rights-of-way and improvements dedicated to the county by consent action taken during a regularly scheduled meeting.
 - (5) Ratification of the final plat by the board of commissioners shall not be deemed acceptance of any dedications of land or improvements to the public. See subsection (d) of this section 302-26.
- (c) *Plat recording and usage.*
- (1) No plat of a subdivision shall be accepted for recording in the plat books or deed books in the office of the clerk of superior court, except a final plat on which is inscribed the approval of the director.
 - (2) The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the board of commissioners and recorded in the office of the clerk of Superior Court of Rockdale County is

prohibited, and the description of metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

(d) *Dedication of rights-of-way and other public lands.*

- (1) If dedication of right-of-way or other land to the county is required by the UDO, acceptance by the county shall be contingent on the developer submitting, and the county approving, a metes and bounds description of the required right-of-way and transferring title to such land by deed to the county prior to issuance of a certificate or completion and related building permits. The metes and bounds description shall be consistent with the right-of-way survey data and public lands survey data shown on the final plat approved by the director.
- (2) *Refusal to accept dedications.* Whenever a plat or site development proposes dedication of land to public use, the director may, at his/her option, require an independent environmental review to be conducted of such property. Such environmental review shall consider, among other things, whether the proposed land to be dedicated contains wetlands, subsidence, exposed rock, hazardous wastes, human burials or any other natural features that diminish the suitability of the property for its dedication, public use, public facilities, and maintenance. If the director finds that the proposed dedicated land is not suitable in whole or in part, the director may disapprove the plat or site development plan, shall notify the applicant in writing of the reasons for such determination and shall recommend that the board of commissioners not accept dedication of unsuitable land.

(e) *Structure location plan.*

- (1) The department shall require that a structure location plan be approved prior to issuance of a land development or building permit for all lots.
- (2) The structure location plan shall be prepared in accordance with the requirements outlined in section 302-68.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-27. - Procedures for revising final plats.

- (a) When it becomes necessary or desirable to revise a recorded final plat, the developer shall prepare a letter to the director documenting the reason for and extent of the revision and reproducible drawing(s) that contain the subject revisions along with a review fee determined by the board of commissioners. The revised plat shall contain a new signature block, be dated with the current date, be drawn at an appropriate scale and contain notation(s) indicating the nature and location of the revision(s). The subdivision name, date and book and page number of the original recording shall be noted on the new plat; and the new plat drawings shall be designated as "revised final plat."
- (b) All revisions shall be bound by the protective covenants, if any, recorded on the original final plat, and a statement to that effect shall be noted on the revised final plat.
- (c) If necessary, corresponding revisions to construction drawings, as-built drawings, engineering data and reports also shall be prepared, labeled appropriately, submitted, reviewed and certified by the director, and filed in the department along with a review fee determined by the board of commissioners.
- (d) The director shall forward the revised final plat and any related documentation to the appropriate departments or agencies that would be involved in checking the accuracy of the revision. Upon receipt of approval from such other departments or agencies, the director shall certify the revised final plat and submit it to the board of commissioners for ratification, as provided in subsection 302-26(b)(4) and (5).
- (e) The approved revised final plat shall be recorded by the clerk of superior court and returned to the developer.

- (f) Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-28. - Guarantees and sureties.

- (a) *Application.* Guarantees and sureties shall be required for any development involving the division of land into multiple ownerships with lots or units where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this Title and all conditions of approvals and permits.
- (b) *Improvements.* All guarantees and sureties shall be conditioned upon the faithful completion and performance by the developer of all work required for completion of all amenities, improvements and installations that are part of a subdivision of land in order to fulfill requirements of this Title for an approved portion of the development, when such installations are to be completed within a specified period of time. Such delay in installation is subject to approval by the director because of unusual weather, site conditions or construction phasing situations where it is in the ultimate interests of the county and the purchaser of the subject lots or units that installation and construction be delayed.
- (c) *Guarantees and sureties.* With the director's approval, guarantees and sureties may be allowed for the following types of improvements:
 - (1) Stormwater management facilities, subject to subsection (e) of this section.
 - (2) Sidewalks, trails or walking paths.
 - (3) Street surface course.
 - a. The street base required under section 332-7 shall be in place, as well as the binder course, if applicable.
 - b. Streets shall be so designed to divert stormwater runoff into storm drainage systems.
 - (4) *Landscaping and tree planting.*
 - a. Final landscaping and planting grass, sod, mulch and ground cover in common areas and within rights-of-way. Under no circumstances shall this be construed as allowing erosion and sedimentation control measures required by chapter 306 to be bonded for future installation.
 - b. Planting and irrigation of trees and shrubbery in common areas and within rights-of-way.
 - (5) *Recreational facilities.*
 - (6) Guaranties and sureties shall not be allowed for erosion and sedimentation control facilities, improvements or management practices.
- (d) *Performance guarantee.*
 - (1) In the pre-construction conference, the director shall have the authority to require the applicant to establish a performance guarantee or post a performance bond in a form acceptable to the county in order to guarantee timely installation of required project improvements; such as, but not limited to, streets, utilities, stormwater management facilities, sidewalks and landscaping within the subject development that are consistent with this Title. Said performance guarantee shall be in an amount equal to 125 percent of the estimated construction cost and be for a term not to exceed 24 months, with one 12-month extension, subject to approval by the director.
 - (2) The developer shall provide the department with a certified copy of a properly executed improvement agreement covering all of the work to be done to complete all improvements. This agreement shall include the following:

- a. A condition requiring that all improvements, whether required by this Title or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this title.
 - b. A condition requiring that all required improvements shall be constructed satisfactorily within the period stipulated.
 - c. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 1. An estimate prepared and provided by the applicant's engineer and approved by the director.
 2. A copy of an executed construction contract with a bona fide and qualified contractor.
 - d. Specification of the public improvements to be made and dedicated including a timetable for making such improvements.
 - e. A condition requiring that, upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the county shall utilize the surety provided in connection with the agreement to complete the improvements.
 - f. A condition providing for the amount and type of surety necessary to ensure performance for the construction of improvements.
 - g. A condition allowing that, upon the applicant's request, the amount of the surety may be reduced once during the life (term) of the agreement, subsequent to the completion, inspection and acceptance of the improvements by the county.
- (3) If the developer intends to perform the work personally, the contract must be drawn with the county in an amount acceptable to the department in an amount and timeframe acceptable to the department to adequately cover the cost of the work to be performed.
 - (4) The developer shall place funds in escrow with the county in an amount equal to 125 percent of the total contract amount.
 - (5) It shall be the responsibility of the developer to petition the county for release of the guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill all the requirements of this title.
- (e) *Required stormwater performance surety.*
- (1) Upon approval of the stormwater management plan, but before the issuance of a land disturbance permit, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security for construction of the proposed stormwater system.
 - a. *Amount of surety.* The amount of surety shall be 125 percent of the total estimated construction costs of the facilities required by the stormwater management plan.
 - b. *Release of bond.* The performance bond or other surety shall not be released until compliance with the requirements listed below has been achieved.
 1. *Final inspection.* The department shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
 2. *Execution.* The department shall determine that all provisions of the stormwater management plan have been executed faithfully.
 - (2) *Partial release.* A provision may be made for partial release of the amount of the bond, pro rata, upon completion and acceptance of various stages of development as specifically

delineated, described and scheduled in the stormwater management plan. The applicant shall notify the department upon completion of each stage that is ready for inspection.

- (f) *Approval of permit.* The board of commissioners may approve issuance of the development permit and waive or reduce any performance bond requirement after consideration of such factors as proof of financial ability of the developer or the record of performance or compliance by the developer since the last violation, or any other factors the board of commissioners considers relevant to the protection of the public from potential erosion or sedimentation violations.
- (g) *Type of surety.*
 - (1) Subject to the approval of the county attorney the following types of surety arrangements may be used to secure the developer's obligations in the agreements required in the section:
 - a. Cashier's check.
 - b. Certified check.
 - c. Developer/lender/county agreement.
 - d. Interest-bearing certificate of deposit.
 - e. Clear, irrevocable letters of credit.
 - f. Surety bond.
- (h) *Subsequent phases.* Guarantees and sureties for any subsequent phase of construction of a subdivision or development project must include all streets within the subdivision or development project that provide access to the subsequent phase, unless alternate access for construction traffic is provided and approved by the director.
- (i) *Maintenance of improvements.* Prior to approval of a certificate of completion or a certificate of occupancy, a maintenance agreement and bond shall be provided to ensure the continued function and good condition of public improvements being constructed as part of a subdivision to fulfill the requirements of this title for a specified time until such bonds are released by the county. The developer shall be responsible for maintenance of all such public improvements for two years from the date of issuance of the certificate of occupancy or certificate of completion, as applicable. The amount of the maintenance bond shall be equal to ten percent of the actual cost of construction of the public improvements shown on the as-built surveys. The cost of construction shall be determined by copies of contractor agreements or actual invoices paid, or as otherwise determined by the director.
- (j) *Release of guarantees and sureties.*
 - (1) It shall be the responsibility of the developer to petition the county for release of surety. During the two-year period, the department will inspect the improvements randomly, listing any defects. The owner shall have 30 days to correct any specified deficiencies. Failure to perform said corrections shall result in the forfeiture of the surety.
 - (2) An organization shall be identified or established, with the approval of the county attorney, for the purpose of owning and maintaining common facilities not proposed for dedication to the county. If covenants or conservation easements are used, they shall be approved by the county attorney and recorded with the final plat.

(Ord. No. 0-2007-14, § 15, 7-24-2007)

Secs. 302-29—302-33. - Reserved.

ARTICLE IV. - CONSTRUCTION PLANS AND INSPECTIONS

Sec. 302-34. - Construction plans.

(a) *Authority.*

- (1) Following approval of the preliminary plat or site development plan, the applicant shall submit an application for approval of construction plans to the department for all site development and improvements.
- (2) No permit for development or construction activity requiring a preliminary plat, site development plan, or construction plans shall be issued prior to approval of construction plans.

(b) *Application.*

- (1) The applicant for construction plans approval shall submit an application, accompanied by the appropriate fees, and the required number of construction plans and related documentation, including, but not limited to following elements:
 - a. Stormwater management plan—See chapter 310.
 - b. Soil erosion and sedimentation control plan—See subsection 306-5(c).
 - c. Buffer plan and tree protection and replacement plan—See section 302-63.
 - d. Grading plan—See section 302-64.
 - e. Streets, sidewalks and bicycle improvements plan—See section 302-65.
 - f. Water supply plan—See chapter 98, article II.
 - g. Wastewater system plan—See chapter 98, article III.
- (2) All construction drawings and other engineering data, except the, buffer plan and landscape plan, shall be prepared, signed and sealed by a professional engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law.
- (3) The buffer plan and tree protection and replacement plan shall be prepared, signed, and sealed by a professional engineer (PE) or registered landscape architect licensed in the State of Georgia, in accordance with the provisions of Georgia Law.
- (4) Multi-phase developments may submit construction plans in phases, provided they are consistent with the approved concept plan and/or preliminary plat for the entire project.
- (5) After receiving an application for approval of construction plans, the director shall determine whether the application is complete or insufficient. If the application is determined to be incomplete or insufficient, the director shall notify the applicant in writing and shall require that the application for construction plans approval be resubmitted, along with appropriate resubmission fees, prior to further review.

(c) *Review of construction plans.*

- (1) The director shall review construction plans prepared pursuant to this section, with respect to their consistency with the Rockdale County Comprehensive Plan, the preliminary plat or site development plan and the conformity of the construction plans with each of the standards and requirements of this section and all other applicable sections of the UDO. The applicant shall be responsible for compliance with all state and federal codes and regulations and generally accepted engineering principles and practices.
- (2) Within 20 working days of receipt of the completed application for construction plans approval, the director shall prepare a written report documenting approval or disapproval of the construction plans. This report shall document any conditions of approval, if approved, or reasons for disapproval, if disapproved. If said report is not issued within 20 working days, the construction plans shall be deemed approved. The applicant shall be responsible for meeting all zoning requirements and comments of the director.
- (3) If the construction plans are disapproved, the applicant shall resubmit revised construction plans that meet the standards of this section and other applicable provisions of the UDO and address the reasons for disapproval in a manner that is satisfactory to the director. If said

applicant fails to resubmit revised construction plans within 180 days after disapproval, the preliminary plat or site development plan shall be void; and a new preliminary plat or site development plan, as applicable, shall be submitted by the applicant, along with appropriate resubmission fees.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 16, 7-24-2007)

Sec. 302-35. - Effect of construction plan approval.

- (a) *Responsibility for quality and design.* The approval of plans or completion of inspections by the county and authorization for work continuation shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession from the professional corporation or individual who prepared or supervised and signed or sealed the plans.
- (b) *Pre-construction conference.* Approval of construction plans shall entitle the applicant to schedule a pre-construction conference with the department and to obtain land disturbance permits for construction of site improvements required in this section and other requirements of the UDO. See also section 302-46.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-36. - Initiation of development activities.

- (a) Issuance of a building permit for any principal building or associated accessory structures shall first require issuance of a land disturbance permit for the building site, unless otherwise approved by the director.
- (b) Once the affected departments and agencies having jurisdiction have certified compliance, the director shall certify by signature on the certificate of completion or certificate of occupancy that all of the requirements of this UDO and the conditions of zoning have been met. The certificate of completion or certificate of occupancy shall not be deemed approved until the director has signed it. Where use of septic tanks or private wells is proposed, the final approval of the health department shall be required prior to the approval of the certification of completion or certificate of occupancy.
- (c) The developer shall initiate required erosion control measures as required in chapter 306 and the approved construction plans and in sequence with the requirements of chapter 306 as the project progresses.
- (d) The developer shall install temporary fencing, flags or other appropriate markings to designate areas required to be undisturbed, as conditions of zoning or by requirements of other regulations; including, but not limited to, tree protection, wetlands, riparian buffers and zoning buffers or other natural resource areas identified in the natural resource protection plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-37. - Development inspections.

- (a) *Authority.* The department has the power to enter property to make inspections of land, land uses, structures, buildings, signs and any construction or land disturbance activity related to the execution of its responsibilities pursuant to the UDO to determine if they conform to the requirements of the UDO and the Rockdale County Building Codes and Code of Ordinances.
- (b) *Scheduling by developer or contractor.* The developer or contractor must notify the department at least 24 hours prior to commencement of each phase of development activity. The department shall

inspect and approve each phase prior to continuation of further activity or proceeding with new phases, specifically:

- (1) *Pre-clearing.* Prior to land disturbance, the department will inspect and approve the areas required to be undisturbed, such as riparian buffers and zoning buffers, to ensure that they are clearly designated by survey stakes, flags, ribbon or other appropriate markings. Pre-clearing inspection shall include phase 1 soil erosion and sedimentation control measures. Inspection of soil erosion and sedimentation control measures will be conducted on a continuing basis.
 - (2) Clearing and grubbing.
 - (3) *Grading and drainage.* Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Installation of slope stakes shall be required. Upon completion of roadway grading, the water certificate shall be submitted to the water provider certifying that the centerline of the road and the offset centerline of the water line are within six inches of that shown on the approved plans or red-lined plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation. Bury inspection shall be conducted prior to burial of any underground drainage structure.
 - (4) Installation of storm drainage pipe, detention or other stormwater facilities.
 - (5) Installation of potable water supply lines and meters.
 - (6) *Installation of sanitary sewer and appurtenances.* This notification shall be made simultaneously with official notification by the developer or contractor to Rockdale Water Resources and is for informational purposes only to the department.
 - (7) *Curbing of roadways.* Inspection shall be requested before the forms have been set (if used). Roadway width will be spot checked by a string line between curb stakes.
 - (8) *Sub-base or sub-grade of streets.* After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested with an 18-ton tandem dump truck and shall pass with no movement to the satisfaction of the department.
 - (9) *Street base.* The base will be string-lined for depth and crown and shall pass with no movement to the satisfaction of the department.
 - (10) *Paving.*
 - a. A department inspector shall be on site during the paving process to check consistency, depth and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, and the street will be cored (one core per 500 feet with a minimum of one core per street, including graded aggregate base and/or asphalt base and wearing surface) after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the department prior to approval of a final subdivision plat or certificate of completeness.
 - b. Paving after hours is prohibited except with the approval of the director.
 - (11) *Failure to notify.* If the contractor fails to make the proper notification to the department, he/she shall be responsible for the expense of any operation or laboratory testing required by the director to ascertain compliance with the specifications.
- (c) *Final development inspection.*
- (1) Following submission and review of the as-built surveys, the department shall conduct a final development inspection of the project.
 - (2) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final plat or certificate of completion or certificate of occupancy.
 - (3) The completion of inspections by the county and authorization for work continuation shall not transfer responsibility from the owner for the quality of the work performed or materials used, or

imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-38. - Stop work order.

- (a) The director is authorized to issue a stop work order when a violation of a permit occurs. If the violation has not ceased within 30 minutes of the issuance of the stop work order, the director shall take any or all of the following actions:
 - (1) Immediately revoke the permit.
 - (2) Issue a citation in magistrate court with the violator then subject to arrest.
 - (3) Institute a civil action for injunctive relief.
 - (4) Take other enforcement steps authorized in UDO chapter 110.
- (b) Other enforcement and penalties are provided in UDO chapter 110.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 302-39—302-43. - Reserved.

ARTICLE V. - DEVELOPMENT PERMITS

Sec. 302-44. - Land disturbance permits.

- (a) *Permit required.*
 - (1) No person shall conduct any land disturbing activity within the county without first obtaining a land disturbance permit from the department to perform such activity, unless the activity is otherwise exempt from the soil erosion and sedimentation control provisions in chapter 306 of this UDO.
 - (2) A land disturbance permit shall be issued to authorize all activities associated with development activity; including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs or other structures requiring the issuance of a building permit.
- (b) *Payment of ad valorem taxes.* A land disturbance permit shall not be issued unless the applicant provides a statement by the Rockdale County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-45. - Process for approval of land disturbance permit.

- (a) *Procedures.*
 - (1) *Application requirements.* An application for a land disturbance permit shall be submitted to the department and shall include:
 - a. Application on the form furnished by the department.

- b. The applicable civil design and construction drawings prepared in conformance with the specifications and standards of article IV of this chapter.
 - c. Preliminary plat or site plan requesting or reflecting project approval by the department, if applicable.
 - d. The erosion and sedimentation control plan and supporting documentation required in chapter 306.
 - e. Stormwater management concept plan, permit application, and stormwater management plan as provided in chapter 310.
 - f. Payment of all land disturbance permit fees established by the board of commissioners.
- (2) *Other agency approval.* The applicant may be required by the department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
- a. Fire department.
 - b. Rockdale Water Resources.
 - c. Rockdale County Health Department.
 - d. Georgia Department of Transportation.
 - e. Georgia Department of Natural Resources.
 - f. U. S. Army Corps of Engineers.
 - g. U. S. Environmental Protection Agency.
- (3) *Comments on applications.* Upon receipt of comments from other county departments, the department shall indicate on a copy of the construction drawings, or in writing, all comments related to compliance with this chapter, conditions of zoning approval, and other regulations under the purview of the county, as appropriate.
- (4) *Forwarding of comments.* The department shall forward to the applicant the county's review comments.
- (5) *Compliance.* The applicant shall be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments of the department. The owner also shall be responsible for obtaining necessary approvals and permits from all other agencies affected by the project prior to issuance of the permit.
- (6) *Disapproval.*
- a. If a land disturbance permit is disapproved, the director shall notify the applicant within 15 days of the date the application was submitted and provide notes or comments to indicate deficiencies.
 - b. No development activity may take place on the subject parcel until the permit application is resubmitted to address deficiencies and approved by the department.
 - c. Resubmission of the land disturbance permit shall require payment of a resubmission fee.
- (7) *Conditions of approval.* Minor changes, revision notes or additions to the plans may be made by the department; if required for approval, notes shall be conditions of permit approval.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-46. - Issuance of land disturbance permit.

- (a) *Issuance of land disturbance permit.*

- (1) Following satisfaction of all comments from the county and receipt of applicable performance sureties, as well as approvals from all affected agencies, the department shall schedule a pre-construction conference with the owner and other appropriate parties determined by the department to discuss the terms of the permit. At the pre-construction conference the department may issue the owner a land disturbance permit authorizing commencement of land disturbance and other activities specified on the approved construction plans, specifications and documents.
- (2) The owner shall be responsible for compliance with the terms of the permit.
- (b) *Distribution of copies.* Two copies of the approved plan shall be returned to the applicant; one of which shall be retained on site by the construction crew performing the activity. The applicant may request additional copies of the approved plan, provided that he/she supplies the unsigned additional copies.
- (c) *Permits for phased developments.* If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
- (d) *Suspension, revocation or modification of permit.* The land disturbance permit may be suspended, revoked or modified by the county as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sediment control plan or is in violation of any provision of this UDO. A holder of a land disturbance permit shall notify any successor in title as to all or any portion of the land affected by the approved plan of the conditions contained in the development permit.
- (e) *Effect of plan approval.*
 - (1) Approval of a land disturbance permit by the department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering architecture, landscape architecture, or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
 - (2) Approval of a land development or grading permit shall not be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances and other regulations of the county.
- (f) *Issuance of permits in error.* Any development permit issued in error or in contradiction to the provisions of this chapter shall be considered to have been null and void upon its issuance.
- (g) *Liability.*
 - (1) *Liability not imposed.* The approval of an erosion and sediment control plan or other plans under the provisions of this article, the issuance of a land disturbance permit, or the compliance with the provisions of the UDO shall not relieve any person from the responsibility for damage to any person or property, otherwise imposed by law or impose any liability upon the county or the soil and water conservation commission district for damage to any person or property.
 - (2) *Presumption of violation not created.* The fact that any activity for which a land disturbance 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 chapter or the terms of the permit.
 - (3) *Violation of state requirements not permitted.* No provision of this chapter shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act or rules and regulations promulgated and approved thereunder or pollute any water of the state as defined thereby.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-47. - Expiration of permit.

- (a) *Expiration.* A land disturbance permit shall expire if the development activity described in the permit is not begun within 180 days from the date of issuance.
- (b) *Renewal.* Any land disturbance permit that has expired may be renewed by the department within 180 days of expiration with payment of appropriate fees. If a land disturbance permit has been expired for more than 180 days, the applicant shall be required to apply for a new development permit under the development regulations applicable at the time of the new permit application.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-48. - Flood area permit.

- (a) *When permit required.* If development or construction is proposed within or affecting an area of special flood hazard, a flood area permit application shall be included with and reviewed along with a grading permit or land disturbance permit application.
- (b) *Application for permit.* Application for a flood area permit shall be made to the department on forms furnished by them prior to any development activities and may include, but are not limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
 - (2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed.
 - (3) Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in chapter 320.
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and the manner in which the applicant will comply with stream buffers required in article IV of chapter 310.
 - (5) Obtain and record the actual certified elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures, as provided by a registered surveyor.
- (c) *Certification of lowest floor elevation.* The applicant shall provide an affidavit signed by a registered land surveyor that shall certify the lowest floor elevation level, and the record shall become a permanent part of the permit file.
- (d) *Distribution.* Copies of the approved site development permit and plans shall be distributed as follows:
 - (1) Two copies of each to be retained in the department, one filed and one for the inspector.
 - (2) Two copies to be provided to the applicant.
- (e) *Approved plans.* A copy of approved plans and permits shall be kept on the construction site at all times until final inspection has been made and approved.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-49. - Building permits.

- (a) *Applicability.* It shall be unlawful to commence the removal or disturbance of any natural resources; the excavation or filling of any lot for any construction of any building or structure, including accessory buildings or structures and supplemental uses or structures; or to commence the moving

or alteration of any building or structure until the director has issued a building permit for such work. In applying to the director for a building or demolition permit, the applicant shall file two copies of a dimensioned sketch or to-scale plan signed by the owner or an authorized agent indicating:

- (1) The shape, size and location of the lot to built upon.
 - (2) The uses, shapes, sizes, heights and locations of the buildings or structures to be erected, demolished, altered or moved, and of any building already on the lot.
 - (3) The number of dwelling units the building is to accommodate.
 - (4) The locations of buildings on adjoining lots within 50 feet of the property line and any other information concerning the lot or adjoining property.
 - (5) Location of soil erosion and sedimentation control measures.
 - (6) Landscaping, buffer and tree protection compliance, if applicable.
 - (7) Any other information that may be essential for determining whether the provisions of this UDO will be observed.
- (b) *Procedures.* Building permits must be filed using an application available from the department and shall be accompanied by the appropriate fee. Along with the application, building plans must be reviewed and approved by the director prior to issuing any permit for any structure.
- (c) *Standards of review.*
- (1) The building plan filed with the building permit shall be consistent with the land disturbance permit.
 - (2) The director shall further determine that either:
 - a. All public improvements and installations to the development that are to be dedicated and are required for approval of the certificate of completion or certificate of occupancy under this chapter have been completed in accordance with the appropriate specifications; and
 - b. All of the stormwater management facilities, soil erosion and sedimentation control measures, water and sewer utilities, street base and curbing construction required for approval of the certificate of completion or certificate of occupancy have been properly installed and completed and, for those required public improvements not yet completed, within areas to be dedicated (grassing, pavement topping, required landscaping, sidewalks, etc.), a performance bond shall have been filed by the developer in accordance with the development performance and maintenance agreement as provided in section 302-28.
- (d) *Applicable codes.* Building permits for all structures or interior finishes shall be issued after meeting the applicable requirements of this UDO, the fire prevention codes and the various health, water, sewer and building codes of the county.
- (e) *Sewage disposal.* For any structure for which on-site sewage disposal will be provided, a permit issued by the health department shall be required prior to issuance of a building permit. For sites connected to public sewer, approval by Rockdale Water Resources will be required before issuance of a building permit. These requirements shall apply to new construction as well as changes in use or renovations that alter the type or intensity of existing sewer disposal.
- (f) *Single-family and two-family dwellings.*
- (1) A building permit for a single- or two-family residence may be issued after the recording of a final plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.
 - (2) The approval of a structure location plan may be required prior to issuance of the building permit as noted and conditioned on the final plat. For such lots a certificate of occupancy shall

not be issued until conformance to the structure location plan has been field verified or shown on a certified foundation survey prepared by a registered land surveyor. See section 302-66.

(g) *Issuance on conforming lots.*

- (1) Building permits shall be issued only on conforming lots or nonconforming lots authorized in subsection 302-20(a)(3), except under special circumstances limited to and as specifically described below:
 - a. In single-family detached and duplex residential subdivisions, building permits for no more than two model home buildings on specific individual lots may be issued after approval of construction drawings and after the approval of the fire marshal, the health department and subject to all limitations or requirements as may be established by the director. No certificate of occupancy shall be issued for the model home until the final plat, including the model building lots, has been approved and recorded.
 - b. In non-residential subdivisions, the director may issue building permits on the basis of an approved preliminary plat and after a land disturbance permit has been approved reflecting the site development plan and construction drawings for specific buildings and associated site improvements. Issuance of any building permits shall be conditioned on the following:
 1. Approval by the director shall be required prior to issuance of any building permit, which may include approval of an acceptable access, fire hydrant location and water pressure.
 2. Approval of the health department for on-site sewage disposal or by Rockdale Water Resources for a building to be served by public sewer shall be required prior to issuance of any building permit.
 3. Construction of the required public improvements shall not proceed concurrently with construction of the buildings without approval of the director and subject to development sureties as described in section 302-28.
 4. No certificate of completion or certificate of occupancy shall be approved for any structure within the subdivision prior to recording of the final plat.

(h) *Expiration of building permit.*

- (1) Any building permit issued shall become invalid unless the work authorized by the permit has commenced within 180 days of the date of issue and continues to progress, or if the work authorized by the permit is suspended for a period of 180 days.
- (2) After a building permit expires, no further work, construction or use shall be permitted on the premises prior to resubmission. Resubmission of a building permit application shall require a resubmission fee, re-review and approval of a building permit for continuation of the work.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-50. - Driveway permits.

- (a) *Application for permit.* Any person seeking to construct or reconstruct any curb cut or driveway on any county-maintained public road in the unincorporated areas of the county shall submit a permit application to the director accompanied by a non-refundable fee, as determined from time to time by the board of commissioners.
- (b) *Application contents.* Any person seeking a driveway permit shall submit an original and one copy of an application as specified to the director. The application shall include the following information:
 - (1) Name and address of the owner of the property on which the driveway is proposed to be located.

- (2) Except for one- and two-family residences, a set of detailed plans for the proposed driveway or curb cut.
 - (3) Except for one- and two-family residences, estimated cost of the alteration.
 - (4) Approval from Georgia Department of Transportation, if applicable.
 - (5) Payment of the applicable fee.
 - (6) All other information deemed necessary by the director for the reasonable review of the proposed driveway connection.
- (c) *Procedure for review of driveway permit applications.*
- (1) Within 20 working days after the application has been submitted, the director shall review the application and determine if it is complete.
 - (2) If the director determines that the application is not complete, he shall send the applicant a written statement specifying the deficiencies and shall take no further action until the deficiencies are remedied.
 - (3) Within 30 working days after the official submittal of the complete application, the director shall approve, approve with conditions or deny the application based upon the standards set forth in this chapter. Notification of the decision shall be mailed to the applicant and filed with the department.
 - (4) Appeals from decisions of the director shall be made to the board of adjustment pursuant to UDO section 238-8.
- (d) *Issuance of driveway permit.* Following approval of an application, the director shall issue a driveway permit that shall take effect on the date issued.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-51. - Swimming pool permit.

Issuance of a building permit for a swimming pool as an accessory use, whether to be issued at the same time as or subsequent to the permitting or construction of the principal use, shall first require conformance with this chapter, all other applicable ordinances and the safety standards of the Rockdale County Health Department. Permits shall be valid for a period of 60 days and may be renewed once for a 30-day period.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-52. - Moved-in house.

(a) *Inspections.*

- (1) *Preliminary inspection.* No building permit or application for a moved-in house shall be approved until a complete inspection of the structure is made by the department. An application for moved-in house inspection shall be completed on forms provided by the department prior to the inspection being made. The department inspection shall determine the compliance or the feasibility of compliance to all existing development codes and ordinances adopted by the Rockdale County Board of Commissioners. Depending upon the size, age, condition or design of the structure, the director may require an inspection and report from a structural engineer to evaluate the suitability of the structure for moving. The engineering inspection and report shall be paid by the applicant for the moved-in house.
- (2) *Inspection fee.* The applicable inspection fee shall be paid to the department prior to the inspection being made.

- (3) *Performance bond required of the owner of structure.* To ensure that the structure will meet all of the Rockdale County's building construction codes and that the renovation of the move-in structure is completed and ready for occupancy within six months from the date the building permit is issued, the owner of the move-in structure shall provide a \$10,000.00 performance bond or bank escrow letter of surety from a bank approved by Rockdale County, made payable to the Rockdale County Board of Commissioners.
- (b) *Building permit.* A building permit shall be obtained from the department for a moved-in house.
- (c) *Owner certification.* All applications for a move-in permit shall be accompanied by a sworn affidavit that said applicant is the owner of the move-in structure and said owner shall obtain a certificate of occupancy to verify completion of all work, and that the structure is ready for habitation.
- (d) *Route approval.*
- (1) *Structures that will be placed in Rockdale County.* Prior to the issuance of a permit from a move-in structure, the applicant must first submit and receive approval from the Rockdale County Sheriff's Office regarding the proposed route. The applicant shall provide information concerning the name and address of the moving company; owner of the structure to be moved; destination of the structure; type and size of structure; map of the proposed route; and insurance company. Said approval and information must be on forms furnished by the department and shall be submitted to the department. Routes must comply with chapter 110 of the Code of Ordinances of Rockdale County. Structures to be moved shall not exceed 30 feet in width. Required police escort must be pre-arranged with the Rockdale County Sheriff's Office three days prior to moving the structure within Rockdale County.
- (2) *Structures not to be located in Rockdale County.* Prior to moving a pre-existing structure through Rockdale County, routes must be established by the Rockdale County Sheriff's Office on forms provided by the department. The applicant shall provide information concerning the name and address of the moving company; owner of the structure to be moved; destination of the structure; type and size of the structure; map of the proposed route; and insurance company. Structure to be moved shall not exceed 30 feet in width. Required police escort must be pre-arranged with the Rockdale County Sheriff's Office three days prior to moving the structure through Rockdale County. Move-through structures will be allowed only on state routes.
- (e) *Bonds required of moving companies.*
- (1) *Personal injury and property damage insurance bond.* Any firm or individual moving structures into or through Rockdale County shall be required to retain insurance with a minimum \$25,000.00 for property damage and \$300,000.00 for personal injury. A copy of the insurance bond shall be provided to the department.
- (2) *Performance bond.* A performance bond or surety bond in the amount of \$10,000.00 must be maintained by the moving company to enable Rockdale County to repair public and private property in the event that the moving company's insurance company fails to pay for necessary repairs.
- No application for a building permit shall be approved until a performance bond or irrevocable bank escrow letter of surety shall first be posted with the Rockdale County Board of Commissioners in the amount of \$10,000.00 as referred to in subsection (e)(2) above.
- (f) *Time of completion.* All permits for move-in structures must be completed and in compliance with all codes and ordinances of Rockdale County within six months from the date of granting the building permit. In the event said structure is not in compliance and/or is not completed within the specific time limit, the director shall notify, in writing, the surety bonding company giving specific causes of noncompliance or completion.
- Upon notification, the surety bonding company has 30 days to correct said causes of noncompliance or noncompletion. In the even of failure of the surety bonding company to correct causes of noncompliance or noncompletion, said bond shall be forfeited and a notice to move said structure shall be

issued to the owner immediately. Failure to move or demolish said structure within ten days of this notice shall be deemed a violation of this section and shall be punishable in the magistrate court of Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2008-10, § 2(Exh. A), 7-22-2008)

Sec. 302-53. - Certificate of completion or certificate of occupancy.

- (a) *Applicability.* It shall be unlawful to use or occupy or permit the use or occupancy of any building, premises or structure that is hereafter created, erected, changed converted or wholly or partly altered or enlarged in its use or structure, until a certificate of completion (for non-occupied site or structures) or certificate of occupancy (for occupied structure) is issued by the director.
- (b) *Permanent electric power.* Permanent electric power may not be supplied to any structure until a certificate of occupancy or certificate of completion, as applicable, shall have been issued and the power company contacted by the director.
- (c) *Temporary certificates.* A temporary certificate of occupancy or certificate of completion may be issued for a period not to exceed 180 days during alterations or partial occupancy of a building or structure pending its completion. A temporary certificate may include conditions and safeguards necessary to protect the safety of the occupants and the public.
- (d) *Activities requiring a certificate.* Certification shall be required for all of the following:
 - (1) A new building or structure.
 - (2) An addition to an existing building or structure or alteration of the interior of an existing building or structure.
 - (3) A building or structure or premises in which there is a change of use.
- (e) The director shall issue a certificate of completion or a certificate of occupancy if the building is found to conform to the provisions of the building permit and this UDO and accurately reflect the statements made in the application for the building permit.
- (f) A record of all certificates shall be kept on file in the department and copies shall be furnished, for a fee, on request to any person having a proprietary or tenancy interest in the building or land involved.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 302-54—302-60. - Reserved.

ARTICLE VI. - SPECIFICATIONS OF STANDARD DEVELOPMENT DOCUMENTS

Sec. 302-61. - Preliminary plats.

- (a) *Format.*
 - (1) A plan drawn to a designated scale of not less than one inch equals 100 feet certified by a design professional licensed by the State of Georgia.
 - (2) Maximum sheet size of 24 inches x 36 inches unless otherwise approved by the director. If presented on more than one sheet, sheets shall be numbered consecutively and there shall be an index sheet referenced to match lines on each sheet that shall clearly indicate where the several sheets join.
- (b) *Content.* Preliminary plats required in section 302-23 shall contain the following elements, as applicable:

- (1) Name, address, and telephone number of owner of record, the applicant, the developer, and the person who prepared the plat.
- (2) Names, addresses and tax parcel ID numbers of current owners of abutting property.
- (3) Street address and land lot, district, and tax parcel ID number of the subject property.
- (4) Proposed name of the subdivision, approved zoning and acreage.
- (5) Graphic scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- (6) Date of drawing and revisions for each sheet.
- (7) Seal and signature of professional person preparing the plan.
- (8) Certificate of preliminary plat approval in a format provided by the department.
- (9) A vicinity map showing location of the subdivision, existing streets, streams and rivers, county and municipal boundaries in the vicinity.
- (10) A survey of the subject property prepared by a registered surveyor with bearings and distances of the perimeter property lines, and referred distance to a known street intersection or land lot corner.
- (11) Statement that ad valorem taxes are paid.
- (12) Location, character and amount of proposed development, by type of use.
- (13) Development density and lot sizes for each dwelling unit type, if applicable.
- (14) Lot lines with dimensions and bearings.
- (15) Lot numbers.
- (16) Centerline location, pavement width and right-of-way lines of existing streets on and abutting the property.
- (17) Existing utilities, pipe sizes and easements on subject property and adjacent to the tract.
- (18) Banks of streams, lakes and other existing water bodies.
- (19) Topographic contour lines: Two feet contour intervals. Indicate method of deriving contours.
- (20) Delineation of floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Rockdale County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
- (21) Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
- (22) For all existing structures provide location, floor area, height, lowest floor elevation and whether they will be retained or demolished.
- (23) Existing and proposed covenants and deed restrictions.
- (24) Table of proposed lot areas in square feet, setbacks, yards and buildable areas in square feet.
- (25) For proposed buildings give building use, location, square footage, density, building height in stories and feet and lowest floor elevation.
- (26) For all off-street parking areas, show number of spaces by type, width, depth, angle of standard stalls, width and types of aisles, curb cuts, curbing, drainage, landscaping and irrigation.

- (27) Show off-street loading areas, with location, number and dimensions of all berths, aisles and driveways.
- (28) Survey limits and area in square feet or tenths of acres for all areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
- (29) Indication that the property is served by public water and/or sewer or private water and/or septic field.
- (30) Location of existing and proposed easements with use and width.
- (31) Conceptual plans for drainage, with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- (32) Location and width of required buffers at external site boundaries and internal zoning district boundaries, if applicable.
- (33) Location and approximate extent (in acres) of open space and recreation facilities, if applicable.
- (34) Location, where applicable, of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
- (35) Applicable standards of the Conyers/Rockdale County Functional Classification System.
- (36) Site data and construction details.
 - a. Contour changes, dikes or any created water bodies or proposed changes to water courses.
 - b. Bulkheads and bridges;.
 - c. Proposed layout of internal streets, with proposed street names, rights-of-way, centerlines, and pavement widths.
 - d. Notes indicating location, type, and dimensions of curb and gutter.
 - e. Location and width of sidewalks, bicycle lanes, landscape areas and any other required or proposed improvements to the public right(s)-of-way.
 - f. Plans for all underground utilities; including, but not limited to, sanitary sewer, storm sewers, and water lines, showing connections to existing systems, or proposals for developing new water supply, storm drainage, sewage disposal systems.
 - g. List of regulatory approvals or permits other than those issued by the county.
 - h. Any other information deemed necessary by the director or the service provider for the reasonable review of the development.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-62. - Site development plans.

(a) *Format.*

- (1) A plan drawn to a designated scale of not less than one inch equals 100 feet certified by a design professional licensed by the State of Georgia.
- (2) Maximum sheet size of 24 inches x 36 inches unless otherwise approved by the director. If presented on more than one sheet, sheets shall be numbered consecutively and there shall be an index sheet referenced to match lines on each sheet that shall clearly indicate where the several sheets join.

(b) *Content.* Site development plans required in section 302-24 shall contain the following elements:

- (1) Name, address, and phone number of owner of record, the developer, the applicant, and the person who prepared the plan.
- (2) Names and addresses of current owners of abutting property, including tax parcel ID number.
- (3) Approved zoning, acreage in tenths of an acre.
- (4) Street address, land lot, district, and parcel ID number of subject property.
- (5) Graphic scale and north arrow, with north, to the extent feasible, oriented to the top of the plan and on all supporting graphics.
- (6) Date of drawing and revisions for each sheet.
- (7) Seal and signature of professional person preparing the plan.
- (8) Certificate of site development plan approval in a format provided by the department.
- (9) Statement that ad valorem taxes are paid.
- (10) A vicinity map showing location of the property, existing streets, streams and rivers, county and municipal boundaries in the vicinity.
- (11) A survey of the subject property prepared by a registered surveyor with bearings and distances of the perimeter property lines, and referred distance to a known street intersection or land lot corner.
- (12) Survey with metes and bounds description of parcels to be dedicated for public use.
 - a. For all streets and rights-of-way, provide curve data, length of tangents, radii, arcs, chords and control angles for all centerlines and rights-of-way, and centerline curves on streets.
 - b. Acreage of tract to the nearest tenth of an acre.
- (13) Location, character and amount of proposed development, by type of use.
- (14) Development density (units per acre or square feet per acre) for each type of development.
- (15) Centerline location, pavement width and right-of-way lines of existing streets on and abutting the property.
- (16) Utilities, pipe sizes and easements on and adjacent to the tract.
- (17) Banks of streams, lakes and other water bodies.
- (18) Topographic contour lines: Two feet contour intervals. Indicate method of deriving contours.
- (19) Delineation of floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Rockdale County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
- (20) Approximate location and extent of any significant historic or archaeological feature, grave, object or structure marking a place of burial, if known, and a statement indicating how the proposed development will preserve the feature and provide access to it during and after construction.
- (21) For all existing structures provide location, floor area, height, lowest floor elevation and whether they will be retained or demolished.
- (22) Existing and proposed covenants and deed restrictions.
- (23) Proposed lot area in acres, setbacks, yards and buildable area in acres.
- (24) For proposed buildings, give building use, location, square footage, density, building height in stories and feet and lowest floor elevation.

- (25) For all off-street parking areas, show number of spaces by type, width, depth, angle of standard stalls, width and types of aisles, curb cuts, curbing, drainage, landscaping and irrigation.
- (26) Show off-street loading areas, with location, number and dimensions of all berths, aisles and driveways.
- (27) Survey limits and area in square feet or tenths of acres for all areas to be held in joint ownership, common ownership or control and the proposed method of control and management of these areas.
- (28) Indication that the property is served by public water and/or sewer or private water and/or septic field.
- (29) Location of existing and proposed easements, with use and width.
- (30) Conceptual plans for drainage, with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- (31) Location and width of required buffers at external site boundaries and internal zoning district boundaries, if applicable.
- (32) Location and approximate extent (in acres) of open space and recreation facilities.
- (33) Location of proposed trails, recreation areas, parks, schools, libraries, churches and other public or community uses, facilities or structures on the site.
- (34) Applicable standards of the Conyers/Rockdale County Functional Classification System.
- (35) Site data and construction details.
 - a. Contour changes, dikes or any created water bodies or proposed changes to water courses.
 - b. Bulkheads and bridges.
 - c. Proposed layout of internal streets with proposed street names, rights-of-way, centerlines, pavement widths.
 - d. Notes indicating the location, type and dimensions of curb and gutter.
 - e. Plans for all underground utilities including, but not limited to, sanitary sewer, storm sewers, and water lines, showing connections to existing systems, or proposals for developing new water supply, storm drainage, sewage disposal systems.
 - f. List of regulatory approvals or permits other than those issued by the county.
 - g. Any other information deemed necessary by the director or the service provider for the reasonable review of the development.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-63. - Buffer plan and tree protection and replacement plan.

- (a) *Scope.* All applications for a land disturbance permit pursuant to article V of this chapter shall require submission, review and approval of a buffer plan demonstrating compliance with chapter 328, article I, buffers and screening, and a tree protection and replacement plan demonstrating compliance with chapter 328, article II, tree protection and replacement. With the approval of the director, these two plans may be consolidated as one plan if the information can be clearly shown.
- (b) *Buffer plan.*
 - (1) *Format.* Scale at one inch = 20 to 50 feet, as needed to clearly show the location, type and arrangement of proposed planting and screening required.

- (2) *Content.* The buffer plan shall be consistent with the preliminary plat and provide the following information:
- a. The name of the development and its acreage (or square footage if less than an acre).
 - b. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 - c. Name, address, telephone number of the applicant.
 - d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 - e. Date of survey, north point and graphic scale, source of datum, date of plan drawing and revision dates, as appropriate.
 - f. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - g. The location of all existing and proposed parking areas, loading areas, dumpsters, outdoor storage, no access easements, and other site features for which outdoor screening is required in chapter 328 or section 226-3.
 - h. The outline of all existing and proposed buildings and structures.
 - i. The boundaries of all required transitional buffers, indicating where there are undisturbed buffers, non-vegetative screening, outdoor screening, and required stream buffers.
 - j. For each natural undisturbed buffer and stream buffer, the buffer plan must provide:
 1. A plan showing the location, size, spacing, common names, and botanical names of existing trees and plant materials to be retained that contribute to meeting the minimum requirements of chapter 328.
 2. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, and signage
 - k. For all other buffers and outdoor screening areas required in article I of chapter 328, the buffer plan shall include:
 1. The location, size, common names and botanical names of all existing plant materials to be retained.
 2. Plans and cross-sections indicating the location, height, materials, and construction of non-vegetative screening such as berms, walls, fences or other means of providing an effective visual screen.
 3. The location, height, spacing and common and botanical names of supplemental plantings and other landscape materials.
- (c) *Tree protection and replacement plan.* The tree protection and replacement plan shall demonstrate how the applicant will meet the requirements of chapter 328, article II, tree protection and replacement.
- (1) The tree protection and replacement plan shall be approved by the county arborist/urban forester prior to any grading, bulldozing or other removal of existing vegetation that may affect the health of existing tree coverage.
 - (2) Tree protection and replacement plan procedures.
 - a. The tree protection and replacement plan for a site development shall be consistent with the preliminary plat or site development plan for the project.

- b. Combination of the tree protection and replacement plan and the site landscaping plan is allowed with approval of the director.
 - c. For subdivisions, the tree protection and replacement plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this subsection will be added.
- (3) The tree protection and replacement plan shall include the following elements:
- a. The name of the development and its acreage (or square footage if less than an acre).
 - b. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 - c. Name, address, telephone number of the applicant.
 - d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 - e. Date of survey, north point and graphic scale, source of datum, date of plan drawing and revision dates, as appropriate.
 - f. For site development projects, the tree protection and replacement plan shall be drawn at a scale of one inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - g. The outline of all existing and proposed buildings and structures.
 - h. The location and size of all underground or above-ground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings also must be shown.
 - i. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 - j. The location and dimensions of landscaped areas in parking lots, along with the planting plan for each.
 - k. The location of curb stops installed to prevent vehicle overhang, where required to protect planting areas and vegetation.
 - l. The limits of all disturbed areas.
 - m. The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.
 - n. The boundaries of each landscape area, planting and staking specifications, and the botanical name and location of all materials to be planted or maintained on the site.
 - o. The extent of the development site or disturbed area, the gross area of the site, the total buildable area of the site, and the undisturbed area and acreage to which the tree conservation requirements apply.
 - p. Tree plan.
 - 1. Limits of tree protection and planting areas, showing existing trees to be retained and new trees to be planted, specifying type and size. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size.
 - 2. Locations of all trees to be planted on the site and calculations showing compliance with the tree unit requirements of chapter 328.
 - 3. Planting schedule, if applicable. Showing the type (common and botanical names), size, quantity of trees to be planted, and required planting comments and detail.

4. Plans for alternative compliance, if applicable as provided in section 328-27.
- q. *Exceptional trees.*
 1. Each specimen tree that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
 2. Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage and aeration will be maintained around the tree.
 - r. Methods of tree protection for all tree protection areas; including, but not limited to, tree fencing, erosion control, retaining walls, tunneling for utilities, aeration, transplanting, staking, and signage.
 - s. *Irrigation.*
 1. The tree protection and replacement plan is to include a note indicating the type of irrigation to be used, sufficient to supply at least five gallons/tree/week.
 2. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.
 3. If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location.
 - t. *Additional information.* Provide additional information that the county arborist/urban forester requires for a full understanding of conditions on the site and the elements of the proposed tree preservation and landscape plan or during construction activities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2016-03, § I, 4-26-2016)

Sec. 302-64. - Grading plan.

The grading plans shall be prepared on a map scale consistent with the preliminary plan, shall be in conformity with requirements of the flood area permit in section 302-48, the soil erosion and sedimentation control requirements in section 306-4 and shall provide the following information.

- (a) *Existing and proposed contour lines.* Grading plans shall show existing and proposed contour lines as required in chapter 306 of this UDO.
- (b) *Disturbed and undisturbed areas.* Grading plans shall outline the areas which are to be disturbed and areas required to remain undisturbed (i.e., tree protection areas, buffer, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas. Show areas where earth or fill materials are to be temporarily stored.
- (c) *Floodplain.* Grading plan shall show any area of special flood hazard, the 100-year floodplain. Grading in and around these areas shall be in conformity with chapter 320, "Floodplain Management and Flood Damage Prevention" and a flood area permit, if required in section 302-48.
- (d) *Roads and drainage.* Grading for roads and improved ditches shall be shown on the grading plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-65. - Street, sidewalk and bicycle improvements plan.

- (a) *Plans, profiles, and sections required.* Plans must include centerline profiles of all proposed streets. Profiles shall be drawn on standard plan and profile sheets with plan section showing street layout, pavement and right-of-way width, curvature and required drainage facilities.
- (b) *Underground utilities.* Where sanitary sewer or stormwater sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevations of manholes shall be indicated on the road profile.
- (c) *Street profiles.* Centerline profiles of new streets shall include elevations at 50 feet intervals for such distance as may be adequate to provide continuity consistent with the standards required by chapter 332 for street improvements, but no less than 200 feet.
- (d) *Elevations.* All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation benchmarks where feasible.
- (e) *Striping and signage plan.* A street striping and signage plan, showing improvements in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to three or more lanes.
- (f) *Bicycle improvements.*
 - (1) Bicycle improvements, where applicable, are to be designed in accordance with subsection 332-9(h), and construction drawings prepared in the street, sidewalk and bicycle improvements plan. All of the following improvements shall be located and designed where required by this UDO or applicable conditions of rezoning or permit approval:
 - a. Multi-purpose trails.
 - b. On-street bicycle lanes.
 - c. Ramps and bollards at intersections with public streets.
 - d. Bicycle signage and pavement markings.
 - e. Bicycle parking spaces.
 - (2) *Bicycle improvement plan.* Where bicycle improvements or multi-purpose trails are required or provided, a bicycle plan shall be submitted, reviewed and approved consisting of the following elements:
 - a. A site plan at a scale of one inch = 50 feet showing the location of on-street and off-street bike lanes or paths with respect to rights-of-ways, easements, streets, sidewalks, trails, streams, parking areas and buildings on the site.
 - b. The typical cross-section of the bicycle facilities showing the typical cross-slopes, paving or surfacing and sub-base, drainage, and horizontal and vertical clearance standards.
 - c. A profile sheet or other indication of the grade of bicycle lanes or paths.
 - d. Typical construction details of the paving or surfacing, drainage, signage, pavement marking, bollards, ramps, and intersections with public streets.
 - e. Location and construction of any proposed amenities such as restrooms, rest areas, shelters, benches, lighting, refuse collection, water fountains, bicycle parking fixtures, and landscaping.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-66. - Final plat specifications.

- (a) *Final plat format.* The final plat shall be clearly and legibly drawn in permanent ink on high-quality reproducible material. Sheet sizes shall be 17 inches x 22 inches. Where more than one sheet is

required, all sheets shall be numbered consecutively and shall include a notation of the total number of sheets, i.e., sheet 12 of 13 and the like. The final plat shall be drawn at a scale not smaller than one inch equals 100 feet unless approved otherwise by the director.

- (b) *Final plat contents.* The final plat shall conform to the general concept of the preliminary plat, with the following additions.
- (1) Direction and distance from a point on the boundary of the subdivision ("subdivision monument") to at least one specific point of reference ("county monument"). All final plats shall depict the exact boundary lines of the tract by bearings and distances. Such depiction shall include the individual identification indicator, elevation and Georgia State Plane (West) coordinates of each such county monument identified. The location of all such county monuments shall be supplied to any interested party by the department upon request. These requirements shall specifically apply to all acquisitions of land by the county, except those solely for the purpose of acquiring right-of-way or for acquiring easements (permanent or temporary). All plats or surveys contracted by or paid for by the county must include the appropriate monument data as required by this chapter.
 - (2) Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and bearings where these lines traverse or are reasonably close to the subdivision.
 - (3) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-hundredth foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not less than 1:10,000.
 - (4) Name of subdivision, exact locations, right-of-way widths, pavement widths, and names of all streets and alleys within and immediately adjoining plat.
 - (5) Street centerlines.
 - (6) Lot lines, with dimensions to the nearest one-hundredth foot, and bearings.
 - (7) Lots numbered in numerical order.
 - (8) The following information pertaining to location, dimension and purpose:
 - a. Location, dimensions and purposes of any easements and any area to be reserved or dedicated to public use.
 - b. Size of all culvert pipes, on the site and adjacent to subdivision limits.
 - c. Flood limit line corresponding to the 100-year floodplain elevation shall be shown.
 - d. Location, description and dimensions of any stormwater runoff retention/detention facility and to include an access easement thereto having a minimum width of 20 feet and not more than 20 percent longitudinal gradient.
 - e. Location and dimensions of any public and private water systems and fire hydrants.
 - f. All water and wastewater systems and fire hydrants shall be provided for in compliance with all applicable requirements of chapter 98 and article II of chapter 50.
 - (9) Accurate location, material and description of monuments and markers. All corner monuments must be in place prior to approval of the final plat.
 - (10) A statement, either directly on the plat or in an identified attached document, of any private covenants.
 - (11) *The following certifications:*
 - a. An engineer's or surveyor's certification, directly on the plat as follows:

"It is hereby certified that this plat is true and accurate and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future' and their location, size type and material are

correctly shown, and that all engineering requirements of Title 3 of the Rockdale County Unified Development Ordinance have been fully complied with.

Registered Georgia Civil Engineer No. _____

By: _____

OR

Registered Georgia Land Surveyor No. _____

By: _____

b. *An owner's certification:*

Owner's Certification: State of Georgia: County of Rockdale: The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that all state, city and county taxes or other assessments now due on this land have been paid.

Agent: _____ Owner: _____

Date: _____ / _____ / _____ Date: _____ / _____ / _____

c. A dedication certificate, directly on the plat as follows:

"Dedication Certification: State of Georgia: County of Rockdale: It is hereby certified that the lands and improvements shown on this plat and designated as being dedicated to public use are hereby dedicated to Rockdale County, Georgia, for public use.

Owner: _____

Date: _____ / _____ / _____

d. Certificate of approval of the final plat by the Planning Commission, directly on the plat as follows:

Pursuant to Title 3 of the Rockdale County Unified Development Ordinance, all the requirements for approval having been fulfilled, this Final Plat was given Final Approval by the Conyers-Rockdale County Planning Commission on _____ / _____ / _____ .

By	_____	_____
	Chairman	Director, PS&E

e. Revised final plats shall provide the date of the revision, description of revision and adequate space for the appropriate signature of the engineer or surveyor and planning commission chair.

(c) *Specifications of revised final plat.*

- (1) A new tracing shall be required for revision of that portion of the subdivision being revised showing all requirements listed under subsection 302-66(a).

- (2) Revision and notation explaining these revisions shall be shown in ink on the revised plat. When revised, the plat shall be designated as "revised final plat".
- (3) Revised plats shall be prepared at the same scale as the original plat, or at a scale of not less than 100 feet to one inch.
- (4) The revised plat shall comply with the regulations of Title 2 of the UDO, "Land Use and Zoning."
- (5) The revised plat shall contain the following wording:

"This revised plat has been submitted to and considered by Conyers-Rockdale County Planning Commission and is hereby approved subject to any protective covenants shown hereon.

Dated this _____ day _____ , _____

Conyers-Rockdale County Planning Commission

By:	_____	_____
	Chairperson	Director, PS&E

All changes shall be bound by the protective covenants on the original plat, and a statement to that effect shall be noted on the revised plat.

- (6) Other data which may be required in a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements or dedications as may be required by the county in the enforcement of Title 3 of the UDO.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 302-67. - As-built drawings.

- (a) As-built drawings required in article III of this chapter 302 shall show the location, vertical and horizontal alignment and finished elevations (top and inverts, as appropriate) of the improvements listed below:
 - (1) Drainage system pipes and channels.
 - (2) Bridges or culverts.
 - (3) Stormwater management facilities.
 - (4) Sanitary sewer system in accordance with requirements of Rockdale Water Resources.
 - (5) Water system in accordance with requirements of Rockdale Water Resources.
 - (6) Streets, including street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data. Also indicate pavement width and pavement structure (individual thickness of wearing course, binder course, base, and/or sub-base).
 - (7) Curb and gutter, sidewalks, multi-purpose trails, bicycle facilities, and recreation improvements on property dedicated to the public.
 - (8) Signage in public rights-of-way and other public dedicated areas.

- (9) Any other improvements subject to maintenance by the county.
- (b) As-built drawings shall bear the stamp and certification of a professional engineer or registered land surveyor.
- (c) *Digital as-built submittal standards.* As of August 1, 2007, all as-built plans submitted to Rockdale County must be provided in electronic computer aided design (CAD) format. The following standards must be followed for all plans. Final plans will not be approved or certificates of occupancy will not be issued until these standards are met. The as-builts must be submitted with the first review set of plans delivered to the Rockdale County Plans Coordinator.

General Requirements

(1) *Requirements for as-built plans submitted to Rockdale County.*

- a. All as-built drawings must be referenced to the Rockdale County control network. All drawings must contain four-reference survey markers (pins or monuments) tied to the Rockdale County monument network. Each marker should have the coordinates established on the drawing. A copy of the Rockdale County monument network can be found on the county's website at: www.rockdalecounty.org or may be obtained in person at the Rockdale County Administrative Services building, Room 207. This requirement is in addition to the monument requirement contained in the Unified Development Ordinance.
- b. All features depicted in the as-built drawings must be surveyed after construction. Rockdale County may, at its discretion, spot check coordinates for accuracy. In the case where a spot check is made and a significant discrepancy exists, the as-builts will be rejected. A significant discrepancy is defined as greater than one and one-half times the horizontal or vertical tolerance.
- c. The following features are acceptable: Line, polyline, and polygon. Any other features such as leaders, blocks, etc., should not be present on the standard Rockdale County CAD features layers.
- d. Profiles for roads, stormwater and sewer are required.
- e. In addition to the electronic version, two sets of paper copies must be submitted.
- f. Electronic "as-built" files must be compatible with the Rockdale County Water Resources (RCWR) version of AutoCAD. Contact Rockdale County Water Resources for clarification.
- g. The following text blocks must be included in the electronic as-builts per RCWR Water and Wastewater Standards:

I certify that this project has been constructed in accordance with Rockdale County Water Resources Water and Wastewater Standards and Specifications, latest edition. I also certify that this project has been built as shown on the "As Built" drawings.

I certify that the plans and specifications of this project were designed in accordance with all applicable standards. I also certify that all facilities, structures and utilities were installed in full accordance with the project design drawings and specifications.

I certify that this project has been built as depicted on "As-Built" drawings. I further certify that I have field verified all elevations, volumes and locations as appropriate for the potable water, sanitary sewer and stormwater management structures depicted on these drawings.

- (2) The following are requirements for the layering of the as-built plans.

- a. Layer names for required layers must exactly match Rockdale County standard layer names.
- b. All required layers listed in the Rockdale County CAD layers must contain only the features that are described for that layer. For example, the "BOUNDARY_LINE" layer must only contain the boundary line and not such features as north arrows or parcels.
- c. All required layers must be present in the drawing except for features that do not pertain to a particular project. For example, some commercial projects or apartment complexes may not contain sewer taps as part of the construction and should not be included in the drawing.
- d. All layers must be clearly differentiated from each other.
- e. Two layers having the names "WATER_LINE" and "WATER_LINES" should not exist in the same drawing.
- f. "SEWER_LINE_TEXT" and "SEWER_TEXT" shall not exist in the same drawing.
- g. All text must appear on separate layers from the layers they annotate. For example, text describing a sewer line must be on the "SEWERLINE_TEXT" layer, not the "SEWERLINE" layer.
- h. Text leaders should be placed on the text layer, not the feature layer. For example, the leader for the diameter of a water pipe should be on "WATER_LINE_TEXT" layer, not the "WATER_LINE" layer. Leaders should be drawn using Line features, not Leaders.

Rockdale County Standard Layers

Layer Name	Layer Description
Survey_Marker	Permanent Survey Marker and/or Property Corner Pin
Survey_Marker_Text	Permanent Survey Marker and/or Property Corner Pin Description/Text
San_Sewer_Manholes	Sanitary Sewer Manholes
San_Sewer_Pipes	Sanitary Sewer Pipes
San_Sewer_Taps	Sanitary Sewer Taps at Right-of-Way or Stub-Out Location
San_Sewer_Laterals	Sanitary Sewer Lateral
San_Sewer_Text	Sewer System Description/Text
Water_Features	Water Valves, Water Meters, Fire Hydrants, Tees, Caps, etc.
Water_Pipes	Water Mains

Water_Laterals	Water Laterals
Water_Text	Water System Description/Text
Storm_Features	Catch Basins, Headwalls, Drop Inlets, Outlet Structures, Etc.
Storm_Pipes	Storm Drain Pipes and Culverts
Storm_Text	Storm Drain Descriptions/Text
Detention_Features	Detention/Retention Ponds
Road_Polygon	Roadway Polygons
Road_Centerline	Roadway Centerline
Road_Text	Roadway Descriptions/Text
Property_Boundary	Closed Property Boundary Polygons
Property_Easement_Boundary	Closed Easement Boundary Polygons
Property_Text	Property/Easement Descriptions/Text/Address
Impervious_Surface	Impervious Surface Features
Impervious_Surface_Text	Impervious Surface Description/Text

(3) *Annotations.*

- a. Any non-standard water and/or sewer lines must be annotated as such. Line diameter, material, ownership, etc., that does not conform to standard practice should be noted in the corresponding annotation layer.
- b. All required text must be single line text.
- c. All annotation for polyline (polygon) features must be bounded by the polygon it annotates.

(4) *Filing name and revisions.*

- a. File names should correspond exactly to the subdivision or project name and should be consistent from one version to the next. The file name should include the drawing revision date (in YYYYMMDD format) as part of the name. There should be no spaces in the name,

only underscores. An example file name for the May 7, 2007 revision for the third phase of the Orange Grove Subdivision is "Orange_Grove_3_20070507"

- b. File revision dates shall be updated only by the contractor/developer.

(5) *Deliverable format.*

- a. All files will be delivered on a single disk media in AutoCAD (Release 2000 or higher). CDs and DVDs are the only acceptable media. No submission will be accepted via internet as an e-mail attachment.
- b. All deliverables will be labeled with the file name, company name, contact name and phone number. A transmittal letter stating this information will also accompany the disk.

(6) *Sanitary sewer specifications.*

- a. *Survey accuracy requirements for sanitary sewer infrastructure.*
 - 1. Coordinate data for sanitary sewer manholes shall be established at the center of the top of the lid. Accuracy requirements shall be a horizontal accuracy < 0.25 foot and a vertical accuracy of < 0.1 foot.
 - 2. Coordinate data for sanitary sewer lines shall be established through the use of the sanitary sewer manhole coordinate data. Invert elevations shall be established by direct measurement of the distance from the lid elevation to the invert of each pipe. Vertical accuracy of < 0.1 foot shall apply to all sanitary sewer inverts.
 - 3. Coordinate data for sanitary sewer taps at the right-of-way or stub-out shall be a horizontal accuracy of < 0.5 foot. Coordinate data for the connection of the tap to the sewer line shall be based on computed coordinates utilizing the distance from the upstream or downstream manholes and the sewer line geometry. The vertical coordinate (i.e. elevation) shall not apply to sewer taps.

(7) *Digital drawing specifications.* The following specifications shall apply to the development of all digital as-built drawings pertaining to the sanitary sewer system.

- a. Sewer lines will be drawn with proper directionality; lines must be drawn from the upstream manhole to the downstream manhole.
- b. All sewer lines shall be drawn from the center point of the upstream manhole to the center point of the downstream manhole with a single line. No gaps should exist between the sewer lines. Lines must not continue for more than one manhole.
- c. Manholes shall be drawn consistently with a circle centered exactly on the sewer line endpoints.
- d. Sewer tap locations shall be drawn with a single line from the location of the intersection of the right-of-way or stub-out (if applicable) to a point intersecting the sewer line.
- e. All manholes shall be labeled with a unique identifier (Sanitary_Sewer_Manhole#1, SSMH_1, etc).
- f. All Sewer Lines shall be labeled with a unique identifier (Sanitary_Sewer_Pipe#1, SSPipe_1, etc), pipe diameter (8 inch, etc.) and pipe material (PVC, DIP, etc).
- g. All sewer taps shall be labeled with a unique identifier (Sanitary_Sewer_Tap#1, SSTap_1, etc.).

(8) *Approved sewer symbology.*



Manhole

(9) *Water system specifications.*

- a. Survey accuracy requirements for water system infrastructure:
 1. Coordinate data for fire hydrants, valves and meters shall be established at the center of the top of the fire hydrant, valve or water meter. Accuracy requirements shall be a horizontal accuracy of < 0.25 foot and a vertical accuracy of < 0.1 foot.
 2. Coordinate data for water line tees, caps, bends and reducers shall be established at a point on the ground surface directly above the tee, cap, bend or reducer as determined by a utility locate. Accuracy requirements shall be a horizontal accuracy of < 0.25 foot and a vertical accuracy < 0.1 foot. Alternatively, tees, caps, bends and reducers can be surveyed directly prior to back filling. If this alternative method is utilized, a note should be added to the drawing indicating these features were surveyed as such.
 3. Coordinate data for water lines shall be established at points on the ground surface directly above the water line as determined by a utility locate and data collected for valves, tees, caps, bends and reducers. Coordinates should be collected for points along the water line averaging every 50 feet or closer if appropriate. Accuracy requirements shall be a horizontal accuracy of < 0.25 foot and a vertical accuracy of 0.5 foot. Alternatively, water lines can be surveyed directly prior to back filling. If this alternative method is utilized, a note should be added to the drawing indicating these features were surveyed as such.

(10) *Digital drawing specifications.* The following specifications shall apply to the development of all digital as-built drawings pertaining to the water system:

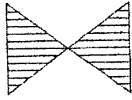
- a. All water lines shall be drawn from valves, tees, caps, etc. to the next valve, tee, cap, etc and be continuous between these features. No gaps should exist between water lines.
- b. Water meters, valves, hydrants, reducers, caps, etc. shall be drawn consistently with approved symbology centered exactly at the coordinates provided for the feature.
- c. Water line laterals shall be drawn from the location of the water meter to a point intersecting the water line.
- d. All water meters, valves, hydrants, reducers, caps, etc. shall be labeled with a unique identifier (Fire_Hydrant#1, FH_1, etc.).
- e. All water lines shall be labeled with a unique identifier (Water_Line#1, WL_1, etc.), pipe diameter (eight-inch, etc.) and pipe material (PVC, DIP, etc.).

(11) *Approved water symbology.*

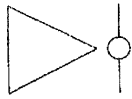
Water Meter



Water Line Valve



Water Line Reducer



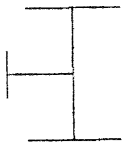
Backflow Preventer



Water Line Bend



Water Line Tee



Water Line Cap



Fire Hydrant



or

(12) *Stormwater infrastructure drainage.*

a. Survey accuracy requirements for storm drainage infrastructure.

Coordinate data for storm drain surface structures shall be established at the center of the top of the access lid (Catch Basins, Junction Boxes), center of the top of the grate (drop inlets, hooded grate inlets) or the invert of the pipe (headwalls, flared end sections). Accuracy shall be a horizontal distance of < 0.25 foot and a vertical accuracy of < 0.1 foot.

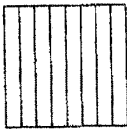
Coordinate data for storm drain pipes/culverts shall be established through the use of the storm drain surface structure coordinate data. Invert elevations shall be established by direct measurement of the distance of the lid or grate elevation to the invert of each pipe. Vertical accuracy of < 0.1 foot shall apply to all storm drain pipe/culvert inverts.

(13) *Digital drawing specifications:* The following specifications shall apply to the development of all digital as-built drawings pertaining to the storm sewer system.

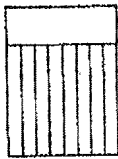
- a. Storm lines will be drawn with proper directionality; lines must be drawn from the upstream structure to the downstream structure with a single line.
- b. All storm lines shall be drawn from the coordinates of the upstream structure to the coordinates of the downstream structure. No gaps should exist between storm lines. Lines must not continue for more than one structure.
- c. Headwalls, drop inlets, catch basins, etc. Shall be drawn consistently with approved symbology centered exactly at the coordinates provided for the feature.
- d. All structures shall be labeled with a unique identifier (Catch_Basin#1, CB_1, HW_19, etc).
- e. All storm lines shall be labeled with a unique identifier (Storm_Pipe#1, SP_1, etc.), pipe diameter (36 inch, etc.) and pipe material (BCCMP, RCP, HDPE, etc.).
- f. Detention ponds must be a closed polygon representing the limits of the structure, and must be labeled with a unique identifier (DetPond#1, Det_1, etc.).

(14) *Approved storm drain symbology.*

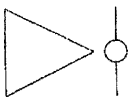
Drop Inlet



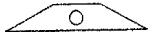
Hooded Grate Inlet



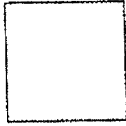
Single Wing Catch Basin



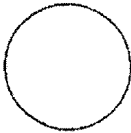
Double Wing Catch Basin



Raised Lid Yard Inlet



Junction Box



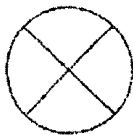
Headwall



Flared End Section



Outlet Structure

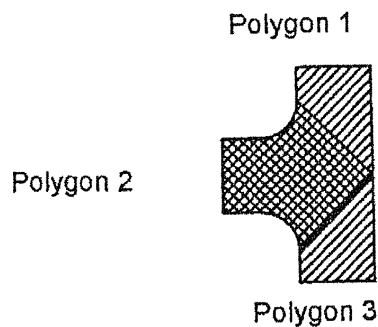


(15) Roadway specifications.

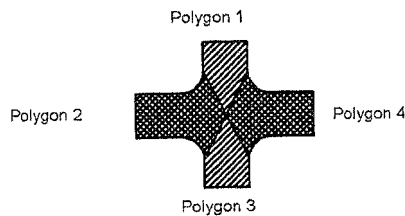
- a. *Survey requirements for roadway infrastructure.* Accuracy requirements shall be a horizontal accuracy of < 0.1 foot for all centerlines and roadway polygons.
- b. *Digital drawing specifications.* The following specifications shall apply to the development of all digital as-built drawings pertaining to new roadways.

1. Roadway centerlines shall be drawn from intersection to intersection and should not continue beyond the intersection points.
2. Roadway polygon edges should be drawn from the right-of-way to the right-of-way.
3. Intersecting road polygons should meet at the point of centerline intersections.
4. All edges on polygons must be snapped together at the vertices. Gaps in polygon boundaries will not be accepted.
5. Roadway polygons should be completely enclosed.
6. All roadway centerlines shall be labeled with the road name and right-of-way width.

(16) *Proper method of segmenting roadway polygons.*



T-Street



Cross-Street

(17) *Property boundary/easement specifications.*

- a. *Digital drawing specifications.* The following specifications shall apply to the development of all digital as-built drawings pertaining to property and easement boundaries.
 1. Each property, lot, easement or greenspace parcel must be an enclosed polygon.
 2. Each enclosed polygon shall be labeled with a unique identifier (lot number, etc.).
 3. All edges on polygons must be snapped together at the vertices. Gaps in polygon boundaries will not be accepted.

(18) *Impervious surface specifications (non-single family residential only).*

- a. *Digital drawing specifications.*

Survey Accuracy Requirements for Impervious Surfaces.

Accuracy requirements shall be a horizontal accuracy of < 0.25 foot.

The following specifications shall apply to the development of all digital as-built drawings pertaining to impervious surfaces.

1. Impervious surface polygons must be closed.
2. Each impervious surface polygon must be labeled with a unique identifier (Imp_Surf#1, IS_1, etc.).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 17(Exh. A), 7-24-2007)

Sec. 302-68. - Structure location plans.

Structure location plans required in subsection 302-26(e) shall contain the following elements:

- (a) Structure location plans shall be prepared, signed and sealed by a land surveyor, professional engineer, or landscape architect registered in the State of Georgia, drawn to scale and may be shown on a certified boundary survey of the lot or any other drawing showing the information required below.
- (b) The structure location plan shall be a drawing with sufficient readability and accuracy to ensure that the proposed improvements will be constructed on the lot in conformance with the requirements of Title 3 of the UDO, or other regulations as applicable.
- (c) Structure location plans shall show the following, as applicable:
 - (1) Boundary lines of the lot, giving distances to the nearest one-tenth of a feet and bearings to the nearest minute.
 - (2) Location and names of all abutting streets or other rights-of-way.
 - (3) Minimum required front, side and rear building setback or buffer lines with dimensions and notation of the existing zoning on the property.
 - (4) The location of all buildings with finished floor elevations, driveways, parking areas, swimming pools, recreational courts, patios, accessory structures and other improvements existing or proposed on the property, and dimensions of buildings and distances between all structures and the nearest property lines.
 - (5) All easements, public water, sewer or storm drainage facilities traversing or located on the property, septic tank and septic tank drain field.
 - (6) Subdivision name, lot designation, land lot, district, and tax parcel ID number.
 - (7) North arrow and graphic and numeric scale.
 - (8) Limit of the 100-year floodplain, wetland areas, streams, historic structures and any applicable buffers or special building setback lines.
 - (9) All other applicable requirements of the UDO or conditions of zoning approval.
 - (10) Name, address and telephone number of the owner and the person who prepared the structure location plan.
 - (11) Existing and proposed grades with two-foot contour intervals, and erosion and sediment control measures as required.
- (d) A certificate of occupancy shall not be issued for the structure or other improvements until conformance to the provisions or other requirements of the structure location plan have been field verified by the department or by a foundation survey prepared for the applicant.
- (e) The following note shall appear on all structure location plans:

"This Structure Location Plan has been reviewed for general compliance with the Rockdale County Unified Development Ordinance and is approved for issuance of a building permit for

the residential structure and other improvements shown hereon. (No framing inspection will be approved until a flood elevation certificate has been received by the department.) This approval is granted with the provision that no Certificate of Occupancy or Certificate of Completeness shall be issued until conformance to this structure location plan has been field verified by the building official or has been verified by an as-built foundation survey prepared by a Registered Land Surveyor or Professional Engineer."

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-23, § 10, 10-9-2007)

Sec. 302-69. - Reserved.

ARTICLE VII. - PRIVATE STREETS AND GATED COMMUNITIES

Sec. 302-70. - Standards and procedures.

All development utilizing private residential streets shall meet the standards of this article VII. The provisions of the Unified Development Ordinance (UDO) and other applicable county Codes shall also apply to all such private residential street development, except to the extent such other provisions conflict with these article VII standards. All plans utilizing private residential streets shall be subject to the development review process and shall require final approval by the Directors of General Services and Engineering, Rockdale Water Resources, and emergency services consistent with the provisions of this article VII and other applicable provisions of the Code of Rockdale County.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-71. - Design and construction standards.

Private residential streets shall conform to the same standards regulating the design and construction of public streets found in chapter 332 of the UDO.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-72. - Gate installation.

Gate installation shall conform to the following provisions:

- (a) All gate entrance design installations must be approved by the director of general services and engineering and the director of emergency services prior to installation. The installation must be completed and approved prior to the recording of the final plat of the development.
- (b) Gate design may incorporate one or two gate sections to meet the required minimum gate width of 24 feet. If the entrance will incorporate a median, guard shack or similar structure that results in a divided gate arrangement, the individual gate widths may be reduced if approved by the director, but in no case shall any one-way travel lane have an unimpeded opening of less than 12 feet.
- (c) Approach and departure areas on both sides of the gated entrance shall provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must be setback a minimum of 100 feet from any adjacent public street right-of-way to allow for vehicle stacking out of the public travel lanes.
- (d) Automatic gate installations shall conform to the design and performance guidelines approved by the director of general services and engineering and the director of emergency services.

- (e) All components of the gate system shall be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to insure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times. In instances of power failure the security gate shall default to an open position to allow access into the property(s). Each security gate regulated under this section shall be subject to a performance test as determined by the director of emergency services. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the director of emergency services.
- (f) All streets, gates, signage, equipment and other improvements in the vicinity of the access gate(s) may be subject to periodic inspection by county agents and or employees to ensure necessary emergency access and repaired immediately by the homeowner's association if found to be in a condition of disrepair so as to restore such emergency access. The county agents and or employees shall have the right to enter the subdivision and disable, open or remove any gate, device or other feature that impedes or controls vehicle access at the sole expense of the homeowner's association. Emergency repairs shall be assessed against the homeowner's association.
- (g) The record title owner of the private street parcel as defined in section 302-74 shall be responsible for and liable for any violations of this section.
- (h) The homeowners association shall coordinate with the United States Postal Service for mail delivery, the school board for school bus service, and local providers for garbage and trash pickup throughout a gated community.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-73. - Property associations required.

Subdivisions developed and all properties served by private residential streets shall have a mandatory property owners association ("association"). Membership in the association shall be mandatory for each original and successive purchaser of a lot within the development by virtue of a recorded declaration of covenants, conditions and restrictions (declarations) or other similar document binding all property owners in the subdivision. The declarations shall require that at the time of the initial first sale of each lot following the issuance of a certificate of occupancy, the lot purchaser shall be required to contribute an amount to a capital reserve account of the association equal to at least \$400.00, or an amount based on the total annual budget of the association as determined by the association, whichever is greater. In addition, the declarations shall require the association to execute a capital reserve study performed by a licensed Georgia engineer at least once every five years where the useful life and replacement cost is determined for each of the improvements for which the association is required to maintain. The declarations shall further require the association to annually establish a capital reserve budget based upon the capital reserve study and assess lot owners an amount that will ensure that the association has adequate funds for the yearly maintenance and repair of the capital improvements the association is required to maintain, including the private street system. The capital reserve budget shall also be sufficient so that the association will, over time, be positioned to replace said capital improvements as those improvements reach the end of their useful life. The declarations and articles of incorporation shall be reviewed by the county attorney to ensure that they conform to this and other applicable county ordinances and regulations. The declarations shall be filed and recorded in the deed records with the Clerk of the Superior Court of Rockdale County following approval by the county attorney. No portion of the association's declarations or documents pertaining to the maintenance of the private street system and assessments related thereto may be amended without the written consent of the county attorney.

(Ord. No. 2009-15, § 2, 11-10-2009; Ord. No. 0-2010-11, § 1, 7-13-2010)

Sec. 302-74. - Private street parcel.

Private street systems shall be constructed within a separately designated property parcel owned by the association and shall receive a designated tax map parcel number for county real property taxation purposes. The recorded association covenants shall include an access easement granted to Rockdale County that covers the entire private street system and expressly grants to Rockdale County and its employees and agents unrestricted access to the subdivision for any purpose related to the exercise of a county service or function, including but not limited to fire and sheriff protection, inspections and code enforcement, including inspections of water, sewer and storm drainage systems. The access easement shall permit the county to remove any vehicle or obstacle within the street parcel that impairs emergency access. The private street parcel shall contain all infrastructure normally found within Rockdale County public streets. Street lights and signs shall be installed and maintained by the association subject to the approval by the county. The association's documents shall give the county the right, after giving notice in emergency situations, to perform maintenance upon streets to protect health, safety and welfare of the residents and to place a lien upon the lots within the gated community to recover the cost of such work performed, if not promptly reimbursed by the association.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-75. - Construction and maintenance cost.

The developer or association shall be solely responsible for and pay for all of the costs of construction, maintenance, repair and liability of all elements off the private street system, and shall be liable for said system within the gated subdivision. Said private street system shall be defined to include streets, sidewalks, bikeways, curbs and gutters, traffic signs, monuments, entry gates, gate house, and other appurtenances in any way associated with the private street system. The association's declarations shall provide that the association be empowered to levy assessments against property owners within the development for the payment of expenditures made by the association for maintenance of the private street system and other appurtenances in any way associated with the private street system and that unpaid assessments shall constitute a lien upon the lot owner's property in favor of the association.

(Ord. No. 2009-15, § 2, 11-10-2009; Ord. No. 0-2010-11, § 2, 7-13-2010)

Sec. 302-76. - Water and sewer.

Master meters shall be prohibited. All water and sewer lines and facilities placed within the private street system parcel shall be installed to county standards. The developer or association shall pay the entire cost of installation and connection to the Rockdale County water and wastewater conveyance system. Said water and sewer lines and facilities shall be dedicated to the county and become the property of the county by written agreement pursuant to the requirements and standards of chapter 98. In addition, a property easement in favor of the county within the private street system within which said water and sewer lines and facilities are located shall be executed by the developer or association in accordance with the terms and requirements of the Director of Rockdale Water Resources. All county regulations relating to infrastructure, financing, bonds, developer cost participation and capital cost recovery shall apply to said water and sewer lines and facilities within the private street system.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-77. - Plans and inspections.

Developments proposed as gated communities with private residential streets shall be subject to the same regulations and shall submit to the county the same plans and engineering information required to

construct public streets and utilities except as specifically modified by this article VII. The association shall be responsible for the ongoing inspection of private streets to identify necessary repairs.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-78. - Waiver of services.

The subdivision final plat, property deeds and association documents shall note that certain county services will not be provided on private streets. Among the services which will not be provided are routine sheriff patrols, street lighting, enforcement of traffic and parking ordinances, as well as installation, repair, maintenance, and liability of the entire private street system. All private traffic regulatory signs shall conform to the Georgia Manual of Uniform Traffic Control Devices. Depending on the characteristics of the proposed development other services may not be provided.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-79. - Petition to convert to public streets.

The association documents shall allow the association to request that the county accept private street systems as public streets and right-of-way upon written notice to all association members and the favorable vote of 100 percent of the membership. However, in no event shall the county be obligated to accept said private street systems as public. Should the county elect to accept the streets as public, the county shall inspect the private streets and assess the association and lots owners for the expense of needed repairs concurrent with the county's acceptance of the streets. The county will be the sole judge of whether repairs are needed in accordance with county standards. The county may also require, at the association's expense, the removal of the guard shack, access control devices, landscaping or other aesthetic amenities located within the private street system parcel or right-of-way. The association covenants and documents shall provide for the county's right to assessment. Those portions of the association documents pertaining to the subject matter containing in this paragraph shall not be amended without the written consent of the county attorney.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-80. - Hold harmless.

The association covenants shall contain language stating that the association, as owner of the private street system and all appurtenances, agrees to release, indemnify, defend and hold harmless the county, its officers, employees and agents, for damages to the private street system occasioned by the reasonable use of the private street system by the county, its officers, employees and agents, or for damages or injury (including death) arising from the condition of said private streets; and for damages and injury (including death) arising out of the reasonable use by the county, its officers, employees and agents, of any restricted access gate or entrance. Further, such language shall provide that all owners of all lots shall release the county, its officers, employees and agents, for damages and injuries (including death) to or upon said private streets and/or at any restricted access gate or entrance, occasioned by the reasonable use of the private streets, restricted access gate or entrance by the county, its officers, employees or agents, or arising from the condition of said private streets. Nothing in this section is intended to alter the county's obligation with regard to any claim for worker's compensation relative to a county employee. Nor shall any defense or immunity available to the county, its officers, employees or agents be abrogated, limited, changed, waived or altered by this section.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-81. - Sidewalks.

Sidewalks, in accordance with the UDO, shall be constructed for all lots adjoining streets, along major thoroughfares where lots do not adjoin the street or in other areas as required by section 332-9.

(Ord. No. 2009-15, § 2, 11-10-2009)

Sec. 302-82. - Drainage and stormwater.

All development and plats shall conform to the UDO for drainage facilities. Design, material, construction, maintenance and liability of stormwater drainage systems shall be the sole responsibility of the association and shall be performed in accordance with county standards found in chapter 310 and all other applicable sections of the UDO. The county shall be authorized to inspect any gated subdivision for compliance with county stormwater standards and issue citations for violations thereof.

(Ord. No. 2009-15, § 2, 11-10-2009)

Secs. 302-83, 302-84. - Reserved.

Chapter 306 - SOIL EROSION AND SEDIMENTATION CONTROL^{[11](#)}

Footnotes:

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Editor's note— Ord. No. 0-2010-12, § 1, adopted July 13, 2010, amended Ch. 306 by deleting said chapter in its entirety and enacting a new Ch. 306 to read as set out herein. Former Ch. 306, §§ 306-1—306-10 pertained to similar subject matter and derived from Ord. No. 0-2006-32, §§ 1—3, adopted Nov. 28, 2006; Ord. No. 2007-09, § 17, adopted May 22, 2007; and Ord. No. 0-2007-14, § 18, adopted July 24, 2007.

Sec. 306-1. - Title.

This chapter will be known as the county soil erosion and sedimentation control ordinance.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-2. - Definitions.

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

Best management practices (BMPs): Includes 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 Sedimentation Control in Georgia" published by the commission as of January 1 of the year in which the land disturbing activity was permitted..

Board or DNR board: The board of natural resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission.

CPESC: Certified professional in erosion and sediment control with current certification by Certified Profession in Erosion and Sediment Control, Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

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

Department: The department of natural resources.

Design professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Department of general services and engineering: The Rockdale County Department of General Services and Engineering, acting as designee of the Rockdale County Board of Commissioners in said board's capacity as local issuing authority.

Director: The director of the Environmental Protection Division of the Georgia Department of Natural Resources or an authorized representative

District: The Rockdale County Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources.

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

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan: A plan for the control of soil erosion and sediment resulting from a land disturbing activity.

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

Final stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a 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.

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

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

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 operations as described in subsection 306-3(e).

Larger common plan of development: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purpose 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.

Local issuing authority: The Rockdale County Board of Commissioners, so long as said board continues to be certified pursuant to O.C.G.A. § 12-7-8(a).

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

NOI: A notice of intent form provided by EPD for coverage under the state general permit.

NOT: A notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; 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.

Outfall: The location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on-site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land disturbing activity under the provisions of this chapter.

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.

Phase or phased: Subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction-site.

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

Properly designed: Designed in accordance with 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 NOI submittal.

Qualified personnel: See "certified personnel."

Roadway drainage structure: A device, such as a bridge, culvert, or ditch, composed of a virtually no erodible 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.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan: An erosion and sedimentation control plan approved in writing by the Rockdale County Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit: The National Pollution Discharge Elimination System (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 U.S.C. §1251, et seq. and O.C.G.A. § 12-5-30(f).

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion and sedimentation control practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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 et seq. in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaped.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing longterm vegetative cover.
- (2) Temporary seeding, producing shortterm vegetative cover.
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: 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.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-3. - Exemptions.

This chapter shall not apply to any of the following activities:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, the "Mineral Resources and Caves Act."
- (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 5,000 square feet and is not part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 5,000 square feet 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 section 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, 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, horticulture, 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 subsections 306-4(c)(15) and (16), 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 5,000 square feet or less 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 5,000 square feet or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them yearround; provided, however, that any person responsible for a project which involves 5,000 square feet or less, 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 subsections (a), (b), (c), (d), (e), (f), (g), (i), (j), and (k) of this section.

- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, or the 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 Georgia Department of Transportation or state road and tollway authority which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. § 12-7-7.1 except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of the notice of intent under the state general permit shall be submitted to the department of public services and engineering, the department of public services and engineering 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 electric system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located 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.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-4. - 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. Therefore, plans for those land disturbing activities which are not exempted by this chapter 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 subsection 306-4(b) 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 the requirements of this chapter and the NPDES general permit.
- (b) *Minimum requirements/BMPs.*
 - (1) Best management practices (BMPs), as set forth in this subsection and in subsection (c) below shall be required for all land disturbing activities. Proper design, installation, and maintenance of

BMPs shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with subsection (2) below 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) of 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(2).

- (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 the department of general services and engineering or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f) of 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 (NTUs) for waters supporting warm water fisheries or by more than ten NTUs 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 two acres.
 - (3) Failure properly to design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by the department of general services and engineering or any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f) for each day on which such failure occurs.
 - (4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purposes of governing land disturbance activities shall require as a minimum, protections at least as stringent as the state general permit and BMPs, 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 and fill operations must be kept to a minimum.
 - (3) Development plans must conform to topography and soil type, so as to create the lowest practical 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 through 12-7-18, "the Erosion and Sedimentation Act of 1975".

- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces 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 must be 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 subsection (b).
- (15) Except as provided in subsection (16) below, 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 of EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by said director pursuant to O.C.G.A. § 12-2-8, or 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 groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as long an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article V of chapter 5 of Title 12 shall remain in force unless a variance is granted by the director as provided in this subsection. 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.
 - 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:
 1. Stream crossings for water lines.
 2. Stream crossings for sewer lines.
- (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 DNR board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirement 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:
 1. Stream crossings for water lines.
 2. Stream crossings for sewer lines.
- (17) Grading operations or other soil disturbing activities that are suspended for more than seven calendar days shall have temporary vegetation, mulching, silt fence, and/or other erosion control measures, at the discretion of the department of General Services and Engineering, employed to protect the soil from erosive elements. Grading operations or other soil disturbing activities that are abandoned or without activity for 30 calendar days shall have permanent grassing, silt fence and/or other erosion control measures employed to protect the area. If the site includes proposed roadbeds, it shall be regarded to remove any grass, weeds or other perishable matter prior to final acceptance of subgrade.
- (d) The Rockdale County Board of Commissioners may adopt rules and regulations, ordinances or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (b) and (c) above.
 - (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 chapter or the terms of the permit.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-5. - Application and permit process.

- (a) *General.* The property owner, developer, and designated planners and engineers shall review before submittal the general development plans and detailed plans with the department of general services and engineering that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and other ordinances which regulate the development of

land within the jurisdictional boundaries of Rockdale County. However, the operator is the only party who may obtain a permit.

- (1) *Enforcement authority.* The director of the Rockdale County Department of General Services and Engineering shall have authority to administer and enforce this chapter as designee for the local issuing authority, the Rockdale County Board of Commissioners, except where otherwise stated.

(b) *Application requirements.*

- (1) No person shall conduct any land disturbing activity within the jurisdictional boundaries of Rockdale County without first obtaining a land disturbance permit from the department of general services and engineering to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
- (2) The application for a land disturbance permit shall be submitted to the department of general services and engineering. Such application shall be accompanied by the applicant's erosion, sedimentation and pollution control plans and by such supportive data as will affirmatively demonstrate that the land disturbing activity proposed will be carried out in such a manner that the minimum requirements set forth in subsections 306-4(b) and (c) shall be met. Applications for a land disturbance permit will not be accepted unless accompanied by ten copies of the applicant's soil erosion and sedimentation control plan. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
- (3) A land disturbance permit fee as established by the Rockdale County Board of Commissioners, and which may be modified from time to time by their action, shall be collected.
- (4) In addition to the Rockdale County permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(6), 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 the issuance of the land disturbance permit. 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.
- (5) The local issuing authority with plan review authority shall approve or disapprove a revised plan submitted with 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.
- (6) *Additional fees.*
 - a. If a permit applicant has had two or more violations of previous permits, this chapter, or the Erosion and Sedimentation Act, O.C.G.A. § 12-5-20 et seq. as amended, within three years prior to the date of filing of the application under consideration, the department of general services and engineering may deny the permit application.
 - b. The department of general services and engineering 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 fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this chapter or with the conditions of the permit after issuance, the department of general services and engineering 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.

- (c) *Plan requirements.* Plans must be prepared to meet the minimum requirements as contained in subsections 306-4(b) and (c). Conformance with those minimum requirements may be attained

through the use of design criteria specified in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; 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, as revised, is hereby incorporated by reference into this chapter. 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 stormwater management facilities, local ordinances and state laws.

- (d) *Data required for site plan.* 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.
- (1) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - (2) Description of existing land use at project site and description of proposed project.
 - (3) Name, address, and phone number of the property owner.
 - (4) Name and phone number of 24-hour local contact that is responsible for erosion and sedimentation controls.
 - (5) Size of project, or phase under construction, in acres.
 - (6) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land disturbing activities."
 - (7) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - (8) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for yearround seeding.
 - (9) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia, as revised.
 - a. *Maintenance statement:* "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
 - (10) Clear, detailed tabulation of required and provided sediment storage volumes for each phase of the project, showing all necessary calculations and assumptions.
 - (11) All data for designed BMPs, as required by the Manual for Erosion and Sediment Control in Georgia, as revised.
 - (12) 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.
- (e) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. All persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20. The certified plans shall contain:
- (1) Graphic scale and north point or arrow indicating magnetic north.

- (2) Vicinity maps showing location of project and existing streets.
- (3) Boundary line survey.
- (4) Delineation of disturbed areas within project boundary.
- (5) Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch=100 ft. or larger scale	Flat 0—2%	0.5 or 1
	Rolling 2—8%	1 or 2
	Steep 8% +	2, 5, or 10

- a. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
 - b. Proposed structures or additions to existing structures and paved areas.
 - c. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in any areas subject to the Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq. Delineate the 50-foot horizontal stream buffer and 75-foot impervious setback in accordance with section 310-103.
 - d. Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - e. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, chapter 6.
- (f) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.
- (g) *Permits.*
- (1) Permits shall be issued or denied as soon as practicable after the application has been filed with the department of general services and engineering, providing variances and bonding are obtained where necessary, and all applicable fees have been paid, but in any event not later than 45 days thereafter.
 - (2) No permit shall be issued by the department of general services and engineering unless the erosion and sedimentation control plan has been approved by the department of general services and engineering; the department of general services and engineering has affirmatively determined that the plan is in compliance with this chapter; any variances required by subsection 306-4(c)(15) are obtained; bonding requirements, if necessary, as per subsection (b)(6)b. are met; and all ordinances and rules and regulations in effect within the jurisdictional boundaries of Rockdale County are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
 - (3) Any land disturbing activities by Rockdale County shall be subject to the same requirements of this chapter, and any other ordinances relating to land development, as are applied to private persons, and the division shall enforce such requirements upon Rockdale County.
 - (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 department of general services and engineering, 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 chapter or the Georgia Soil Erosion and Sediment Control Act, O.C.G.A. § 12-7-1 et seq. 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 department of general services and engineering may reject a permit application if the applicant has had two or more violations of previous permits of 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).

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-6. - Inspection and enforcement.

- (a) The department of general services and engineering shall 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 approved plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the department of general services and engineering shall regulate both primary and secondary 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. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this section, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.
- (b) The local issuing authority must amend its ordinance to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- (c) The department of general services and engineering shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, 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 or her 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.
 - (1) 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 conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-8(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.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-7. - 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 chapter 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 boundaries of unincorporated Rockdale County.
- (b) *Stop work orders.*
 - (1) For the first and second violations of the provisions of this chapter, the department of general services and engineering shall issue a written warning to the violator. The violator shall have 24 hours to correct the violation. If the violation is not corrected within 24 hours, the department of general services and engineering 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 department of general services and engineering shall issue an immediate stop work order in lieu of a warning;
 - (2) For a third and each subsequent violation, the department of public services and engineering shall issue an immediate stop work order.
 - (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 department of general services and engineering, have been or are being discharged into state waters and where BMPs have not been properly designed, installed and maintained, a stop work order shall be issued by the department of general services and engineering. 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 activities 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 by the department of general services and engineering, 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 article 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 302-28. The department of general services and engineering 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 chapter or any permit condition or limitation established pursuant to this chapter or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this chapter shall be liable for a civil penalty not to exceed \$1,000.00 per day. For the purpose of enforcing the provisions of this article the Magistrate Court of Rockdale County shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation. Each day during which the violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-8. - Administrative appeal, judicial review.

- (a) If the department of general services and engineering determines that a permit holder is not in compliance with the approved erosion and sediment control plan; or that the permit holder is in violation of permit conditions; or that the permit holder is in violation of any ordinance; or that a proposed plan submitted by a permit applicant is not sufficient to meet the requirements of this section, the department of general services and engineering may suspend the permit, revoke the permit, or deny the application for a permit, as applicable.
- (b) An aggrieved permit holder or permit applicant may appeal the decision of the department of public services and engineering regarding such denial, suspension or revocation by appeal to the board of adjustment in accordance with the procedures set forth in UDO section 238-8. The decision of the department of general services and engineering shall be final unless an appeal is timely filed. An appeal shall not stay the department of general services and engineering decision. Appeals from final decisions of the board of adjustment shall be as provided for in UDO section 238-13.
- (c) The board of commissioners shall conduct a hearing on an appeal within 30 days after receipt of the written request for a hearing unless the permit holder or permit applicant requests an extension in writing for good cause that is granted by the board. The hearing shall be conducted before the board of commissioners at the date and time established by the board of commissioners and after reasonable notice of no less than five calendar days has been provided to the applicant. At the hearing, the board of commissioners shall receive oral and written testimony regarding the permit or permit application, and each party may present evidence and witnesses and be represented by legal counsel. The appeal shall be sustained by the board of commissioners if the board finds that the department of general services and engineering made an erroneous finding of material fact or that the department of general services and engineering acted in an arbitrary manner in reaching his or her decision.
- (d) The board of commissioners shall render a written decision and issue notice of the decision to the permit holder/permit applicant within ten days after the conclusion of the hearing. The decision of the board of commissioners shall be final. Any person aggrieved by the decision of the Rockdale County Board of Commissioners may seek review of such decision by petitioning the Superior Court of Rockdale County for a writ of certiorari, setting forth plainly the alleged errors.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-9. - Liability.

- (a) *Severability.* If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.
- (b) *Liability.*
- (1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter 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 chapter or the terms of the permit.
- (3) No provision of this chapter shall authorize any persons to violate the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.; the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; the rules and regulations promulgated and approved thereunder; or to pollute any waters of the state as defined thereby.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Sec. 306-10. - 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 responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on-site whenever land disturbing activities are conducted on that site. A project site shall herein be defined as any land 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 chapter.
- (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.

(Ord. No. 0-2010-12, § 1, 7-13-2010)

Chapter 310 - STORMWATER MANAGEMENT

ARTICLE I. - GENERAL

Sec. 310-1. - Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meanings ascribed to them in this section; except where the context clearly indicates a different meaning:

Accidental discharge: A discharge prohibited by the UDO, which occurs by chance, and without planning or thought prior to occurrence.

Buffer: With respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act (CWA): The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

Hotspot: An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Illegal connection: Either of the following:

- (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the county's separate storm sewer system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the county's separate storm sewer system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (b) Any pipe, open channel, drain or conveyance connected to the county's separate storm sewer system, which has not been documented in, plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge: Any direct or indirect non-stormwater discharge to the county's separate storm sewer system, except as exempted in subsection 310-14(a).

Inspection and maintenance agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction or covenant on the title to a site or other land involved in a land development project.

Nonstructural stormwater management practice or nonstructural practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-site facility: A stormwater management facility located outside the boundaries of the site that it serves.

On-site facility: A stormwater management facility located within the boundaries of the site that it serves.

Open space: Permanently protected areas of the site that are preserved in a natural state.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: The contamination or other alteration of the physical, chemical or biological properties of air or water by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color turbidity, or odor, or the discharge of any liquid, gaseous, solid, radioactive, or other substance as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-development: Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a

site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, and so forth), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-developed conditions.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.

Regional stormwater management facility or regional facility: Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Regulatory floodplain: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

Rockdale County separate storm sewer system: Any facility designed or used for collecting, treating and/or conveying stormwater located in the unincorporated areas of Rockdale County, including but not limited to highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures; and which is: 1) not a combined sewer, and 2) not part of a publicly-owned treatment works.

Stormwater better site design practices: Non-structural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for non-structural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management measure: Any stormwater management facility or structural or non-structural stormwater practice.

Stream protection area or protection area: With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Structural stormwater control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Watershed: The land area that drains into a particular stream.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-2. - Pollution and littering.

In addition to the penalty provisions contained in this chapter, violations of the provisions of this chapter that degrade the water quality and aquatic resources through littering or dumping waste may be prosecuted pursuant to the provisions of chapter 78 of the Rockdale County Code entitled "Solid Waste and Weeds" where applicable.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-3. - Penalty for violation.

Violations of this chapter, except as otherwise provided, shall be subject to punishment as set forth in section 1-11, General penalty.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-4—310-10. - Reserved.

ARTICLE II. - ILLICIT DISCHARGE AND ILLEGAL CONNECTIONS

Sec. 310-11. - Purpose and intent.

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Rockdale County separate storm sewer system to the maximum extent practicable as required by federal law and to provide flood control. This article establishes methods for controlling the introduction of pollutants into the Rockdale County separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

- (a) Regulate the contribution of pollutants to the Rockdale County separate storm sewer system by any person.
- (b) Prohibit illicit discharges and illegal connections to the separate storm sewer system.
- (c) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Rockdale County separate storm sewer system.
- (d) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-12. - Applicability.

The provisions of this article shall apply throughout the unincorporated area of Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-13. - Responsibility for administration.

The director shall administer, implement, and enforce the provisions of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-14. - Prohibitions.

- (a) *Prohibition of illicit discharges.* No person shall drain, discharge, cause, or otherwise allow to be discharged into the Rockdale County separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The following discharges are exempt from the prohibition provision above:
 - (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants.

- (2) Discharges or flows from fire fighting and other discharges specified in writing by the Rockdale County Board of Commissioners as being necessary to protect public health and safety.
 - (3) Any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the Georgia Department of Natural Resources (DNR) and/or the Federal Environmental Protection Agency (EPA), provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from the authorizing governmental agency has been granted for any discharge to the Rockdale County separate storm sewer system.
- (b) *Prohibition of illegal connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the Rockdale County separate storm sewer system is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (2) A person violates this article if the person causes a conveyance of sewage or septic effluent into the Rockdale County separate storm sewer system or allows such a connection or conveyance to continue.
 - (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or, with the written approval of the director of the Rockdale County Water Resources Department, into the county sanitary sewer system.
 - (4) Any drain or conveyance that has not been included in plans, maps, or otherwise documented and that may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the director requiring that such locating be completed. Such notice shall specify:
 - a. A reasonable time period of not more than ten days, unless a longer period is authorized by the director, within which the location of the drain or conveyance is to be completed.
 - b. That the drain or conveyance be identified as storm sewer, sanitary sewer, or other.
 - c. That the outfall location or point of connection to the storm sewer system, sanitary sewer system, or other discharge point be identified.
 - (5) The results of the investigations of the property owner or occupant shall be documented and provided to the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-15. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to allowing discharges to the Rockdale County separate storm sewer system.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-16. - Access and inspection of properties and facilities.

- (a) The director shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this article.

- (b) If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the director during normal business hours.
- (c) The owner or operator shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination, and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (d) The director shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the director, to conduct monitoring and/or sampling of flow discharges.
- (e) The director may require the owner or operator to install monitoring equipment and perform monitoring, as necessary, and make the monitoring data available to the director. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated, to the satisfaction of the director, to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (g) Delays of more than five business days in allowing the director access to a facility shall be a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-17. - Notification of accidental discharges and spills.

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation that are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Rockdale County separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge. Said person shall notify the director by phone, facsimile, or in person no later than 24 hours of the location, nature, quantity, and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.
- (b) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (c) Failure to provide notification of a release as provided above shall be a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 18, 5-22-200)

Sec. 310-18. - Violations and penalties.

- (a) *Violations.* In the event the violation of any provision of this article constitutes an immediate danger to public health, safety, or welfare, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The director is authorized to seek reimbursement for costs of the abatement as outlined in subsection (c).

(b) *Notice of violation.* If the director determines that a violation of this article has occurred, the director may order compliance by issuing a written notice of violation to the person responsible for the violation.

(1) The notice of violation shall contain:

- a. The name and address of the alleged violator.
- b. The address or other description of the site upon which the violation is occurring, or has occurred.
- c. A statement specifying the nature of the violation.
- d. A description of the remedial measures necessary to restore compliance with this article and the deadline for the completion of such remedial action.
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

(2) Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting.
- b. The elimination of illicit discharges and illegal connections.
- c. That violating discharges, practices, or operations shall cease and desist.
- d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
- e. The implementation of pollution prevention practices.

(c) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, the director may issue a citation to the alleged violator requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for such violation. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. The director may seek restitution for attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses and costs of abatement.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-19—310-30. - Reserved.

ARTICLE III. - POST-DEVELOPMENT STORMWATER MANAGEMENT

DIVISION 1. - GENERAL PROVISIONS

Sec. 310-31. - Purpose and intent.

(a) The purpose and intent of this article is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point 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. This article seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.

- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats.
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards.
- (5) Encourage the use of non-structural stormwater management and stormwater better site design practices, such as the preservation of open space and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include open space, with the county's greenspace protection plan;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and non-structural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.
- (7) Establish administrative procedures for the submission, review, approval, and disapproval of stormwater management plans and for the inspection of approved active projects, and long-term follow up.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-32. - Applicability.

- (a) This article shall be applicable to all land development; including, but not limited to, site plan applications, subdivision applications, and grading applications, unless otherwise exempted. The provisions of this article shall apply to any new development or redevelopment site that meets one or more of the following criteria:
 - (1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more.
 - (2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more.
 - (3) Any new development or redevelopment, regardless of size, that is defined by the director to be a "hotspot" land use.
 - (4) Land development activities that are smaller than the minimum applicability criteria set forth in subsections (1) and (2) of this subsection, 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.
- (b) The following activities are exempt from this article:
 - (1) Development of individual single-family or duplex residential lots that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than one acre and are not part of a subdivision or phased development project.
 - (2) Additions or modifications to existing single-family or duplex residential structures that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than one acre.
 - (3) Repairs to any stormwater management facility or practice deemed necessary by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-33. - Responsibility for administration.

The director shall administer, implement and enforce the provisions of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-34. - Stormwater design manual.

The director shall utilize the policy, criteria, and information, including technical specifications and standards, set forth in the Georgia Stormwater Management Manual, as now and hereafter amended, for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-35—310-40. - Reserved.

DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS

Sec. 310-41. - Stormwater management permit required.

- (a) No owner or developer shall perform any land development activities without first obtaining a stormwater management permit and meeting the requirements of this article prior to commencing the proposed activity.
- (b) Any owner or developer proposing a land development activity shall first submit a stormwater management permit application to the director.
- (c) Applications for a stormwater management permit shall be on a form provided by the director for that purpose and shall be accompanied by the following items in order to be considered:
 - (1) Stormwater concept plan and consultation meeting certification in accordance with section 310-42.
 - (2) Stormwater management plan in accordance with section 310-43.
 - (3) Inspection and maintenance agreement in accordance with section 310-44, if applicable.
 - (4) Performance guarantee in accordance with section 310-45, if applicable.
 - (5) Permit application and plan review fees in accordance with section 310-47.
 - (6) Construction drawings, stormwater hydrology, and hydraulics report and site analysis.
- (d) Applications for a stormwater management permit that are incomplete or which otherwise do not meet the criteria set forth above, as determined by the director, shall not be reviewed by Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-42. - Stormwater concept plan and consultation meeting.

- (a) Before any stormwater management permit application is submitted, the landowner or developer shall meet with the director for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place prior to the submission of any development or redevelopment

plan. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project; as well as to discuss and assess constraints, opportunities, and potential ideas for stormwater management designs before the formal site design engineering is commenced.

- (b) To accomplish this goal, the following information shall be included in the concept plan, which shall be submitted to the director a minimum of five business days prior to the meeting:
 - (1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans that illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
 - (2) *Natural resources inventory.* A written or graphic inventory of the natural resources located within a ¼-mile radius of the site as they exist prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site; as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
 - (3) *Post-development stormwater management system concept plan.* A written or graphic concept plan of the proposed post-development stormwater management system, including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
 - (4) Local watershed plans, the Rockdale County greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-43. - Stormwater management plan requirements.

- (a) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in division 3 of this article.
- (b) The stormwater management plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) or registered landscape architect licensed in the State of Georgia, who is qualified to address stormwater issues and who must verify that the design of all stormwater management facilities and practices meet the requirements of the Georgia Stormwater Management Manual.
- (c) The stormwater management plan must ensure compliance with the requirements and criteria in this article and minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required by the Georgia Stormwater Management Manual. This includes:
 - (1) Common address and legal description of site.
 - (2) Vicinity map.
 - (3) Existing conditions hydrologic analysis.

The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types, and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

- (4) *Post-development hydrologic analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in division 3 of this article; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in division 3 of this article must be met for the stormwater runoff from the entire site.
- (5) Where the existing development is to be redeveloped, the applicant should attempt to make every reasonable effort to provide water quality and detention for the total land area of the redeveloped site, which may include but not be limited to underground detention and subsurface water quality treatment.
- (6) The applicant shall utilize the Metropolitan North Georgia Water Planning District's spreadsheet based computer modeling tool to complete the post-development hydrologic water quality analysis. This modeling tool can be accessed online at <http://www.rockdalecounty.org>.
- (7) *Stormwater management system.* The description, scaled drawings, and design calculations for the proposed post-development stormwater management system shall include a map and/or drawing of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in division 3 of this article; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- (8) *Post-development downstream analysis.* A downstream peak flow analysis, which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse

immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten 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 Georgia Stormwater Management Manual.

- (9) *Construction-phase erosion and sedimentation control plan.* An erosion and sedimentation control plan which satisfies the requirements of chapter 306 of the Code of Ordinances of Rockdale County, Georgia. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (10) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (11) *Operations and maintenance plan.* Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, ongoing funding sources, 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.
- (12) *Maintenance access easements.* The applicant must ensure adequate access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. 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. Regular maintenance shall be the responsibility of the homeowner's association or the property owner.
- (13) *Inspection and maintenance agreements.* Unless an on-site stormwater management facility or practice is dedicated to and accepted by the director, as provided in subsection 310-44(e), the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with section 310-44.
- (14) *Evidence of acquisition of applicable environmental permits.* The applicant shall certify and provide documentation to the director that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (15) *Fencing of retention and detention areas.* Permanent cyclone fencing or equivalent at least four feet in height shall be required around all those facilities having a maximum water on undercut depth of more than four feet or a bank slope steeper than 2:1 (horizontal:vertical) or those designated by the health department as constituting a public health hazard. This fencing 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 to permit entrance of equipment necessary to allow periodic maintenance activities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 19, 5-22-2007; Ord. No. 0-2007-14, § 19, 7-24-2007)

Sec. 310-44. - Stormwater management inspection and maintenance agreements.

- (a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the director requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the director, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- (b) The inspection and maintenance agreement, if applicable, must be approved by the director prior to plan approval, and recorded in the office of the Rockdale County Clerk of Superior Court, real estate division upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner(s). If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (d) The inspection and maintenance agreement shall include a schedule for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (e) The Rockdale County Board of Commissioners may, upon recommendation by the director, accept in lieu of an inspection and maintenance agreement the dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-45. - Performance guarantee.

- (a) Prior to issuance of a stormwater management permit under this article, the applicant shall provide to the county sufficient financial security to guarantee the performance of stormwater management facilities for a period of two years after the final plat is recorded or a certificate of occupancy is issued, described in the applicant's approved stormwater management plan. The applicant's financial guarantee may be any of the following: (1) an escrow of funds with the county; (2) an escrow with a bank or savings and loan association upon which the county can draw funds; (3) an irrevocable letter of commitment or credit upon which the county can draw funds; (4) a certificate of deposit with assignment letter; and (5) any other form of guarantee approved by the board of commissioners that will satisfy the objectives of this article. The guarantee shall be in an amount to secure the full costs, as determined by the director, of constructing, installing or maintaining the stormwater management facilities required by this article.
- (b) In the event the applicant or responsible person fails to ensure adequate maintenance pursuant to the approved stormwater management plan, the director may elect to take those steps necessary to correct the defective maintenance pursuant to the provisions of section 310-74.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-46. - Application procedure.

- (a) Applications for stormwater management permits shall be filed with the director.
- (b) Permit applications shall include the items set forth in subsection 310-41(c) of this article (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- (c) The director shall notify the applicant in writing within 30 days of receipt of the completed application whether the application, stormwater management plan, and inspection and maintenance agreement are approved or denied.
- (d) If the permit application, stormwater management plan or inspection and maintenance agreement are denied the written notification from the director shall specify the reasons for the denial, and the applicant may then revise any item not meeting the requirements hereof and resubmit the same. Such resubmittal shall be treated as a new application; however, no new application fee shall be required.
- (e) Upon a finding by the director that the stormwater management permit application, stormwater management plan, and inspection and maintenance agreement, if applicable, meet the requirements of this article; the director shall issue a stormwater management permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (f) Notwithstanding the issuance of the stormwater management permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land development will be completed according to the approved plan.
 - (2) The land development project shall be conducted only within the area specified in the approved plan.
 - (3) No changes may be made to an approved stormwater management plan without review and written approval by the director.
 - (4) Upon completion of the land development project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans pursuant to section 310-62 of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-47. - Permit application fees.

The fee for review of an application for a stormwater management permit shall be based on the fee structure established by the county board of commissioners. The total fee due shall be submitted with the application and review of the application shall not begin until the permit application fee is paid in full.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-48. - Stormwater management plan modifications for off-site facilities.

- (a) The stormwater management plan for each land development project should provide for stormwater management measures located on the site of the project. Where the physical characteristics of the site so dictate, as determined by the director, the applicant may be allowed to modify the stormwater management plan to utilize an off-site or regional stormwater management facility.

- (b) A modified stormwater management plan must be submitted to the director that shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - (1) Increased threat of flood damage to public health, life, and property.
 - (2) Deterioration of existing culverts, bridges, dams, and other structures.
 - (3) Accelerated streambank or streambed erosion or siltation.
 - (4) Degradation of in-stream biological functions or habitat.
 - (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.
- (d) The off-site or regional facility must be:
 - (1) Located on property legally dedicated for the purpose.
 - (2) Designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices.
 - (3) There must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility.
- (e) In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-49—310-50. - Reserved.

DIVISION 3. - POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA

Sec. 310-51. - Water quality.

- (a) All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual.
 - (2) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual.
 - (3) Runoff from hotspot land uses and activities identified by the director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices, and pollution prevention practices.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-52. - Stream channel protection.

- (a) Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer.
 - (2) 24-hour extended detention storage of the one-year, 24-hour return frequency storm event.
 - (3) Erosion prevention measures such as energy dissipation and velocity control.
- (b) The director may modify or waive the requirements of this section for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a manmade channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-53. - Overbank flooding protection.

- (a) Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection 310-52(b) is waived or modified, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.
- (b) The director may modify or waive the provisions of subsection (a) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-54. - Extreme flooding protection.

- (a) Extreme flood and public safety protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour storm event such that flooding is not exacerbated.
- (b) Extreme flood protection shall be provided either by controlling the 100-year, 24-hour return frequency storm event through on-site or regional structural stormwater controls to maintain the existing 100-year floodplain and/or by sizing the on-site conveyance system to safely pass the 100-year, 24-hour return frequency storm event and allowing it to discharge into a receiving water whose protected floodplain is sufficiently sized to account for extreme flow increases without causing damage.
- (c) The director may modify or waive the provisions of subsection (a) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-55. - Structural stormwater controls.

- (a) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and

receive approval from the director before being included in the design of a stormwater management system.

- (b) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-56. - Stormwater credits for non-structural measures.

The use of one or more better site design measures by the applicant may allow for a reduction in the water quality treatment volume required under section 310-51. The applicant may, if approved by the director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-57. - Drainage system guidelines.

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters, shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual.
- (2) All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual.
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-58. - Dam design guidelines.

Any land development activity that involves a site which proposes a dam, as such term is defined by O.C.G.A. § 12-5-372(4), shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-59, 310-60. - Reserved.

DIVISION 4. - CONSTRUCTION INSPECTIONS OF POST-DEVELOPMENT STORMWATER MANAGEMENT SYSTEM

Sec. 310-61. - Inspections to ensure plan compliance during construction.

- (a) Periodic inspections of the stormwater management system construction shall be conducted by the director or conducted and certified by a P.E. licensed in the State of Georgia, a registered landscape architect (RLA), or a registered surveyor (RLS) who has been approved by the director. However, the P.E., RLA, or RLS who conducts the periodic inspection, if applicable, shall not be the person who certifies the plans pursuant to section 310-62. The purpose of the inspections shall be to establish compliance with the approved stormwater management plan.
- (b) All inspections shall be documented with written reports that contain the following information:
 - (1) The date and location of the inspection.
 - (2) Whether construction is in compliance with the approved stormwater management plan.
 - (3) Variations from the approved construction specifications.
 - (4) Any other variations or violations of the conditions of the approved stormwater management plan.
- (c) If any violations are found the applicant shall be notified in writing in accordance with the provisions of section 310-81.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-62. - Final inspection and as-built plans.

Upon completion of a project, and before a certificate of occupancy shall be granted or a final plat recorded, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a P.E. licensed in the State of Georgia, an RLA or an RLS. A final inspection by the director is required before the release of any performance securities can occur. The director may verify the accuracy of the submitted as-built plans prior to the issuance of a final recorded plat or certificate of occupancy.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-63—310-70. - Reserved.

DIVISION 5. - ONGOING INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES AND PRACTICES

Sec. 310-71. - Long-term maintenance inspection of stormwater facilities and practices.

- (a) Stormwater management facilities and practices included in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan, and this article.
- (b) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If

the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement the director may correct the violation as provided in section 310-74 of this article.

- (c) Inspection programs by the director may be established on any reasonable basis; including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-72. - Right-of-entry for inspection.

The terms of the inspection and maintenance agreement shall expressly allow the director to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when he has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-73. - Records of maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall, upon his request, provide records of all maintenance and repairs to the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-74. - Failure to maintain.

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the director, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-75—310-80. - Reserved.

DIVISION 6. - VIOLATIONS AND PENALTIES

Sec. 310-81. - Notice of violation.

If the director determines that an applicant or other responsible person has failed to comply with the provisions of this article or is engaged in activity covered by this article without having first secured a stormwater management permit, a notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The applicant or other responsible person shall be provided a reasonable opportunity, of not less than ten days, to cure such violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person.
- (2) The address or other description of the site upon which the violation is occurring.
- (3) A statement specifying the nature of the violation.
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the stormwater management permit, the stormwater management plan, or this article and the date for the completion of such remedial action.
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-82. - Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

- (1) *Stop work order.* The director may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify any permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the director shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the director has taken one or more of the actions described above, the director may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this ordinance, the Director may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for each violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 20, 5-22-2007)

Secs. 310-83—310-100. - Reserved.

ARTICLE IV. - STREAM BUFFER PROTECTION

Sec. 310-101. - Purpose and intent.

The purpose and intent of this article is to protect the public health, safety, environment and general welfare; to minimize public and private losses resulting from erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams of Rockdale County for the protection of water resources.
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-102. - Applicability.

This article shall apply to all land development activity on property containing a stream protection area as defined in this chapter. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law. Any approval pursuant to or exemption from the provisions of this article does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-103. - Land development stream buffer requirements.

- (a) All land development activity, including subdivisions of land and platting activities governed by chapter 302 of the UDO, shall meet the following buffer and setback requirements unless otherwise exempted in this article:
 - (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
 - (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
 - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to section 310-105.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-104. - Exemptions.

- (a) *Pre-existing conditions.* This article shall not apply to the following pre-existing conditions:
 - (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this article.

- (2) Existing development and on-going land development activities including but not limited to existing silviculture, landscaping, gardening and lawn maintenance, except that new development or land development activities on such properties will be subject to all applicable buffer requirements.
 - (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this article.
 - (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this article.
- (b) *Exempted activities.* This article shall not apply to the following:
- (1) Activities for the purpose of building one or more of the following:
 - a. A stream crossing by a driveway, transportation route or utility line.
 - b. Public water supply intake or public wastewater outfall structures.
 - c. Intrusions necessary to provide access to a property.
 - d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks.
 - e. Unpaved foot trails and paths.
 - f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
 - (2) Public sewer line easements paralleling the stream, except that all easements (permanent and construction) and land development activities should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (b)(1), above.
 - (3) Permitted land development activities within a right-of-way existing at the time this article takes effect or approved under the terms of this article.
 - (4) Within an easement of any utility existing at the time this article takes effect or approved under the terms of this article, land development activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
 - (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the director on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
 - (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land development in the buffer that would otherwise be prohibited, then no other land development activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

Sec. 310-105. - Variances.

- (a) Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

Where a parcel was platted prior to the effective date of this chapter 310 (July 26, 2005), and its shape, topography or other existing physical condition prevents land development consistent with this article, and the director finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the board of zoning appeals may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

- (b) The board of zoning appeals shall grant no variance from any provision of this article without first conducting notice and a public hearing on the application for variance and authorizing the granting of the variance in accordance with the procedures of UDO section 238-9.
- (c) Variances will be allowed only in the following cases:
- (1) When a property's size, shape, topography or other physical conditions prevents land development unless a buffer variance is granted.
 - (2) When such unusual circumstances exist so that strict adherence to the minimal buffer requirements in this chapter would create an extreme hardship.
 - (3) When relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this chapter.
- (d) Variances shall not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.
- (e) At a minimum, an application for a variance shall include the following information:
- (1) A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey.
 - (2) A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
 - (3) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land development, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
 - (4) Documentation of unusual hardship should the buffer be maintained.
 - (5) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible.
 - (6) A calculation of the total area and length of the proposed intrusion.
 - (7) A stormwater management site plan, if applicable.
 - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
 - (9) Other information required in subsection 238-9(d).
- (f) The following factors shall be considered in determining whether to issue a variance:
- (1) The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
 - (2) The locations of all streams on the property, including along property boundaries.
 - (3) The location and extent of the proposed buffer or setback intrusion.

- (4) Whether alternative designs are possible which require less intrusion or no intrusion.
- (5) The long-term and construction water-quality impacts of the proposed variance.
- (6) Whether issuance of the variance is at least as protective of natural resources and the environment.
- (g) Appeals from final decisions of said variances by the board of adjustments shall be as provided for in UDO section 238-13.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-106. - Additional information requirements for development on buffer zone properties.

Any land disturbance permit applications pursuant to section 306-5 of this Code for property requiring buffers and setbacks hereunder must include the following information:

- (1) A site plan showing:
 - a. The location of all streams on the property.
 - b. Limits of required stream buffers and setbacks on the property.
 - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals.
 - d. Delineation of forested and open areas in the buffer zone.
 - e. Detailed plans of all proposed land disturbance in the buffer and of all proposed impervious cover within the setback.
- (2) A description of all proposed land disturbance within the buffer and setback.
- (3) Any other documentation that the director may reasonably deem necessary for review of the application and to insure that the provisions of this article are addressed in the approval process.
- (4) All buffer and setback areas must be recorded on the final plat of the property following plan approval.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-107. - Inspection.

The director may cause inspections of the work in the buffer or setback to be made in accordance with the provisions of section 306-6 of this Code.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-108. - Violations, penalties, and enforcement.

- (a) *Notice of violation.* If the director determines that a land disturbance permit applicant or other responsible person has failed to comply with the provisions of this article, he shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured the appropriate permit therefore, the notice of violation shall be served on the property owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - (1) The name and address of the owner or the applicant or the responsible person.

- (2) The address or other description of the site upon which the violation is occurring, or has occurred.
 - (3) A statement specifying the nature of the violation.
 - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the land disturbance permit, the approved site plan, or this article and the date for the completion of such remedial action.
 - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.
- (b) *Penalties and enforcement.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties.
- (1) *Stop work order.* The director may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
 - (2) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - (3) *Suspension, revocation or modification of land disturbance permit.* The director may suspend, revoke or modify the land disturbance permit authorizing the project in accordance with the provisions of section 306-7 of this Code.
 - (4) *Citations.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the director shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), the director may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-109. - Compatibility with other buffer regulations and requirements.

This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-110. - Responsibility for damages.

Neither the issuance of a land disturbance permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Rockdale County, its officers or employees, for injury or damage to persons or property.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 310-111—310-130. - Reserved.

ARTICLE V. - STORMWATER UTILITY

Sec. 310-131. - Findings.

The county board of commissioners makes the following findings of fact:

- (1) Rockdale County is authorized by the State Constitution, including, without limitation, Article IX, Section II, Paragraphs I(a) and III(a)(6) thereof and state law to provide stormwater management services throughout Rockdale County.
- (2) In order to protect the health, safety and welfare of the public, the government of Rockdale County hereby exercises its authority to establish a stormwater utility and establish rates for stormwater management services.
- (3) In promulgating the regulations contained in this Section, Rockdale County is acting pursuant to authority granted by the Constitution of the State of Georgia and the Charter of Rockdale County to provide for stormwater collection and disposal. Ga. Const. art. IX, § II, ¶ III(a)(6).
- (4) Improper management of stormwater runoff may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may create environmental damage to the rivers, streams and other bodies of water within and adjacent to Rockdale County.
- (5) A system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within Rockdale County and surrounding areas.
- (6) The county presently owns and operates stormwater management systems and facilities, which have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the county, and the additions and improvements thereto, rests on the ability of the county to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the county in concert with the management of other water resources within the county. In order to do so, the county must have both a comprehensive stormwater management program as well as an adequate and stable funding source for its comprehensive program operation and drainage related capital improvement needs.
- (7) Failure to effectively manage stormwater affects the operations of sanitary sewer operated by Rockdale County by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (8) Failure to effectively manage stormwater contributes to the further degradation of the water quality in area waterbodies which may result in higher levels of treatment requirements imposed on the county's wastewater treatment facilities and increased water treatment cost of potable water supplies.

- (9) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to support existing and future development in Rockdale County. Rockdale County has several rivers and streams listed on the list of impaired waters produced by the Georgia Department of Natural Resources, Environmental Protection Division, or other appropriate authorities pursuant to Section 303(d) of the Act.
- (10) The county is required under federal and state regulations [i.e. the county's National Pollutant Discharge Elimination System (NPDES) Phase II Georgia Notice of Intent (NOI) and stormwater permit effective March 13, 2003] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) and stormwater conveyance system into State of Georgia or United States' waters. Therefore, it is appropriate for the county to impose a stormwater user fee charge upon all properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.
- (11) Compliance with the regulatory obligations of the NPDES permit will substantially increase the cost of stormwater management above that which is currently spent for water quality management, drainage and flood control.
- (12) The cost of operating and maintaining the county stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system.
- (13) The professional engineering and financing analysis, known as the stormwater utility implementation master plan, prepared by the county's consulting stormwater engineer, properly assesses and defines the county's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy.
- (14) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the professional engineering and financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater management systems within the county in concert with other water resource management programs.
- (15) Stormwater management is applicable and needed throughout the unincorporated areas of the county. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated areas of the county is consistent with the present and future needs of the community.
- (16) The stormwater needs in the county include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service and a benefit to all properties, property owners, citizens, and residents of the county in a variety of ways as described in the stormwater utility implementation master plan.
- (17) The services and benefits rendered, or resulting from provision of stormwater management services, may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long term demands the properties impose on the county's stormwater management services which render or result in services and benefits to such properties and the owners thereof.
- (18) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services throughout the county, and the most equitable means to regulate the use of a higher level of stormwater management services in the urban and suburban areas of the unincorporated portions of the county through stormwater user fee

charges, user fees and other mechanisms as described in the stormwater utility implementation master plan prepared for the county.

- (19) A schedule of stormwater utility user fee charges based in part on the area of impervious surface located on each property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the urban and suburban areas of the unincorporated area of the county. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the board of commissioners.
- (20) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets which reduce or otherwise mitigate the impact of a particular property on the county stormwater utility's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce the user fee charge on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the stormwater manager. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the peak rate of runoff from the property benefited by such systems.
- (21) The area of impervious surfaces on each property is the most important factor influencing the cost of the stormwater management services provided by the county or to be provided by the county in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a periodic stormwater user fee charge.
- (22) It is imperative that the proceeds from all user fee charges for stormwater management services, together with any other revenues raised or otherwise allocated specifically to stormwater management services, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the county stormwater utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-132. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act: Means and refers to the Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. § 1251 et seq.), as amended, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

Credit: Reduction in the amount of a stormwater user fee charge to the owner of a particular property for the existence and use of privately owned, maintained and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the county stormwater utility's cost of providing stormwater management services for that particular property.

Detached single-family residential property or DSFR: Developed land containing one residential structure that is not attached to another dwelling, and which contains one or more bedrooms, with bathroom and kitchen facilities, designed for occupancy by one family. A detached single-family residential property may include a "stick-built," industrialized, or manufactured home located on one or more individual lots or parcels of land. Developed land may be classified as a detached single-family residential property even if there is present incidental structures associated with residential uses such as garages, carports, storage buildings, guest houses, servants or caretakers quarters, cottages or barns, or

the presence of a commercial use within the residence, as long as such use does not result in additional areas of impervious surfaces. Detached single-family residential properties shall not include developed land containing structures used primarily for nonresidential purposes, manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes, or multiple dwelling unit residential properties.

Developed land: Property altered from its natural state by construction or installation of more than 200 square feet of impervious surfaces.

Equivalent runoff unit (ERU): The statistical median horizontal impervious surface area of a detached single-family residential property within Rockdale County as of the date of adoption of this article. The horizontal impervious surface area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Impervious surfaces: See section 106-1.

Manufactured home property: A single-family property or lot that is occupied by a manufactured home used for residential purposes.

Multiple dwelling unit residential property: Developed land whereon more than one residential dwelling unit is located, and shall include, but not be limited to, duplexes, triplexes, apartment houses, condominiums, town homes, attached single-family homes, boardinghouses, group homes, hotels and motels, retirement centers and other structures in which more than one family group commonly and normally reside or could reside.

Non-single-family residential property or NSFR: Developed lands containing multiple dwelling unit residential properties, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, and any other form of use not otherwise mentioned which is not a detached single-family residential property.

Service area: A specified portion of the unincorporated area of the county which has been identified as having unique land use and impervious surface conditions requiring distinct stormwater management services.

Stormwater director: The person appointed by the board of commissioners to administer and enforce the provisions of this article.

Stormwater management services: All services provided by the county which relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the unincorporated portions of the county.
- (2) Maintenance, repair and replacement of existing stormwater management systems and facilities.
- (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs.
- (4) Regulation of the use of stormwater management services, systems and facilities.
- (5) Education of the public as to stormwater issues.
- (6) Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater management systems and facilities: Those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, head walls, storm sewers, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff, which are owned by the county or through which the county has an easement or other legally binding right of use for stormwater drainage, and for which the county has the obligation of maintenance for stormwater drainage purposes.

Stormwater manager: A person designated by the stormwater director to assist with administrative and enforcement duties.

Stormwater user fee charge: The periodic user fee charge imposed pursuant to this article by the county stormwater utility for providing stormwater management services. This term may also include special charges to the owners of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, on-site stormwater control systems and other stormwater management services provided by Rockdale County for which a corresponding fee is collected for the service rendered.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2017-30, § 1, 11-28-2017)

Sec. 310-133. - Stormwater utility and enterprise fund established.

- (a) There is hereby established a stormwater utility to be known as the Rockdale County Stormwater Utility, which shall be responsible for stormwater management services throughout the unincorporated areas of the county, and which shall provide for the management, protection, control, regulation, use, and enhancement of the county's stormwater management services.
- (b) There is hereby established a stormwater utility enterprise fund in the county budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the county stormwater utility, including, but not limited to, rentals, rates, charges, fees and licenses, as may be established by the board of commissioners from time to time, and other funds that may be transferred or allocated to the county stormwater utility. All revenues and receipts of the stormwater utility shall be placed in the stormwater utility enterprise fund, and all expenses and capital investments of the stormwater utility shall be paid from the stormwater utility enterprise fund; provided, however, that other revenues, receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management services as deemed appropriate by the board of commissioners.
- (c) The board of commissioners shall determine the appropriate department or departments for the responsibility of operation, maintenance and regulation of stormwater management services.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2017-30, § 2, 11-28-2017)

Sec. 310-134. - Scope of responsibility for stormwater management systems and facilities.

- (a) The county owns or has rights established by written agreements that allow it to operate, maintain, improve, and access those stormwater management systems and facilities which are located:
 - (1) Within public road rights-of-way and easements.
 - (2) On private property but within easements granted to Rockdale County, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for operation, maintenance, improvement and access to the stormwater management and facilities.
 - (3) On public land which is owned by the county or another governmental entity, and to which the county has agreements providing for the operation, maintenance, improvement, and access to the stormwater management systems and facilities.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the county, and for which there has been no easement accepted by the county for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise directed by the board of commissioners according to subsection 82-5(a) of the Code of Rockdale County.

- (c) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of the county. The county expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the county, its commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (d) If any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county pursuant to this or any other regulatory ordinance, regulation or rule of the county, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the county, its commissioners, officers, employees or agents.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2011-11, § 1, 7-12-2011; Ord. No. 0-2013-05, § 1, 5-14-2013)

Editor's note— The "Stormwater Utility Construction Expenditure Rating System" (as shown in section 2 of Ord. No. 0-2011-11, adopted July 12, 2011), referenced as if fully set out herein, is on file and available for inspection in the office of the county clerk and/or the stormwater manager.

Sec. 310-135. - Stormwater service areas.

- (a) There shall be two stormwater utility service areas in unincorporated Rockdale County to reflect significant variations in services provided to stormwater utility customers. The designated service areas and their respective locations for the county stormwater utility are as follows:
 - (1) The Big Haynes Creek Service Area shall consist of all parcels lying wholly or partially within the Big Haynes Creek Watershed. For purposes of this article the Big Haynes Creek Watershed shall consist of all properties located within the areas designated "existing WP limits" and "proposed WP limits" on the map attached to Ordinance No. 1994-12.
 - (2) The Rockdale Service Area shall consist of all other properties located in the unincorporated area of Rockdale County not included in the Big Haynes Creek Service Area.
- (b) The boundaries of the respective service areas may be amended from time to time, and additional service areas may be created by the board of commissioners to reflect changes in the levels of service required for various areas of the county.
- (c) A current map of the Rockdale County Stormwater Utility service areas shall be kept on file in the office of the stormwater manager for public inspection.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-136. - User fee charges.

- (a) It shall be the policy of the county that user fee charges for stormwater management services to be provided by the stormwater utility in the designated service areas shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by or resulting from the provision of stormwater management services. Stormwater user fee charge rates shall be structured so as to be fair and reasonable, and the resultant user fee charges shall bear a substantial relationship to the cost of providing stormwater management services. Similarly situated

properties shall be charged similar rentals, rates, charges, fees or licenses. User fee charge rates shall be structured to be consistent and coordinated with the use of other rates, charges, or fees employed for stormwater management within the unincorporated areas of the county, including, but not limited to, plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements, system development charges and special assessments. In setting the rentals, rates, charges, fees or licenses for stormwater management services, the board of commissioners shall also take into consideration the impact such will have in regulating the use of such services.

- (b) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the county's standards by public and private property owners which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-137. - Stormwater user fee charge rates.

- (a) Stormwater user fee charge rates shall be set and may be modified from time to time by the board of commissioners. In setting or modifying such rates it shall be the goal of the board of commissioners to establish rates that are fair and reasonable, reflect the value of the stormwater management services to those property owners who benefit there from, and which, together with other sources of support available to the county stormwater utility, are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the board of commissioners.
 - (1) *Detached single-family residential (DSFR) customer class.* Detached single-family residential properties have been segregated into three separate tiers for billing based on a representative statistical analysis of impervious surface area located on the various properties.
 - a. Establishment of the equivalent runoff unit (ERU):
 - 1. Big Haynes Creek Service Area: 1 ERU = 6,850 square feet, or portion thereof.
 - 2. Rockdale Service Area: 1 ERU = 3,420 square feet, or portion thereof.
 - 3. Manufactured home properties (regardless of service area location): 1 ERU = 1,015 square feet, or portion thereof.
 - b. The DSFR customer class shall be billed as follows:
 - 1. Big Haynes Creek Service Area DSRF Properties: 1.0 ERU per parcel.
 - 2. Rockdale Service Area DSFR Properties: 1.0 ERU per parcel.
 - 3. Manufactured home properties (regardless of service area location): 1.0 ERU per each manufactured home on the property.
 - (2) *Non-single-family residential (NSFR) customer class.* Fractional ERUs for NSFR properties will be rounded to two decimal places to establish the actual number of ERUs for billing. ERUs for NSFR properties shall be:
 - a. Big Haynes Creek Service Area: NSFR properties shall be billed one ERU for each 6,850 square feet, or portion thereof, of impervious surfaces located on the property.
 - b. Rockdale Service Area: NSFR properties shall be billed one ERU for each 3,420 square feet, or portion thereof, of impervious surfaces located on the property.
- (b) The user fee charge rates shall be applied to customers as follows:

- (1) The DSFR stormwater user fee flat rate charge for each ERU, or fractional ERU, shall be as follows:
 - a. Big Haynes Creek Service Area: \$1.53 per month or \$18.36 per year.
 - b. Rockdale Service Area: \$3.39 per month or \$40.68 per year.
 - c. Manufactured home properties (regardless of service area location): \$1.01 per month or \$12.12 per year.
- (2) The NSFR stormwater user fee flat rate charge for each ERU, or fractional ERU shall be as follows:
 - a. Big Haynes Creek Service Area: \$1.53 per ERU per month.
 - b. Rockdale Service Area: \$3.39 per ERU per month.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-138. - Stormwater user fee charge exemptions.

Except as provided in this section or otherwise provided by law, no public or private property located in the unincorporated area of Rockdale County shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities. Exemptions to the stormwater user fee charges are as follows:

- (1) Parcels which contain no more than 200 square feet of impervious surfaces shall be exempt from stormwater user fee charges.
- (2) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other developed land used for railroad purposes shall not be exempt from stormwater user fee charges.
- (3) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other developed land used for GDOT purposes shall not be exempt from stormwater user fee charges.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-139. - Stormwater user fee charge credits.

- (a) The stormwater manager shall grant credits or adjustments based on the technical and procedural criteria set forth in the Credit Technical Manual. Copies of the Credit Technical Manual will be maintained by and available from the stormwater manager.
 - (1) A stormwater user fee charge credit shall be determined based on the technical requirements, standards and criteria contained in the Credit Technical Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Technical Manual.
 - (2) Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance with the county's design and performance standards as stated in the Credit Technical Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The stormwater manager may revoke a credit at any time for noncompliance

with applicable standards and criteria as established in the Credit Technical Manual or this article.

- (3) In order to obtain a credit, the property owner must make application to the county on forms provided by the stormwater manager for such purpose, and in accordance with the procedures outlined in the Credit Technical Manual.
 - (4) Property owners may apply for any credits or adjustments that they believe apply.
 - (5) The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format established by the stormwater manager. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the stormwater manager, he shall have 30 days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Technical Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-140. - Enforcement methods and inspections.

- (a) All property owners of developed lands within the unincorporated areas of Rockdale County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all county development regulations, ordinances, and state and federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Magistrate Court of Rockdale County. Each day such violation exists shall constitute a separate offense.
- (b) Alternately, in the event a public nuisance is deemed to exist by the stormwater manager, the county may elect to sue in the Superior Court of Rockdale County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the court, the county may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the county shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Rockdale County.
- (c) The county shall have the right for its designated officers and employees to enter upon public and private property during reasonable hours and upon reasonable notice to the owner thereof, in order to assure compliance with the provisions of this article, and state and federal law. Such inspections shall be limited to the following purposes:
 - (1) Inspecting or conducting engineering tests on existing stormwater management systems and facilities located on-site; or
 - (2) Determining that stormwater management systems and facilities need to be constructed.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 310-141. - Stormwater user fee charge billing, delinquencies, collections, adjustments.

- (a) The property owner, as identified from public land records of Rockdale County, shall be obligated to pay the appropriate stormwater user fee charge for that property.

- (1) Billing. Stormwater user fee charges shall begin to accrue October 1, 2005, and shall be billed prospectively. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.
 - (2) The stormwater user fee charge will be billed and collected through the current county property tax billing system, or through another method, as deemed most effective and efficient by the board of commissioners. If the board of commissioners elects to include the stormwater user fee charge on the county's property tax bill, the stormwater user fee charge shall be paid in full before any payment is applied toward the property tax bill.
 - (3) Frequency of the billing of stormwater user fee charges shall be specified by the board of commissioners.
 - (4) Failure to receive a bill or receipt of an incorrect bill shall not be justification for nonpayment.
 - (5) If a property is unbilled, if no bill is sent, or if the bill contains errors for a particular property, the Rockdale County Stormwater Utility may back bill for a period of up to one year, but shall not assess penalties or be entitled to any interest for any delinquency during the back billed period.
- (b) Delinquencies and collection.
- (1) Unpaid fees shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency; by filing suit to collect on an unpaid account; or by enforcement of any lien resulting from a judgment. In no instance shall the unpaid fee constitute a direct lien against the property.
 - (2) A stormwater user fee charge shall be declared delinquent if not paid within 60 days of the due date specified on the billing document.
 - (3) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this article, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees associated therewith.
- (c) Adjustments. The stormwater manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
- (1) Customers may seek an adjustment of the stormwater user fee charge allocated to a property at any time by submitting the request in writing to the stormwater manager and setting forth in detail the grounds upon which relief is sought.
 - (2) Customers requesting the adjustment may be required, at his, her or its own expense, to provide supplemental information to the stormwater manager, including, but not limited to, survey and customer account data provided and certified by a registered land surveyor or a professional engineer. Failure to provide such information within the time limits established by the stormwater manager, as may be reasonably extended, may result in denial of the adjustment request.
 - (3) Once a completed adjustment request and all required information are received by the stormwater manager, the stormwater manager shall have 30 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
 - (4) In considering an adjustment request, the stormwater manager shall consider whether the calculation of the stormwater utility user fee charge for the property is correct.
 - (5) The stormwater manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
 - (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2017-30, §§ 3, 4, 11-28-2017)

Sec. 310-142. - Appeals, hearings.

- (a) *Appeals; how taken.* An appeal to the director may be taken by any property owner or customer aggrieved by any decision of the stormwater manager. The appeal shall be taken within 30 days of the decision of the stormwater manager by filing with the director a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the stormwater manager shall forthwith transmit to the director all documentation constituting the record upon which the decision appealed from was taken.
- (b) *Hearing.* The director shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The director shall affirm, reverse, affirm in part, or reverse in part the decision of the stormwater manager after hearing the evidence. If the decision of the stormwater manager is reversed in whole or in part, resulting in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.
- (c) *Appeals from decisions of the director.*
 - (1) Appeals from a decision of the director may be had to the board of adjustment in accordance with the procedures set forth in UDO section 238-8. Appeals from final decisions of the board of adjustment shall be as provided for in UDO section 238-13.
 - (2) If the decision of the board of zoning appeals results in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Chapter 320 - FLOOD DAMAGE PREVENTION^[1]

Footnotes:

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Editor's note— Ord. No. 2016-17, § 1, adopted Oct. 25, 2016, repealed Ch. 320 in its entirety and enacted a new Ch. 320 to read as set out herein. Former Ch. 320, §§ 320-1—320-7, pertained to similar subject matter and derived from Ord. No. 2007-09, § 26(Exh. B), adopted May 22, 2007.

Sec. 320-1. - Introduction.

- (a) It is hereby determined that:
 - (1) The flood hazard areas of Rockdale County, GA are subject to periodic inundation which may result 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.
 - (2) Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.
 - (3) Effective floodplain management and flood hazard protection activities can:
 - a. Protect human life and health,

- b. Minimize damage to private property,
 - c. Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains, and
 - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
- (b) Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Rockdale County, GA, does ordain this chapter and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-2. - General provisions.

- (a) *Purpose and intent.* The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation, and ecological and environmental protection by provisions designed to:
- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
 - (3) Control filling, grading, dredging, and other development which may increase flood damage or erosion;
 - (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 - (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and
 - (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.
- (b) *Applicability.* This chapter shall be applicable to all areas of special flood hazard within the jurisdiction of Rockdale County, GA.
- (c) *Designation of ordinance administrator.* The GIS manager is hereby appointed to administer and implement the provisions of this chapter as the floodplain manager.
- (d) *Basis for establishing areas of special flood hazard, areas of future-conditions flood hazard and associated floodplain characteristics—Flood area maps and studies.* For the purposes of defining and determining "areas of special flood hazard," "areas of future-conditions flood hazard," "areas of shallow flooding," "base flood elevations," "floodplains," "floodways," "future-conditions flood elevations," "future-conditions floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this chapter, the following documents and sources may be used for such purposes and are adopted by reference thereto:
- (1) The flood insurance study (FIS), dated December 8, 2016, with accompanying maps and other supporting data and any revision thereto.

- (2) Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and flood-prone areas, including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to Rockdale County, GA; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by Rockdale County, GA.
- (3) Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas, including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to Rockdale County, GA; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by Rockdale County, GA.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at Suite A, 1329 Portman Drive SE, Conyers, GA.
- (e) *Compatibility with other regulations.* This chapter is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (f) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.
- (g) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter 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 chapter shall not create liability on the part of Rockdale County, GA or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (h) *Definitions.*

Accessory structure or facility means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Addition means any walled and roofed expansion to the perimeter or height of a building.

Appeal means a request for a review of the GIS manager's interpretation of any provision of this chapter or the Rockdale County Department of Planning and Development's enforcement of same consistent with section 320-6.

Area of future-conditions flood hazard means the land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding means a designated AO or AH Zone on a community's flood insurance rate map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and

indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land area subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's flood insurance rate map (FIRM).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation means the highest water surface elevation anticipated at any given location during the base flood.

Basement means any area of a building having its floor subgrade below ground level on all sides. Also see section 106-1.

Building has the same meaning as "structure". Also see section 106-1.

Development means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials. Also see section 106-1.

Elevated building means a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction Any structure for which the "start of construction" commenced before March 6, 1975.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 6, 1975. Also see section 106-1.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). Also see section 106-1.

FEMA means the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map or FIRM means an official map of a community, issued by FEMA, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study or FIS means the official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.

Floodplain or flood-prone area means any land area susceptible to flooding. Also see section 106-1.

Floodproofing means 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 or regulatory floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future-conditions flood means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation means the highest water surface elevation anticipated at any given location during the future-conditions flood.

Future-conditions floodplain means any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning maps, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places 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 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.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, 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 chapter. Also see section 106-1.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when attached to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term does not include a "recreational vehicle."

Mean sea level means the datum to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced. For purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988. Also see section 106-1.

New construction means any structure (see definition) for which the "start of construction" commenced on or after March 6, 1975.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 6, 1975. Also see section 106-1.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site. Also see section 106-1.

Permit means the permit issued by the Rockdale County Department of Planning and Development to the applicant which is required prior to undertaking any development activity. Also see section 106-1.

Recreational vehicle means 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 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. Also see section 106-1.

Repetitive loss means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Site means the parcel of land being developed, or the portion thereof on which the development project is located.

Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or 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 accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building (including a gas or liquid storage tank), that is principally above ground, or a manufactured home.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway. Also see section 106-1.

Substantial damage means 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. This term also includes repetitive loss. Also see section 106-1.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The

term does not, however, include those improvements of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the code enforcement official. The term does also not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision means 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.

Variance means a grant of relief from the requirements of this chapter.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-3. - Permit procedures and requirements.

- (a) *Permit application requirements.* No owner or developer shall perform any development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located without first meeting the requirements of this chapter prior to commencing the proposed activity.

Unless specifically excluded by this chapter, any landowner or developer desiring a permit for a development activity shall submit to the Rockdale County Department of Planning and Development a permit application on a form provided by the Rockdale County Department of Planning and Development for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this chapter.

- (b) *Floodplain management plan requirements.* An application for a development project with any area of special flood hazard or area of future-conditions flood hazard located on the site shall include a floodplain management/flood damage prevention plan. This plan shall include the following items:

(1) Site plan drawn to scale, which includes but is not limited to:

- a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
- b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
- c. Proposed locations of water supply, sanitary sewer, and utilities;
- d. Proposed locations of drainage and stormwater management facilities;
- e. Proposed grading plan;
- f. Base flood elevations and future-conditions flood elevations;
- g. Boundaries of the base flood floodplain and future-conditions floodplain;
- h. If applicable, the location of the floodway; and
- i. Certification of the above by a licensed professional engineer or surveyor.

- (2) Building and foundation design detail, including but not limited to:
 - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in subsection [320-5(b)(2)];
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in subsection [320-5(a)(5)]; and
 - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
 - (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
 - (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodways, flood profiles and all other computations and other information similar to that presented in the FIS;
 - (5) Copies of all applicable state and federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
 - (6) All appropriate certifications required under this chapter.
 - (7) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.
- (c) *Construction stage submittal requirements.* For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the floodplain manager a certified as-built elevation certificate or floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA floodproofing certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.
- Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The floodplain manager shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.
- (d) *Duties and responsibilities of the floodplain manager.* Duties of the floodplain manager shall include, but shall not be limited to:
- (1) Review all development applications and permits to assure that the requirements of this chapter have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;
- (3) When base flood elevation data or floodway data have not been provided, then the floodplain manager shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of sections 320-4 and 320-5;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
- (6) When floodproofing is utilized for a nonresidential structure, the floodplain manager shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain manager 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 chapter in section 320-6. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
- (9) All records pertaining to the provisions of this chapter shall be maintained in the office of the floodplain manager and shall be open for public inspection;
- (10) Coordinate all FIRM revisions with the GA DNR and FEMA; and
- (11) Review variance applications and make recommendations to the Rockdale County Department of Planning and Development.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-4. - Standards for development.

(a) *Definition of floodplain boundaries.*

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the county GIS manager. If future-conditions elevation data is not available from the county GIS manager, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the county department of planning and development. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion into the county's geographical information system. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (West), feet, ND93, NAVD 88 in no less than HEC-RAS 4.0 format.

(b) *Definition of floodway boundaries.* The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the

regulatory floodway shall be provided by the county GIS. If floodway data is not available from the county GIS, it shall be determined by a licensed professional engineer using a method approved by FEMA and the county department of planning and development.

(c) *General standards.*

- (1) No development shall be allowed within any area of special flood hazard or area of future-conditions flood hazard that could result in any of the following:
 - a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - b. Reducing the base flood or future-conditions flood storage capacity;
 - c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under subsection (c)(1) shall also meet the following conditions:
 - a. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - b. Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - d. Verification of no-rise conditions (less than 0.01 foot), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of subsection (d);
 - e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
 - f. Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the county department of planning and development using the FEMA Community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans for a final letter of map revision (LOMR).

- (d) *Engineering study requirements for floodplain encroachments.* An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This

information shall be submitted to and approved by the Rockdale County Department of Planning and Development prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
 - (2) Step-backwater analysis, using a FEMA-approved methodology approved by the county department of planning and development. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion in the county geographical information system. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (West), feet, NAD 93, NAVD 88 in no less than HEC-RAS 4.0;
 - (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion in the county geographical information system. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (West), feet, NAD 93, NAVD 88 in no less than HEC-RAS 4.0;
 - (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.
- (e) *Floodway encroachments.* Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection (2) below;
 - (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof in no less than HEC-RAS 4.0 compatible format via electronic means for inclusion into the county's geographical information system. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (West), feet, NAD 93, NAVD 88 in no less than HEC-RAS 4.0 compatible format; and
 - (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the county department of planning and development until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the county department of planning and development.
- (f) *Maintenance requirements.* The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The county department of planning and development may direct the property owner (at no cost to the county) to restore the flood-carrying or

flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the county department of planning and development.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-5. - Provisions for flood damage reduction.

In all areas of special flood hazard and areas of future-conditions flood hazard the following provisions apply:

(a) *General standards.*

- (1) New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of subsections 320-4(c), 320-4(d), and 320-4(e) have been met;
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) *Elevated buildings.* All new construction and substantial improvements 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.
 - a. Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - i. 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;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - b. So as not to violate the "lowest floor" criteria of this chapter, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (7) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (8) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of the county department of planning and development to reduce exposure to flood hazards;
 - (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - (11) On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, such systems during flooding;
 - (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding;
 - (13) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced;
 - (14) If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence;
 - (15) When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure shall meet the requirements of this chapter; and
 - (16) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reasonably safe from flooding:
 - a. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.
- (b) *Building standards for structures and buildings within the future-conditions floodplain.*
- (1) *Residential buildings.*
 - a. *New construction.* New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met. If all of the requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5).
 - b. *Substantial improvements.* Substantial improvement of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5).
 - (2) *Nonresidential buildings.*

- a. *New construction.* New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met. If all of the requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5). New construction that has met all of the requirements of subsections 320-4(c), 320-4(d) and 320-4(e) may be floodproofed 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, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed 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 floodplain manager using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
 - b. *Substantial improvements.* Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones, may be authorized by the floodplain manager to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5). Substantial improvements may be floodproofed 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, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed 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 floodplain manager using the FEMA floodproofing certificate along with the design and operation/maintenance plan.
- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of subsections 320-4(c), 320-4(d) and 320-4(e) and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection (a)(5) and be anchored to prevent flotation, collapse and lateral movement of the structure.
- (4) *Standards for recreational vehicles.* All recreational vehicles placed on sites must either:
- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - b. Meet all the requirements for residential buildings—substantial improvements (subsection 320-5(b)(1)), including the anchoring and elevation requirements.

(5) *Standards for manufactured homes.*

- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met. If all of the requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5).
- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
 - ii. 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.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection (a)(7).

(c) *Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.*

- (1) *Residential buildings.* For new construction and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5).
- (2) *Nonresidential buildings.* For new construction and substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the level of the base flood elevation or one foot above the future conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5). Nonresidential buildings may be floodproofed in lieu of elevation.

(d) *Building standards for residential single-lot developments on streams without established base flood elevations and floodway (A-zones).*

- (1) For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-zones), the floodplain manager shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this chapter.
- (2) If data are not available from any of these sources, the following provisions shall apply:
 - a. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.

- b. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with subsection (a)(5).
- (e) *Building standards for areas of shallow flooding (AO-zones).* Areas of special flood hazard 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. In these areas the following provisions apply:
 - (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet 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. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of subsection (a)(5);
 - (2) New construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot above the 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 licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice, and shall provide such certification to the floodplain manager using the FEMA floodproofing certificate along with the design and operation/maintenance plan; and
 - (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- (f) *Standards for subdivisions of land.*
 - (1) All subdivision proposals shall identify the areas of special flood hazard and areas of future-conditions flood hazard therein and provide base flood elevation data and future-conditions flood elevation data;
 - (2) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
 - (3) All subdivision plans will provide the elevations of proposed structures in accordance with subsection 320-3(b).
 - (4) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas and electrical systems located and constructed to minimize or eliminate infiltration of flood waters and discharges from the systems into flood waters; and,
 - (6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the county department of planning and development to reduce potential exposure to flood hazards.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-6. - Variance and appeal procedures.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this chapter.

Variances to the regulations set forth in this chapter shall be decided in accordance with the procedures and standards set forth in section 238-10. Appeals by aggrieved parties (as defined in subsection 238-8(a)(2)) from any requirement, decision or determination made by the floodplain manager of the department in administration or enforcement of the regulations set forth in this chapter shall be as authorized in subsection 238-10(a)(2) and shall be decided in accordance with the procedures and standards set forth in section 238-8.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Sec. 320-7. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (a) *Notice of violation.* If the county department of planning and development determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - (1) The name and address of the owner or the applicant or the responsible person;
 - (2) The address or other description of the site upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 - (6) A statement that the determination of violation may be appealed to the Rockdale County Board of Adjustment (see section 320-6) by filing a written notice of appeal within 30 days after the notice of violation.
- (b) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the county department of planning and development shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the county department of planning and development may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) *Stop work order.* The county department of planning and development may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The department of planning and development may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The county department of planning and development may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the county department of planning and development may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the county department of planning and development shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) after the county department of planning and development has taken one or more of the actions described above, the Rockdale County Department of Planning and Development may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this chapter, the Rockdale County Department of Planning and Development may issue a citation to the applicant or other responsible person, requiring such person to appear in Rockdale County Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2016-17, § 1(Exh. A), 10-25-2016)

Chapter 324 - ENVIRONMENTAL PLANNING CRITERIA

Sec. 324-1. - Protection of groundwater recharge areas.

- (a) *Purpose and intent.* Pursuant to O.C.G.A. 12-2-8 and the DNR, environmental protection division's Rules for Environmental Planning Criteria chapter 391-3-16, this section establishes regulations to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, applications of chemicals, injections and other development.
 - (1) *Applicability.* Groundwater recharge areas are delineated according to the DNR's "Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources' "Pollution Susceptibility Map," which categorizes county by areas of high, medium, and low groundwater pollution potential.

- (2) *Development standards.* All uses allowed in the underlying zoning districts, except those specifically prohibited in subsection (b) are permitted in groundwater recharge areas subject to the following standards:
- a. New sanitary landfills must have synthetic liners and leachate collection systems.
 - b. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U.S. EPA rules for oil pollution prevention, 40 CFR 112.1. Such tanks used for agricultural purposes are exempt, provided they comply with all federal regulations.
 - c. New agricultural waste impoundment sites must be lined if they are within:
 1. A high pollution susceptibility area
 2. A medium pollution susceptibility area and exceed 15 acres-feet.
 3. A low pollution susceptibility area and exceed 50 acre-feet. At a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than five x ten-7 cm/sec or other criteria established by the U.S. Soil Conservation Service.
 - d. Subject to minimum lot sizes established in section 214-1 of this UDO new homes served by septic tank/drainfield systems must be on lots having the following minimum size limitations, as identified on Table MT-1 of the department of human resources' Manual for On-Site Sewage Management Systems (DHR Table MT-1):
 1. 150 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area.
 2. 125 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area.
 3. 110 percent of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.
 - e. Subject to minimum lot sizes established in section 214-1 of this UDO, new manufactured home parks served by septic tank/drainfield systems must have lots or spaces having the following size limitations as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (DHR Table MT-2):
 1. 150 percent of the subdivision minimum lot size of DHR Table MT-2, if they are within a high pollution susceptibility area.
 2. 125 percent of the subdivision minimum lot size of DHR Table MT-2, if they are within a medium pollution susceptibility area.
 3. 110 percent of the subdivision minimum lot size of DHR Table MT-2, if they are within a low pollution susceptibility area.
 - f. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Rockdale County Division of Environmental Health first approves the proposed septic tank installation as meeting the requirements of the DHR manual and paragraphs d. and e. above.
 - g. New facilities that handle hazardous materials, of types and amounts determined by the DNR, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by the DNR.
 - h. Any project involving the spray irrigation of wastewater sludges in areas of high pollution susceptibility must conform with requirements specified in the DNR's "Criteria for Slow Rate Land Treatment."

- i. Exclusive of mining settling basins, all new wastewater treatment basins must have an impermeable liner in areas having high pollution susceptibility.
- (b) *Prohibited uses.* The following uses are prohibited:
 - (1) The land disposal of hazardous wastes.
 - (2) Permanent stormwater infiltration basins in areas of high pollution susceptibility.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 324-2. - Protection of wetlands.

- (a) *Purpose and intent.* Pursuant to O.C.G.A. 12-2-8 and the DNR, environmental protection division's Rules for Environmental Planning Criteria chapter 391-3-16, this section establishes regulations to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.
- (b) *Wetlands development permit requirements.* No activity or use, except those identified in subsection (c), shall be allowed in the wetlands without issuance of a local development permit. Local permits will be issued only if the proposed use is in compliance with the requirements of the underlying zoning district and this section. Furthermore, if the area of proposed development is located within 100 feet of the wetlands boundaries, as established by Figure IV-2 of the Rockdale County Comprehensive Land Use Plan, a U.S. Army Corps of Engineers delineation is required under Section 404 of the Clean Water Act. If wetlands are altered or degraded, mitigation to offset losses may be required as a condition of a Section 404 permit. Local development permits will not be issued until after any necessary Section 404 permits have been secured.
- (c) *Permitted uses.* Subject to federal and state requirements, the following uses are permitted by right in wetlands to the extent that they are not prohibited by any other ordinance or law and provided that they do not require structures, grading, filling, draining or dredging; unless a permit pursuant to Section 404 of the Clean Water Act is obtained.
 - (1) Forestry practices applied in accordance with BMPs approved by the Georgia Forestry Commission.
 - (2) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that they would require an individual permit pursuant to Section 404 of the Clean Water Act.
 - (3) Outdoor passive recreation activities; including fishing, bird watching, hiking, boating, horseback riding and canoeing.
 - (4) Natural water quality treatment or purification.
 - (5) Normal agricultural activities; including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to BMPs approved by the Georgia Department of Agriculture.
 - (6) Other uses permitted under Section 404 of the Clean Water Act.
- (d) *Prohibited uses.*
 - (1) Receiving areas for toxic or hazardous waste or other contaminants.
 - (2) Hazardous or sanitary waste landfills.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 324-3. - Protected river corridor regulations.

- (a) *Purpose and intent.* Pursuant to O.C.G.A. § 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division's Rules for Environmental Planning Criteria Chapter 391-3-16, this section establishes regulations to preserve river corridors as habitats for wildlife, recreation sites and sources of clean drinking water.
- (1) *Applicability.* River corridors includes all parcels or portions of parcels lying within a protected river corridor. For purposes of this UDO, protected rivers shall include perennial rivers or watercourses with an average annual flow of at least 400 cubic feet per second (cfs), as determined by appropriate U.S. Geological Survey documents and any other river meeting criteria established by the DNR.
- (b) *Permitted uses.* Except as noted below, the river corridor shall be maintained as a natural vegetative buffer, and all construction within the buffer shall be prohibited.
- (c) *Single-family dwellings.* Single-family dwellings shall be permitted subject to the state-mandated riparian buffer and subject further to the following conditions:
- (1) The dwelling must be in compliance with all applicable zoning regulations.
- (2) The dwelling must be located on a tract of land containing at least two acres. No portion of the two acres may include any area that lies within the protected river.
- (3) Only one such dwelling may be on the two-acre or larger tract of land.
- (4) Septic tanks serving such dwellings shall not be located within state-mandated riparian buffer.
- (5) Septic tank drainfields shall not be located in the state-mandated riparian buffer.
- (d) *Industrial and commercial land uses.* Industrial and commercial land uses existing prior to the establishment of this section shall be permitted, subject to the following conditions:
- (1) The industrial and commercial uses of river corridors must not impair the drinking quality of the river water.
- (2) The industrial and commercial uses of river corridors must meet all state and federal environmental rules and regulations.
- (e) *Road and utility crossings.* Road and utility crossings shall be permitted, provided the construction of such road and utility crossings shall meet all requirements of the Georgia Erosion and Sedimentation Act, as amended, and the applicable local ordinances on soil erosion and sedimentation control.
- (f) *Additional permitted uses.* The following are additional uses of river corridors are permissible, provided that such uses do not impair the long-term functions of the protected river or the river corridor:
- (1) Timber production and harvesting, subject to the following conditions:
- a. Timber production and harvesting must be consistent with BMPs established by the Georgia Forestry Commission and all other state and federal regulations.
- b. Timber production and harvesting must not impair the drinking quality of the river water, as defined by the federal Clean Water Act, as amended.
- (2) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
- (3) Wastewater treatment.
- (4) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, outdoor passive recreational activities such as fishing, bird watching, hiking, boating (including a boat launch ramp), horseback riding and canoeing would be consistent with this criteria; but a hard-surfaced tennis court would not. Parking lots are not consistent with this criterion.
- (5) Natural water quality treatment or purification.

- (6) Agricultural production and management, subject to the following conditions:
 - a. Agricultural production must be consistent with BMPs established by the Georgia Soil and Water Conservation Commission, regulations established by the Georgia Department of Agriculture and all other state and federal regulations.
 - b. Agricultural production must not impair the drinking quality of the river water, as defined by the federal Clean Water Act, as amended.
- (7) Other uses permitted by the DNR or under Section 404 of the Clean Water Act.
- (g) *Restoration of buffer.* The natural vegetative buffer shall be restored within 120 days after any permitted land disturbing activity within the river corridor.
- (h) *Exempt uses.*
 - (1) Legally established land uses existing in river corridors prior to the establishment of this section.
 - (2) Mining activities, if permitted by the DNR, pursuant to the Georgia Surface and Mining Act of 1968, as amended.
 - (3) Utilities, except as discussed above, if such utilities cannot feasibly be located outside the buffer area, provided that:
 - a. The utilities must be located as far from the river bank as reasonably possible.
 - b. The utilities must be installed and maintained so as to protect the integrity of the buffer area as well as is reasonably possible.
 - c. The utilities may not impair the drinking quality of the river water.
 - d. Specific forestry and agricultural activities except as listed in subsection (f)(6).
- (i) *Prohibited uses.* The following uses are prohibited within river corridors:
 - (1) Handling areas for the receiving and storage of hazardous waste.
 - (2) Hazardous waste or solid waste landfills.
 - (3) Automobile parking lots.
 - (4) Septic tanks and septic tank drain fields except as provided in subsection (c) concerning single-family dwellings.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-06)

Chapter 328 - BUFFERS, LANDSCAPING, AND TREE PROTECTION

ARTICLE I. - BUFFERS AND SCREENING

Sec. 328-1. - Screening requirements and transitional buffers.

- (a) Transitional buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
- (b) Transitional buffers shall be natural, undisturbed, and free of encroachments, except as authorized by a condition of zoning, conditional use or variance approval, and shall contain the existing tree cover and vegetation, as well as any supplemental plantings or re-plantings as may be required.
- (c) Transitional buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements in section 332-3, or as authorized by a condition of approval provided in section 238-15.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 328-2. - Supplemental plantings in transitional buffers.

- (a) Transitional buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this section shall be planted with supplemental plantings so as to provide a year-round effective visual screen.
- (b) Supplemental plantings and re-plantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at the time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a height of at least ten feet at maturity.
- (c) All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 328-3. - Non-vegetative screening.

- (a) Non-vegetative materials utilized to satisfy the screening requirements of this section, in addition to the use of existing vegetation and/or supplemental plantings may consist of walls, fences, earthen berms, or a combination thereof.
- (b) If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 328-4. - Disturbance or encroachments.

- (a) Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a transitional buffer unless approved by the director. Access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the transitional buffer if placed as near to perpendicular as practical.
- (b) Supplemental plantings or re-plantings of vegetation or authorized non-vegetative screening devices may encroach into a transitional buffer provided there is minimal disturbance of any existing vegetation.
- (c) Land disturbance is authorized in areas of a transitional buffer that are void of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.
- (d) Diseased, hazardous, dying or dead trees may be removed from a buffer provided minimal disturbance occurs. Vegetation removed from a transitional buffer shall be replaced where necessary to meet the screening requirements in section 328-1.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 328-5. - Protection during land disturbing activities.

- (a) During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

Buffering District	W-P	A-R	R-1	R-2	CRS	R-M	O-I	C-1	C-2	OBP	M-1	M-2
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W-P	-	-	-	-	-	-	-	-	-	-	-	-
A-R	-	-	-	-	-	-	-	-	-	-	-	-
R-1	20	20	-	-	-	-	-	-	-	-	-	-
R-2	20	20	20	-	-	-	-	-	-	-	-	-
CRS	20;sup\sup;	20;sup\sup;	20;sup\sup;	20;sup\sup;	-	-	-	-	-	-	-	-
R-M	50	50	50	50	50	-	-	-	-	-	-	-
O-I	50	50	50	50	50	25	-	-	-	-	-	-
C-1	50	50	50	50	50	25	25	-	-	-	-	-
C-2	50	50	50	50	50	50	50	-	-	-	-	-
OBP	75	75	75	75	75	75	50	50	-	-	-	-
M-1	75	75	75	75	75	75	75	50	50	-	-	-
M-2	100	100	100	100	100	100	100	75	50	50	-	-

Notes:

- (a) Transitional buffer widths may be reduced by 50 percent or ten feet (whichever is less) by the addition of a solid fence or wall at least six feet in height, as provided in subsection (b)(2).
- (b) See subsection 206-5(d)(20).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 328-7. - Outdoor screening.

- (a) Outdoor storage of materials and outdoor servicing activities shall be enclosed by a wall or fence of solid appearance or visually continuous evergreen hedge not less than six feet high when adjacent to a residential district.
- (b) In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or visually opaque, continuous evergreen hedge not less than six feet in height. However, chain link fencing with or without slats will not be accepted by the department to satisfy the screening requirements of this chapter.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 328-8—328-13. - Reserved.

ARTICLE II. - LANDSCAPING AND TREE PROTECTION AND REPLACEMENT¹¹

Footnotes:

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Editor's note— Ord. No. 0-2008-19, § 2, adopted Nov. 25, 2008, amended Art. II in its entirety, in effect deleting Art. II and enacting a new Art. II to read as set out herein. Former Art. II pertained to similar subject matter and derived from Ord. No. 0-2006-32, §§ 1—3, adopted Nov. 28, 2006.

Editor's note— Ord. No. 0-2016-03, § II, adopted Apr. 26, 2016, renamed Art. II to read as set out herein. Former Art. II was entitled 'Tree protection and replacement.'

Sec. 328-14. - Short title.

This article shall be known and may be cited as "The Rockdale County Landscaping and Tree Protection and Replacement Ordinance."

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § III, 4-26-2016)

Sec. 328-15. - Authority, findings, purpose and intent.

- (a) *Authority.* This article is enacted pursuant to the county's exclusive planning authority granted by the Constitution of the State of Georgia, including but not limited to Ga. Const. art. IX, § II, para. IV, and Ga. Const. art. IX, § II, para. III, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3, as well as 1977 Ga. Laws, page 2817, as amended, and 1969 Ga. Laws, page 3639, as amended, and the general police powers of the county and other authority provided by federal, state and local laws applicable to this article.
- (b) *Findings, purpose, and intent.* It is the intent of this article to provide standards for landscaping and for the preservation and replacement of trees as part of the land development and building construction process in unincorporated areas of the county. The county finds that the existence of adequate tree cover and landscaping in the county directly affects the public health, safety and welfare to comprehensively address these concerns through the adoption of the regulations in this article. The purpose and intent of the board of commissioners in enacting this article are as follows:
 - (1) To protect the health, safety and general welfare of the citizens of the county, and to implement the policies and objectives of the comprehensive plan through the enactment of a comprehensive ordinance governing tree preservation and replacement in the county.
 - (2) To require landscaping and the preservation and replacement of trees in certain areas within the county in order to ensure the continued health of its citizens through improved air and water quality.
 - (3) To provide developers and others active in the county with the appropriate guidance to better ensure proper tree preservation and replacement in the course of the land development process in the county.
 - (4) To preserve property values in the county by maintaining a safe, aesthetically pleasing environment.

- (5) To reduce flooding of county rivers and streams by planting trees and other vegetation so as to aid in slowing the rate of stormwater runoff.
- (6) To reduce soil erosion in the county by planting trees and other vegetation so as to aid in prevention of soil loss through stormwater runoff and flooding and to promote stormwater infiltration.
- (7) To reduce noise and glare on adjacent properties from properties that has been extensively developed.
- (8) To conserve energy by cooling surrounding air temperatures through the existence of adequate shade trees.
- (9) To provide improved atmospheric quality by reducing airborne particulates and carbon monoxide and by increasing oxygen through adequate tree cover.
- (10) To promote the saving of trees in nodes throughout a development, rather than as individual trees scattered over a development or around the periphery of a development.
- (11) To prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § IV, 4-26-2016)

Sec. 328-16. - Administration.

The county forester shall be responsible for the administration and enforcement of the provisions of this article, and for making professional judgments regarding any arboricultural principles or practices related to the implementation of this article.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-17. - Exemptions.

The following activities are specifically exempted from this article:

- (1) The construction of single-family detached and duplex dwellings in subdivisions of no more than four lots.
- (2) Any addition, alteration, improvement or remodeling of an existing residence or the construction of structures accessory to an existing residence.
- (3) Tree removal by individual single-family detached and duplex homeowners;
- (4) Agriculture as defined in chapter 106.
- (5) Removing trees from nurseries and botanical gardens, which are being grown for retail or wholesale sale.
- (6) Growing orchards of trees in active commercial operation.
- (7) Removal of diseased, damaged or infested trees upon receiving written confirmation from a certified arborist or the director.
- (8) Timber harvesting operations, provided they comply with the provisions of O.C.G.A. § 12-6-24 and section 328-37.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-18. - Permit procedures; application and plan review.

- (a) All applications for a land disturbance permit or a building permit pursuant to chapter 302, article 5, shall require submission and approval of a tree protection and replacement plan as defined in this article.
- (b) All tree protection and replacement plans and landscape plans, as well as related documentation, shall be reviewed by the county forester for conformance to the provisions of this article and either approved, returned for revisions, or denied.
- (c) Signature by the county forester shall constitute an approval of the required landscape and tree protection and replacement plan and conformance to the provisions of this article.
- (d) The department shall not issue a land disturbance permit without an approved landscape and tree protection and replacement plan.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § V, 4-26-2016)

Sec. 328-19. - Landscape and tree protection and replacement plan requirements.

When required by this article, landscape and tree protection and replacement plans shall be prepared in accordance with section 302-63 of this UDO.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § VI, 4-26-2016)

Sec. 328-20. - Landscape and tree protection and replacement plan review procedures.

Landscape and Tree protection and replacement plans required in this article shall meet the standards of section 302-63.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § VII, 4-26-2016)

Sec. 328-21. - Density requirements.

- (a) The quantity of total existing and replacement trees and landscaping on a site must be sufficient so as to produce a total site density of not less than that required by section 328-24 or section 328-25 for all developments.
- (b) The required density shall not include required tree and landscape plantings such as required buffers, transitional buffers, and/or vegetative screenings. Such buffers may include but are not limited to state waters buffers, required landscape buffers and/or planted non-access easements. The required density is in addition to all required plantings.
- (c) The tree density factor shall be calculated using the total acreage from disturbed areas. Trees to be used in calculating density should be distributed throughout the development in nodes rather than as individual trees. (See administrative standards for specifications.)
- (d) Required landscape areas shall be defined as a minimum of twelve (12) percent of the total buildable area in any parcel, not including required buffers or landscape strips. Such landscape areas shall be designed in order to enhance any buildings on the site.
- (e) All required landscape areas shall be planted with a combination of trees, shrubs, perennials, groundcover, and grass, as approved by the director. Landscape areas shall be designed with a minimum 40 percent coverage in trees and large shrubs. Small shrubs, perennials, ornamental grasses, and groundcover may constitute no more than 35 percent coverage of the landscape area, and sod may constitute no more than 25 percent coverage of the landscape area. The following sizes shall be used when calculating coverage of the landscape materials:
 - a. Trees greater than six-inch caliper: 100 ft.

- b. Trees less than six-inch caliper: 50 ft. ²
- c. Large shrubs (four-foot height by four-foot spread or larger): 16 ft. ²
- d. Ornamental grasses: 12 ft. ²
- e. Small shrubs: 9 ft. ²
- f. Perennials: 6 ft. ²

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § VIII, 4-26-2016)

Sec. 328-22. - Tree protection standards.

- (a) This section establishes standards by which plans and field conditions are to be site evaluated in order to determine compliance with the provisions of this article.
 - (1) *Protection of existing trees.* If trees exist on the site, the required density (see section 328-21) should be met with those trees. If this cannot be done, replacement trees shall be required. A landscape and tree protection and replacement plan must be a part of the approved land disturbance plan. When a choice is available as to which existing trees to save, exceptional trees should be given preference over other trees. Non-exceptional trees, however, should be saved in stands rather than as individual trees scattered over a site.
 - (2) *Tree inventories and surveys.* All trees that are to be counted toward meeting density requirements must be inventoried. On sites two acres or less, all trees need to be individually counted. All exceptional trees and critical root zones must be shown on the tree protection and replacement plan with an indication whether they are to be retained or removed. On sites greater than two acres, all trees counted must be inventoried using a sampling method. Exceptional trees to be saved as well as the critical root zone must be shown for trees outside of the tree save areas. Exceptional tree calculations can be done using sampling. Sampling method must be approved and overseen by county forester.
 - (3) *Plan review standards.* All tree save areas must be delineated on the tree protection and replacement plan with tree protection fencing during all phases of construction. The method used to inventory the trees must be indicated on the plans. All buffers must be identified on the tree protection and replacement plan.
 - (4) *Construction standards.* Tree protection fences are necessary to eliminate activities detrimental to trees including but not limited to:
 - a. Soil compaction in the critical root zone from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials.
 - b. Root disturbance due to cuts, fills or trenching.
 - c. Wounds to exposed roots, trunks or limbs.
 - d. Other activities such as chemical storage, cement truck cleaning, fire, etc.
 - (5) *Location and types of tree protection fencing.* Tree protection fences are to be installed as shown on the tree protection and replacement plan and shall be located outside of the critical root zone of all exceptional trees to be preserved. Once tree protection areas are established and approved, any changes to such areas are subject to review and approval by the county forester.
 - (6) *Materials.* Tree protection fencing shall consist of four-foot wide orange laminated plastic fencing. Tree protection fencing specifications may be found in the administrative standards promulgated pursuant to this article.
 - (7) *Sequence of installation and removal.* All tree protection fencing shall be installed prior to the commencement of any land disturbing activity. The county forester shall inspect the installation

of tree protection fencing. It shall be the joint and several responsibility of the property owner, developer, contractor, and builder, as applicable, to ensure that all tree protection fencing remains in place during all phases of development.

- (8) *Other specifications.* Where the clearing of trees has been approved as part of a tree protection and replacement plan, trees shall be removed in a manner that does not adversely impact the trees to be preserved. No trees shall be felled into tree protection areas and no roots shall be disturbed inside the tree protection areas. All erosion and sedimentation control measures shall be installed uphill so that sediment will not reach any tree protection fencing. All tree protection areas for commercial developments shall be designated as such with "Tree Protection Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § IX, 4-26-2016)

Sec. 328-23. - Tree replacement and landscape standards.

- (a) This section establishes standards by which landscape and tree protection and replacement plans and field conditions are to be evaluated to determine compliance with the provisions of this article.
 - (1) Tree protection and replacement plans shall be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.
 - (2) Trees selected for planting must be from the approved tree list (available on the Rockdale County website), #1 quality, free from trunk or root injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Landscaping materials selected for planting must be from the approved shrub and groundcover lists (available on the Rockdale County website), and must also be free from defects. Whenever appropriate, all landscaped areas shall utilize existing natural vegetation in an undisturbed state.
 - (3) Required comments and standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publications, "Tree and Shrub Transplanting Manual", "The Practical Science of Planting Trees", or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60, -2014) for plant material quality specifications. The location of plant materials shall be such that developers incorporate landscaping design that enhances the aesthetics of the property in keeping with the planned use.
 - (4) *Tree planting standards.*
 - a. Always pick a tree up by the container or root ball, never by the trunk.
 - b. The hole shall be a minimum of two times the width of the root ball with sloped sides.
 - c. The depth of the hole should be no deeper than the height between the bottom of the root ball and the trunk flare.
 - d. Once the tree is placed in the hole, all strapping plus the upper half of burlap and wire basket must be removed from the top of the root ball.
 - e. Backfill soil must be watered and all air pockets removed and filled with clean dirt.
 - f. Stake the tree only if necessary.
 - g. All requirements of the planting comments and planting detail will be followed.
 - (5) *Species.* Species selected as replacement trees must be native to the Piedmont Region of Georgia and selected from the county's most recent approved tree list, and be ecologically compatible with the site where they are to be planted. A mix of trees with no more than 25

percent of one genus is acceptable for meeting density requirements. Landscaping materials must be ecologically compatible with the site where they are to be planted, and a mix of shrubs with no more than 25 percent of one genus is acceptable for meeting density requirements.

- (6) *Minimum root zones.* In order to provide sufficient growing area for planted trees within tree islands, the minimum root zone of 170 square feet is required for all trees. No utility lines shall be located within 15 feet of required tree planting location(s) unless approved by the director.
- (7) *No disturbed ground shall be left exposed.* All exposed ground shall be covered with grasses, shrubs, and/or trees to meet the minimum density requirements stated in 328-21(e).

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § X, 4-26-2016)

Sec. 328-24. - Requirements of single and two-family residential subdivision developments.

- (a) Each new single family or two-family residential subdivision development shall prepare a landscape and tree protection and replacement plan showing compliance with this section. All other developments shall comply with the provisions of section 328-25.
- (b) The landscape and tree protection and replacement plan must, at a minimum, protect ten units per acre of existing dominant and co-dominant trees. When possible those protected trees should be evenly distributed over the site.
 - (1) If sufficient existing dominant and co-dominant trees are not available for protection, then two two-inch caliper shade trees shall be required per buildable lot.
 - (2) The county forester may reduce the ten unit per acre requirement by up to 50 percent if he determines that a hardship exists due to existing topographical or other physical conditions not caused by the property owner.
 - (3) If sufficient existing dominant and co-dominant trees are available but are removed without appropriate review and approval of the county forester then ten replacement density factor units per acre shall be required for recompense.
- (c) Tree protection and replacement plans must, in addition to complying with the requirements of subsection (b) above, comply with either of the following:
 - (1) Each buildable lot with septic tank and drain field shall have a minimum of two two-inch caliper minimum shade trees, planted or preserved. Each buildable lot serviced by sewer shall have three two-inch caliper shade trees, planted or preserved. All trees shall be at least 15 feet from any utility line, septic tank and drain field. Roots within the critical root zone of preserved trees shall remain undisturbed or the tree will not be counted. All trees shall be planted prior to the issuance of a certificate of occupancy.
 - (2) The developer and builder shall protect at least 15 units per acre of existing vegetation and trees on the land being developed in addition to already required buffers and landscape strips. The tree density calculations shall not utilize trees within required buffers in determining for the overall density factor, existing density factor, or replacement density factor. Such buffers may include but are not limited to; state waters buffers, required landscape buffers and/or planted non-access easements. The intent is to clear for the road(s) and utility infrastructure only.

No reduction from the requirements of this subsection shall be authorized except as otherwise permitted in accordance with the provisions of section 328-29.

- (d) All traffic calming devices within such subdivision developments shall include one three-inch caliper approved tree plus one native shrub on each side of the tree. All work shall be completed by the developer prior to issuance of the final plat; and shall conform to the provisions of subsection 332-10 regarding traffic calming devices.
- (e) All such subdivision developments with common off street parking areas consisting of five or more spaces shall comply with the provisions of subsection 328-25(e), Landscape islands.

- (f) Any person developing a lot for which a landscape and tree replacement and protection plan has been approved by the county shall be required to comply with the provisions of that approved plan.
- (g) The county forester shall inspect all landscaping and tree plantings. The county forester shall file a written report with the department detailing and certifying the completion of all required landscaping and tree plantings as required in the plans. The report must be received by the department prior to the issuance of a final plat or certificate of occupancy.
- (h) Where development is intended to occur in phases or increments, landscape and tree protection and replacement plan density calculations shall be based on a site area defined by each development phase or increment. Existing trees to be counted toward meeting the tree density requirements must be located within each phase or increment.
- (i) Standards for subdivision entrances. For each subdivision entrance sign located on private property, there shall be a minimum of one (1) large tree, one (1) medium or small tree, and five (5) shrubs. The type, size, and location of these plant materials shall conform to the specifications set forth in section 328-23. Plant materials shall not be located to interfere with clear visibility requirements set forth by the Manual on Uniform Traffic Control Devices (MUTCD).

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XI, 4-26-2016)

Sec. 328-25. - Requirements for other developments.

- (a) Each new development not covered by section 328-24 shall prepare a landscape and tree protection and replacement plan showing compliance with this section.
- (b) The tree protection and replacement plan must, at a minimum, protect or plant 15 units per acre of trees on the land being developed. The tree density calculations shall not utilize trees within required buffers in determining for the overall density factor, existing density factor, or replacement density factor. All new development with eight (8) or more parking spaces, or expanded development that results in eight (8) or more parking spaces, shall provide interior landscaping.
- (c) Rockdale County has given priority to the retention and placement of trees in frontage planting strips and parking lot planting islands. Trees retained or placed in these areas may be used to meet the tree density factor for a project. However, if the tree density factor is met with trees saved or planted in other areas, the tree location guidelines outlined below must still be performed with additional tree plantings.
- (d) *Required landscape strips and re-vegetated buffers.* Landscape strips shall meet the minimum depth requirements as indicated in the following table. Trees may be planted in groups rather than in a single line. Adjoining residential zoning districts, evergreen trees shall be saved or planted in such density or spacing as to provide an eight-foot tall visual barrier within two years of planting. Required landscaping strips shall not be encroached upon by parking space, driveway surfaces or storm water detention facilities except when complying with requirements below. Driveway crossings may traverse such strip as near to a perpendicular alignment as practical. Signs may be located in the required landscape strip.
 - (1) Portions of a stormwater management facility, classified as either a bioretention area or an enhanced swale, may encroach upon the landscaping strip, provided all of the following conditions are met:
 - a. No future right of access will be granted across any part of the facility.
 - b. No future construction will degrade the ability of the facility to provide water quality treatment or to provide safe conveyance and drainage of stormwater.
 - c. The side slopes of the facility within the landscaping strip are not steeper than 5:1.
 - d. The 100-year ponding depth of the facility shall not exceed 24 inches.

- e. The extent of the 100-year ponding shall not be within five feet of any property line or right-of-way line.
 - f. The facility provides at least six inches of freeboard above the 100-year ponding elevation.
 - g. Portions of the facility within the landscaping strip must be fully planted in accordance with the Rockdale County Unified Development Ordinance and the Georgia Stormwater Management Manual.
- (2) Portions of all other stormwater management facilities may encroach upon the landscaping strip provided all of the following conditions are met:
- a. No future right of access will be granted across any part of the facility.
 - b. No future construction will degrade the ability of the facility to provide water quality treatment or to provide safe conveyance and drainage of stormwater.
 - c. The side slopes of the facility within the landscaping strip are not steeper than 5:1.
 - d. The facility shall not have retaining walls or fencing within the landscaping strip.
 - e. The 100-year ponding depth within the landscaping strip shall not exceed 12 inches.
 - f. The extent of the 100-year ponding shall not be within ten feet of any property line or right-of-way line.
 - g. The facility provides at least 12 inches of freeboard above the 100-year ponding elevation.
 - h. Portions of the facility within the landscaping strip must be fully planted in accordance with the Rockdale County Unified Development Ordinance.

Table of Dimensions for Landscape Strips

Zoning District	Width of Strip or easement (feet):	
	Front/Rear	Interior Side
Multi Family Residential	20	10
	10	
Commercial/Office	20	10
	10	
Industrial	20	10
	10	

- (e) *Parking landscape islands.* Landscape islands shall be provided within parking areas (but not within vehicle storage, maneuvering, or display areas) as follows:

- (1) Landscape islands shall be located at the end of every parking bay, such that no more than eight (8) parking spaces occur in an unbroken row. Measuring from the trunk, the tree must be a minimum of six feet from the back of the curb. No portion of an island less than three feet in width may be counted. All landscape islands shall contain a minimum of 200 square feet. Parking lot interior landscaping is not required beneath canopies or other structures that block sunlight or rainfall.
- (2) Landscape islands shall be located in such a manner as to divide and break up the parking area. A planting area located wholly within a generally rectangular area that is (a) devoted to parking and (b) between a building and a lot line or between two buildings will generally serve this purpose.
- (3) At least one tree shall be planted in every landscape island, with no less than 200 square feet per tree. There shall be at least one overstory tree for every eight parking spaces.
- (4) Adequate irrigation to the landscape island shall be provided. The method of irrigation shall be indicated on the tree protection and replacement plan.
- (5) Light posts and underground utilities shall not be located in landscape islands.
- (6) Combination drainage swale/planting strips for parking lots are encouraged provided that:
 - a. Adequate drainage is provided for the trees and plants; and
 - b. Bottomland hardwood species are used.
- (f) Any person developing a lot for which a landscape and tree replacement and protection plan has been approved by the county shall be required to comply with the provisions of that approved plan.
- (g) The county forester shall inspect all tree and landscape plantings. The county forester shall file a written report with the department detailing and certifying the completion of all required tree plantings as required in the plans. The report must be received by the department prior to the issuance of a final plat or certificate of occupancy.
- (h) Where development is intended to occur in phases or increments, tree protection and replacement plan density calculations shall be based on a site area defined by each development phase or increment. Existing trees to be counted toward meeting the tree density requirements must be located within each phase or increment.
- (i) Stormwater management facilities shall be integrated landscape features, rather than single-purpose flood control or water quality treatment measures. Such facilities shall be planted with appropriate grasses, shrubs, and trees wherever naturally-occurring vegetation is unlikely to be attractive, dense, and healthy. In the event that stormwater facilities cannot be integrated landscape features, then all such facilities shall be masked from the street, open space, and abutting lots.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XII—XV, 4-26-2016; Ord. No. 0-2017-33, § 1, 12-12-2017)

Sec. 328-26. - Exceptional trees.

- (a) Some trees on a site warrant special consideration and encouragement for protection, and are deemed exceptional trees. Specifications for exceptional trees may be found in the administrative standards promulgated pursuant to this article.
- (b) To obtain credit as an exceptional tree, the tree must be protected in its natural state, free from damage within the critical root zone. In order to encourage protection of exceptional trees and the incorporation of these trees into the design of projects, additional density credits shall be given for exceptional trees that are successfully protected from damage up to and including the date a certificate of occupancy is first issued or a final plat is first approved for the property.

- (c) Credit for any exceptional tree saved, with three feet of critical root zone protected per one inch of diameter at breast height, will be three times the assigned unit value shown in the administrative standards. Exceptional trees that need to be removed require written documentation indicating the reason for removal, to be submitted to the county forester prior to the removal. Exceptional trees removed with prior approval from the county forester must be replaced at the rate of half a unit for each unit awarded in the administrative standards. Exceptional trees must be replaced by species with similar characteristics. If an exceptional tree is damaged or removed without prior approval by the county forester, recompense or penalty shall be required or imposed as follows:
 - (1) Any exceptional tree that is damaged or removed without the appropriate review and approval of the county forester must be replaced by trees with a total density equal to three times the unit value of the tree removed. Size alone will determine whether a tree was of exceptional tree quality if the tree is removed without approval and there is no evidence of its condition.
 - (2) In the event the county forester determines an exceptional tree is a hazard to property, power lines or people, the tree may be removed without recompense or penalty.
 - (3) Any exceptional tree saved with one foot of critical root zone protected per one inch of diameter at breast height shall be given no credit towards the required density units and will require no recompense.
- (d) Trees that would otherwise be considered exceptional trees which are located in the right-of-way or within any required utility or drainage easements shall not be counted as exceptional trees in any calculation pursuant to this article.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-27. - Maintenance period for all developments.

- (a) New landscape or tree plantings or existing protected trees used to meet the density requirements of this article for all developments shall be maintained for two years after the date of final inspection and shall require the posting of a maintenance bond by the applicant. Maintenance bonds shall be in an amount equal to 125 percent of the estimated cost of replacement of the newly planted or existing protected trees and landscape materials. Such maintenance shall keep landscape materials healthy, neat, and orderly in appearance, and free of litter and debris.
- (b) During the period of the two-year maintenance bond, the county forester shall have the right to conduct periodic inspections during normal business hours in order to confirm the health and viability of all required trees and vegetation.
- (c) If the county forester finds that vegetation or trees planted or protected to meet the required site density are dead or near death, the county forester shall so notify the applicant and the applicant shall replace those trees and landscape materials with plants of similar size within 30 days of notification. The failure of the applicant to timely plant any such replacement trees or landscaping shall result in forfeiture of the maintenance bond unless a performance bond is sought and granted pursuant to section 328-28.
- (d) Not sooner than 75 days nor later than 60 days prior to the expiration of the maintenance bond, the applicant shall petition the county forester to release the maintenance bond. Failure to petition the county forester shall result in forfeiture of the maintenance bond. Upon receipt of the petition, the county forester shall inspect the project to determine the health and viability of all required trees and landscaping. If the county forester finds that trees or landscaping need to be replaced, the county forester shall so notify the applicant and the applicant shall timely perform such additional work necessary to comply with the tree density requirements of this article. The failure of the applicant to timely replace the trees or landscaping specified by the county forester may result in forfeiture of the maintenance bond. Upon the county forester's final determination that all required trees and landscaping are healthy, the county forester shall so notify the applicant, and the maintenance bond shall be released.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XVI, 4-26-2016)

Sec. 328-28. - Performance bonds.

New tree plantings and landscaping used to meet the density requirement of this article for commercial or residential developments may be postponed for up to six months provided that a performance bond is obtained. The basis for delay must be that either planting stock availability is low or weather conditions are not appropriate for planting new trees. All performance bonds shall be submitted to the department with the following:

- (1) The performance bond must be as provided in section 302-27.
- (2) Performance bonds shall be submitted to the department with appropriate documentation and justification of low plant stock availability and/or adverse weather conditions.

The developer will provide three estimates for material and labor to install required plantings from three different nurseries. The director will choose the appropriate bond amount from the three estimates provided. The bond will be assessed at 125 percent of the cost to ensure compliance.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XVII, 4-26-2016)

Sec. 328-29. - Alternative compliance.

- (a) Where the minimum density requirements cannot be fully met because the site cannot support the required density of trees, the applicant shall make a contribution to the tree replacement fund. Contributions to the tree replacement fund shall be paid in full prior to the issuance of any required permit. Such contributions shall be used for the sole purposes of planting and maintaining trees on public property.
- (b) The amount of the contribution shall be based upon the number, size and type of trees that cannot be planted at the site. The county forester shall estimate the cost to the county for the materials and labor associated with the trees. The amount of the contribution shall be 100 percent of the estimated costs for the materials and labor of planting such trees. The developer shall provide the county forester with three estimates from three different arborist or nurseries for the trees, materials and labor associated with planting.
- (c) The county forester may waive the provisions of this section if he determines that:
 - (1) The unmet density is less than ten percent of the density requirement for the site; and
 - (2) The developer otherwise substantially complies with the provisions of this article.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-30. - Inspections.

- (a) The county forester may periodically inspect the project during the course thereof and shall make a final inspection following the completion of work. Applicants shall cooperate with the department in making such inspections. The department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for the purpose of entering at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activities.
- (b) No person shall refuse entry or access to any authorized county employee who requests entry for the purpose 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.

- (c) Prior to the issuance of a permit for any land-disturbing activity, the county forester shall inspect all tree protection fencing for compliance with the tree protection and replacement plan. Failure to adhere to the landscaping and tree protection and replacement plan will subject the project to enforcement procedures found in this article.
- (d) Prior to the issuance of a certificate of occupancy, final plat, or other forms of county acceptance, the county forester shall inspect for compliance with the requirements of this article. Any disturbances in tree save areas or deficiencies in the required tree density factor will be cited at this time. Tree save area deficiencies must be corrected with new tree plantings prior to project release.
- (e) Existing trees that are not expected to survive will not be counted toward meeting density requirements. Conversely, any existing trees not shown to remain on plans but which have been saved (meeting all tree protection standards) through field adjustments may be counted toward density requirements, provided that all changes are recorded on the certificate of occupancy or the final plat.
- (f) Once a tree save area has been established through the department plan approval process, any unauthorized removal of trees in that area must be mitigated by planting new trees to a tree density factor of 60 units per acre. A revised tree protection and replacement plan must be submitted to and approved by the county forester.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XVIII, 4-26-2016)

Sec. 328-31. - Remedial care of trees and tree save areas.

Trees in tree save areas that have been adversely impacted, as determined by the county forester, by the construction process may be subject to remedial care. Remedial care may include but is not limited to: pruning, soil aeration, fertilization, or supplemental watering.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-32. - Suspension, revocation, and modification of permits; stop-work orders; citations.

- (a) *Suspension, revocation, and modification.* Any land disturbance permit or building permit may be suspended, revoked or modified by the director upon finding that the holder is in violation of any portion of this article.
- (b) *Stop work orders.* If it is determined that a person has engaged in land disturbing activities and has failed to comply with the terms and conditions of this article, a written notice to comply shall be posted on the site. Failure to comply with the terms and conditions of this article within 24 hours after such notice of non-compliance has been issued shall result in immediate issuance of a stop work order. Where any emergency exists, as determined by the director, no written notice shall be required before a stop work order is issued.
- (c) *Citations.* Any person violating any of the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided for in chapter 110. Each day's continuance of a violation may be considered a separate offense. The owner of any building, structure or site, or part thereof, where anything in violation of this article exists, and any architect, builder, contractor, operator or agent of the owner, or any tenant, who commits or assists in the commission of any violation shall be guilty of a separate offense. In addition to or in lieu of any fine or imprisonment, the department may require the replacement of trees by the person violating this article in order to meet the minimum requirements set out herein.
- (d) *Future permits prohibited.* In addition to all other penalties for violations of this article, no land disturbance permit or other permits shall be issued for any property or portion thereof until all outstanding violations of this article applicable to such property have been fully corrected and satisfied. Outstanding violations of this article shall continue to apply to such property regardless of a

change in ownership. The director shall place appropriate holds on the county's land records to enforce this provision. This subsection shall not apply to permits issued by Rockdale County to stabilize or correct prior illegal or improper acts performed on such property.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-33. - Tree topping.

No tree topping or roundovering shall be allowed on new developments, county rights-of-way, county lands, or commercial property.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-34. - Fees.

Fees for processing plan applications and for inspections may be established and modified by the Rockdale County Board of Commissioners.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-35. - Appeals of decisions of administrative officials.

- (a) *Appeal to director.* Any person aggrieved by a final decision of the county forester or any other administrative official made pursuant to the provisions of this article may appeal that decision to the director. The aggrieved person shall file a written notice of appeal specifying the grounds thereof, within ten days after the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the director, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the director or court of record on application, on notice to the official from whom the appeal is taken, and on due cause shown. The director shall schedule a date, time, and location for the hearing of the appeal and shall give notice thereof as well as due notice to the parties in interest. Upon the hearing, any party may appear in person or by agent or by attorney. The applicant and affected administrative official may submit written evidence or arguments. The director shall issue a written decision on the appeal within 30 days after the hearing. If no decision is made within this time frame, the appeal shall be considered granted. An appeal shall be sustained upon an expressed finding by the director that the administrative official's action was based upon an erroneous finding of a material fact, or that he or she acted in an arbitrary manner. In exercising its powers, the director may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided that all requirements imposed by the applicable laws other than these are met.
- (b) *Appeal to board of adjustment.* Any aggrieved person not satisfied by the decision of the director on appeal may appeal that determination to the board of adjustment in accordance with the procedures set forth in UDO section 238-8. Appeals from final decisions of the board of adjustment shall be as provided in UDO section 238-13.

(Ord. No. 0-2008-19, § 2, 11-25-2008)

Sec. 328-36. - Administrative standards.

The regulations set forth in the Rockdale County Landscaping and Tree Protection and Replacement Ordinance Administrative Standards have been promulgated and adopted pursuant to this article. These administrative standards shall apply to any activity on real property, public or private, in unincorporated areas of the county to which the provisions of this article apply. The county forester shall administer these administrative standards.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2016-03, § XIX, 4-26-2016)

Sec. 328-37. - Timber harvesting.

- (a) *Eligibility.* If timber harvesting took place on the site within 36 months prior to submitting a preliminary plat or applying for a land disturbance permit or a zoning amendment, no such plat, permit or zoning amendment shall be approved.
- (b) *Erosion control.* As per O.C.G.A. § 12-7-17(6), as amended, Forestry Land Management Practices (including harvesting) are exempt from the Georgia Erosion and Sedimentation Act (GESA). However, "when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in [O.C.G.A.] paragraphs (15) and (16) of subsection (b) of code section 12-7-6, 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."
- (c) *Reforestation plan.* Clear-cutting or seed tree harvesting a stand of trees for capital gain will only be permitted with a plan for how the area will be reforested. The selected type of harvest shall be listed on the Timber Harvesting Information Form. A reforestation plan, written by a professional forester, must be attached with the timber harvesting packet before a permit will be issued. The reforestation plan must show how the site will be prepared before re-establishing a fully stocked stand. The plan must show types of practices and dates for site preparation and replanting. A fully stocked stand may vary depending on species. For pine species there must be at least 400 trees per acre (TPA) growing freely throughout the harvested areas one year after planting or reseeding is complete. For general hardwood species replanting, a minimum of 150 TPA is required to be considered a fully stocked stand. The landowner must show documentation of reforesting the land within two years after harvesting is complete. If no progress has been completed, property owner will be subject to a three-year moratorium in which no further actions shall be approved on the property including application for a land disturbance permit, a zoning amendment, or the submittal of a preliminary plat.
- (d) *Reforestation.* As defined in the "National Management Measures to Control Nonpoint Source Pollution Forestry EPA 841-B-05-001, May 2005," silvicultural practices occur when "...forests are tended, harvested and replaced, usually defined by, but not limited to, the method of regeneration." Reforestation can be accomplished artificially or naturally. Natural regeneration is defined as allowing the crop trees to regenerate an area. The most common methods are coppice, seed-in-place, seed trees, and shelterwood. Artificial regeneration is defined as establishing a new forest by planting seedlings or by direct seeding.
- (e) *Timber harvesting operations.* Timber harvesting encompasses several operations for the purpose of this section. In addition to cutting trees, timber harvesting typically includes the layout of access roads, log decks and skid trails. It is in the best interest of everyone involved in forestry operations to properly plan and manage their operations by consistently following Georgia Best Management Practices to prevent any potential water quality problems. Below is a listing of the most common harvesting types used in this region:
 - (1) Clear-cutting a stand of trees is the removal of all (zero to eight trees per acre) merchantable trees on a tract and will only be allowed if a reforestation plan has been developed and included with the timber harvesting packet. The reforestation plan shall demonstrate how the property will be reforested once harvesting is complete.
 - (2) Seed-tree harvest can remove all trees, except eight to 15 uniformly spaced high quality seed producing dominant or co-dominant trees per acre to naturally re-seed the site after harvest.

Seed-tree harvest can only be permitted if a reforestation plan has been developed and included with the timber harvesting packet. The management plan shall demonstrate how the property will be reforested once harvesting is complete. It is crucial to plan the timing of the harvest and to assure adequate seed fall. Prescribed burn and/or light harrow disking the ground after harvest will scarify the soil to ensure a germination of the seed. Seed trees should be selected to provide sufficient seed to achieve a fully stocked stand in the new cohort and ensure the seed trees continued survival and viability at the removal cut. Seed trees shall be selected based on the following key traits:

- a. Trees with a large crown will maximize seed production due to their greater vigor and large leaf area.
 - b. Trees should be at reproductive maturity with past evidence of good seed production. Past evidence of good seed production is the best way to assure future seed production.
 - c. Trees need to be wind firm. Increased taper is correlated to wind firmness, but may be a less desirable phenotype when managing for poles.
 - d. Trees should have desirable phenotypes, since they are providing seed for the next rotation.
 - e. Their form should be free of defects such as forking, sinuosity, or rami-corns (an excessively large and steeply angled branch that forms a large knot).
 - f. No evidence of serious insect or disease susceptibility should be present.
- (3) Shelterwood harvest method must leave 21 to 60 dominant or co-dominant seed trees per acre. This harvest is a preferred even-aged natural regeneration system for non-prolific seed producing species and as a visually appealing regeneration system for certain hardwood and conifer species. A shelterwood harvest provides an abundance of seed and shelter for seedlings, as well as residual shade to control weeds. This type of harvest will not require a reforestation plan due to the sufficient stocking density left on site, however, the selected seed trees should be high quality (exceptional) specimens so as to provide high quality seeds.
- (4) Thinning operation means to leave a minimum residual stocking density that has the potential to restore to a closed canopy forest within ten years or have no more than 60 percent of the stand removed. Thinning harvest is intended to improve the overall health and quality of the remaining trees. If exceptional trees exist on-site, they should be given priority to be retained over other dominant or co-dominant trees. If the required density is met using non-exceptional trees and exceptional trees are found by the county forester to have been removed, then harvesting operation will not be considered as being for silvicultural purposes. This type of harvest will not require a reforestation plan upon permitting due to the sufficient stocking density left on site.
- (f) *Access roads.* Road construction shall be solely for silvicultural purposes. Access roads shall not exceed the typical maximum allowable width of 16 feet or should not be wider than necessary for the transport of silvicultural products or access for forest management activities. Roads wider than 16 feet will only be allowed upon county forester approval. In general, tree stumps are only removed to construct access roads and log decks. The presence of intensive mechanical site preparations such as sheering, root raking, windrowing debris or "stumping" of the site may be deemed as non-silvicultural activities.
- (g) *GFC consulting.* The Georgia Forestry Commission may be contacted by the county forester if technical assistance is required to determine if a land disturbing activity is a legitimate silvicultural activity exempt from Georgia Erosion and Sediment Control Act O.C.G.A. § 12-7-17, local erosion and sedimentation control ordinances, and permit requirements. The decision rendered by GFC shall be considered final.
- (h) *Bonding.* All timber harvesting operations of areas larger than five acres shall be required to obtain a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting the county against any damage caused by such operations in an amount specified by the

department not exceeding \$5,000.00. Alternatively at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. § 7-1-4, in the same amount of and in lieu of such bond may be submitted. For purposes of this paragraph, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered.

- (i) *Additional requirements.* The following practices shall be required of all timber cutting incidental to development.
 - (1) All access onto public roads shall have culverts and stone pads as prescribed in the Manual of Standards and Specifications for Georgia Erosion and Sediment Control Act.
 - (2) Stream sides and access roads shall be seeded upon completion of harvesting operations as prescribed in the Manual of Standards and Specifications for Georgia Erosion and Sediment Control Act.
- (j) *Additional requirements.* The following practices shall be required of all timber harvesting for silviculture:
 - (1) All such operations shall follow the latest version of Georgia's Best Management Practices for Forestry, available from the Georgia Forestry Commission.
 - (2) All persons or firms harvesting standing timber for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant shall provide notice of such harvesting operations by completing and submitting the harvesting package provided by the county prior to cutting any such timber.
 - (3) Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby.
 - a. Such notice shall be submitted on a form provided by the Georgia Forestry Commission and shall consist of:
 - 1. A map of the area which identifies the location of the tract to be harvested, the route trucks will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, and the main and secondary (if any), points of ingress/egress to such tract from a public road(s). The map shall also include all areas harvested, all stream crossings and all loading decks;
 - 2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under state law;
 - 3. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
 - 4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber;
 - b. Such notice may be submitted to the department in person, by facsimile, or by mail.
 - c. Such notice shall be effective for stated harvesting operation on such tract upon receipt by the department and compliance with all of the requirements stated above. Notice will be active until such notice has completed the harvesting operation for such tract or one year has expired. Any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the department within three business days after such change.
 - d. Violation of the notice requirements in this subsection shall be punishable by a fine not to exceed \$500.00.

(Ord. No. 0-2008-19, § 2, 11-25-2008; Ord. No. 0-2015-01, § 1, 2-10-2015; Ord. No. 0-2015-12, §§ I, II, 12-8-2015; Ord. No. 0-2016-03, § XX—XXII, 4-26-2016)

Chapter 332 - PUBLIC IMPROVEMENTS

ARTICLE I. - STREETS AND SIDEWALKS

Sec. 332-1. - Street classification and right-of-way requirements.

(a) *Street classification.*

- (1) Streets are classified into a street hierarchy system based on road function and traffic volumes. Streets are classified into the following categories:
 - a. Interstate principal arterials.
 - b. Principal arterials.
 - c. Minor arterials.
 - d. Collector streets.
 - e. Local streets in urban area boundaries.
- (2) The application for approval of a preliminary plat, site development plan, or building permit that will require the applicant to construct new public streets or make improvements to existing public streets shall determine the design of the street based on projected traffic volumes and use the right-of-way and lane widths as noted in the "table of minimum right-of-way and lane widths." The final determination regarding the classification of any existing or proposed street shall be made by the director.

(b) *Right-of-way and lane widths.*

- (1) Minimum widths for new streets or roads shall be as shown in "table of minimum right-of-way and lane widths." See Rockdale County Standard Design and Construction Details for detailed dimensions. Total width of streets includes lane width plus curb and gutter (back to back of curb) or from edge of pavement if no curbs exist. Local streets will use a 24-inch curb and gutter. Other road/street classifications will use a 30-inch curb and gutter. If an existing street is used for access, the developer shall conform to the existing street width if it is greater than is required for a new street in this UDO.
- (2) Minimum widths of right-of-way and lanes shall be as shown in the table of right-of-way and lane widths.

Table of Minimum Right-of-Way and Lane Widths

Street Category	Minimum R-O-W	Lane Width*
Principal Arterial		
Ditch section/ 20 ft. median	120 ft.	12 ft.
C&G/20 ft. median	120 ft.	12 ft.
C&G, undivided	120 ft.	12 ft.
Minor Arterial		
Ditch section	100 ft.	12 ft.

C&G section	100 ft.	12 ft.
Collector Street Ditch section C&G section	80 ft. 80 ft.	12 ft. Standard; 11 ft. Minimum 12 ft. Standard; 11 ft. Minimum
Local Street Residential/Subdivision (C&G) Commercial/Industrial/Other	50 ft. 60 ft.	11 ft.* 12 ft. Standard ; 11 ft. Minimum
Cul-de-sac Commercial/Industrial Residential	75 ft. radius 50 ft. radius	65 ft. radius 40 ft. radius

Notes:

*Lane widths include only pavement width. Example: Two lanes at 11 feet with two feet C&G would be 26 feet back to back of curb.

Ten-foot lanes are allowed in conservation residential subdivisions.

Lane widths on collector streets and other local (non-subdivision) streets will be based on design speed and traffic volumes.

Number of lanes will be determined based on traffic volumes, except for subdivision streets which will be typically two lanes only.

Street categories based on the current Federal Functional Classification System for Rockdale County.

Typical section details are shown in the Rockdale County Standard Design and Construction Details.

(c) *Right-of-way dedication.*

- (1) The minimum width of right-of-way shall be dedicated based upon the street classification, as provided in this section and approved by the director.
- (2) On any existing street abutting a proposed development, one-half of the required width of right-of-way shall be dedicated, at no cost to Rockdale County, as measured from the centerline of the roadway along the entire property frontage. Right-of-way widths for existing streets shall be based on the current classification as determined by the director.
- (3) Additional right-of-way may be required at intersections or other locations fronting the property where turning lanes, storage lanes, medians, re-alignments or other traffic safety improvements are required.
- (4) If a new street or thoroughfare is proposed by Rockdale County or the State of Georgia to adjoin or traverse the property, the proposed road shall be accommodated into the development plans of the property in accordance with this UDO. These right-of-way requirements shall govern except where there exist clearly defined plans of the Georgia Department of

Transportation (GDOT) or Rockdale County that require additional right-of-way. In that case, the greater right-of-way requirements shall govern.

- (d) *Clear zone requirements.* All new roads/streets should utilize the concepts, designs, and philosophies in the Federal Highway Administration (FHWA) Roadside Design Guide, where practical and feasible to use the latest state-of-the-practice in roadside safety. New roads/streets should also use context-sensitive design concepts in the applications of clear zone. Context-sensitive design concepts are also on the GDOT web site (www.dot.state.ga.us). The application of clear zone concepts on existing roads/streets needs to be used where the greatest safety benefit can be realized. Crash reports, site investigations, and maintenance records offer starting points for identifying these locations.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-2. - Access management.

- (a) *Applicability.* Except for development projects consisting of single-family dwelling units or industrial development, land subdivision and development that takes its primary access from a state or federal highway or a thoroughfare classified as a major collector or arterial in the latest Federal Functional Classification Systems for Rockdale County shall comply with these standards. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation.
- (b) *Joint and cross access.*
 - (1) Adjacent commercial or office properties on major collectors and arterials shall provide a cross access drive and pedestrian access to allow circulation between sites.
 - (2) Joint driveways and cross access easements shall be established for multi-parcel commercial, office or industrial development, wherever feasible, along major arterial highway corridors. The building site shall incorporate the following:
 - a. Continuous service drives or cross access corridor connecting adjacent parcels along the thoroughfare.
 - b. A design speed of 15 mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles and loading vehicles.
 - c. Driveway aprons, stub-outs and other design features to allow abutting properties to be connected and provide cross access via a service drive.
 - (3) The department may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
 - b. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this section.
- (c) *Minimum driveway setbacks from street intersections.*
 - (1) Driveway connections shall not be permitted within the functional area of the intersection, of two public streets. The functional area includes the longitudinal limits of auxiliary or turning lanes.
 - (2) *Minimum standards.* No driveway access shall be allowed within 150 feet of the centerline of an intersecting major collector or arterial street, or within 100 feet of any minor collector street.
- (d) *Minimum access requirements.*
 - (1) All developments shall have one or more driveways or entrances to a public right-of-way.

- (2) The number of such access points shall be as shown in "Table of minimum number of access points."

Table of Minimum Number of Access Points

Type of Development	Minimum Number of Driveway Access Points	Type of Primary Access
Residential, less than 100 units	1	Local Street or Collector Street
Residential, 101—200 units	2	Local Street or Collector Street
Residential, more than 200 units	3	Collector
Non-Residential, less than 50 required parking spaces	1	Collector
Non-Residential, 50—300 required parking spaces	2	Collector
Non-Residential, 301—1,000 required parking spaces	3	Minor Arterial
Non-Residential, more than 1,000 required parking spaces	4 or more	Principal Arterial

(e) *Separation of access points.*

- (1) Subdivisions located along existing county roads shall be required to provide reverse frontage lots or parallel frontage roads where feasible. All other lots must comply with the following:
- Along state or federal highways, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof, although requirements of the GDOT shall apply whenever more restrictive.
 - Along arterial or collector roads other than state or federal highways, no more than two points of vehicular access from a property to each abutting public street shall be permitted for each 300 feet of lot frontage, or fraction thereof; provided, however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The department shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow. To make this determination the department may require a traffic study to be performed by the owner.

- (2) No point of access shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and non-residential properties.
- (3) Corner lot access shall be located as far from the intersection as reasonably possible to reduce turning movement conflicts and to promote proper traffic circulation.
- (4) Otherwise, the separation of access points on any street or road shall be determined by the established speed limit of the street or road, with the following minimum spacing requirements as provided in "Table of minimum driveway spacing."

Table of Minimum Driveway Spacing

Speed Limit	Minimum Driveway Spacing
25	125 ft.
30	125 ft.
35	150 ft.
40	185 ft.
45	230 ft.
50	275 ft.
55	350 ft.
60	450 ft.
65	550 ft.

- (5) The distance between access points shall be measured from the centerline of the proposed driveway to the centerline of the nearest adjacent driveway or roadway.
- (6) Driveways shall be located so that the radius return is a minimum of four feet from a property line that intersects the right-of-way line.
- (7) The requirements of this section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this section.
- (f) *Emergency access.* All public streets, private and residential drives shall be designed and maintained so as to provide safe and convenient access for emergency vehicles, as required by the Rockdale County Fire Marshal. New developments with restricted access, such as gated subdivisions, must receive a variance from this requirement based on review and approval of the Rockdale County Sheriff's Department.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-3. - Driveway design standards.

- (a) *Permits required.* No driveway shall be constructed abutting a county-maintained road or street until all applicable driveway permits have been approved and issued by the department. For driveways that abut a state or federal highway, all applicable permits shall be obtained from the GDOT prior to construction.
- (b) *General requirements.* See also section 332-2.
 - (1) Joint access driveways are permitted in order to achieve minimum driveway spacing requirements.
 - (2) No property may have a curb cut in excess of 50 feet in width without approval of the director.
 - (3) If a non-residential driveway design is one-way in or one-way out, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.
 - (4) For two-way, non-residential access, each travel lane shall have a minimum width of 11 feet. When more than two lanes are proposed, a specific driveway design must be approved by the department.
 - (5) Driveways that enter an arterial or collector street at traffic signals must have at least two outbound lanes of at least 11 feet in width and one inbound lane with a maximum width of 12 feet.
 - (6) Except for single-family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Design Standards.
 - (7) Driveways shall intersect roads or streets with no more than a ten degree skew from a 90 degree angle.
 - (8) Driveway aprons shall slope from the right-of-way to the edge of pavement or gutter flow line. For all non-single-family driveways and entrances, a storm sewer inlet or grade break shall be provided at the right-of-way line to prevent discharge of stormwater onto the public right-of-way.
 - (9) Driveways shall comply with the minimum requirements of the Rockdale County Standard Design and Construction Details, based on projected use and classification.
 - (10) Driveways serving single-family detached or duplex residences may be no less than ten feet wide at the right-of-way line and shall provide a radius to the back of the curb or edge of the pavement of the roadway of no less than five feet. All other driveway curb cuts on public streets shall conform to the standards shown on the driveway details contained in the Rockdale County Standard Design and Construction Details. All driveways and driveway curb cuts on state highways shall conform to GDOT Standards.
 - (11) All driveways and driveway curb cuts on state highways shall conform to GDOT Standards.
- (c) *Driveway construction standards.*
 - (1) Sidewalks and curbs adjacent to driveways shall meet requirements of the Americans with Disabilities Act.
 - (2) Portions of driveways within the public rights-of-way shall be of concrete pavement six inches thick and a minimum of 3,000 psi for residential driveways, and eight inches thick, 3,500 psi concrete over compacted subgrade for commercial and industrial driveways.
 - (3) Driveways shall be no closer than three feet, at the closest point, to an at-grade utility structure, including, but not limited to, curb inlets, drainage structures, streetlights, telephone and electrical poles, boxes and transformers, manholes, handholes and fire hydrants.

- (4) Driveways shall be no closer than ten feet from a street tree or fire hydrant.
 - (5) Water and sewer lines shall be located outside of driveways, except for generally perpendicular crossings.
 - (6) Commercial driveways shall provide a 35-foot minimum radius at intersection with a public street. If designed for tractor-trailer trucks, the minimum radius shall be 75 feet.
- (d) *Auxiliary lanes.*
- (1) Along any arterial or major collector street, a deceleration lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required to avoid specific traffic hazards that, otherwise, would be created by the proposed driveway location.
 - (2) Deceleration lanes shall be required by Rockdale County at each access point on roads classified as arterials or collectors when the posted speed limit is 30 mph or higher and otherwise where considered necessary by the director based on traffic volumes. Deceleration lanes are required on county roads classified as arterial and major collector streets when the posted speed limit is 30 mph or higher. Minimum deceleration lengths are specified in the "Table of deceleration lane requirements." The director may vary length requirements based upon a consideration of available sight distance and traffic volumes.

**Table of Deceleration
Lane Requirements**

Operating Speed	Min. Length of Lane
30 mph	75' + 50' taper
35 mph	100' + 50' taper
40 mph	150' + 50' taper
45 mph	175' + 100' taper
55 mph	250' + 100' taper
60 mph	300' + 100' taper
65 mph	350' + 100' taper

- (3) When a new deceleration lane required by this chapter is proposed to begin or end within 50 feet of an existing deceleration lane, driveway or street intersection, then the new deceleration lane shall be extended as needed to provide a safe, continuous connection with adjacent or nearby deceleration lanes, driveways and intersections.

- (e) *Sight distance.* All roads, streets, and driveways shall provide adequate sight distance as shown in the Table of intersection sight distance requirements. See also Standard Design and Construction Detail 3.09.

Table of Intersection Sight

Distance Requirements

Design Speed	Sight Distance, Feet				
	2 lanes	3 and 4 lanes		5 and 6 lanes	
	SDL=SDR	SDL	SDR	SDL	SDR
25 mph	280	290	315	335	350
30 mph	335	350	375	400	420
35 mph	390	410	440	465	490
40 mph	445	470	500	530	560
45 mph	500	530	560	595	630
50 mph	555	590	625	660	700
55 mph	610	650	685	730	770
60 mph	665	705	750	795	840
65 mph	720	765	810	860	910

SDR means sight distance required for vehicle approaching from right side of driveway.

SDL means sight distance required for vehicle approaching from left side of driveway.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 20, 7-24-2007)

Sec. 332-4. - Requirements for new streets and roadways.

- (a) All new streets proposed to be constructed in a subdivision or other development shall be designed and constructed to the minimum standards contained in this chapter, in accordance with the classification of streets.

- (b) If a new street or thoroughfare is proposed by Rockdale County or the State of Georgia to traverse the property, the proposed road shall be designed and constructed in accordance with the street classification as shown in the latest Federal Functional Classification System for Rockdale County and contained in this chapter or as shown on plans proposed by the county or State of Georgia. The specific vertical and horizontal alignment of the proposed roadway shall be as established or approved by Rockdale County and/or the State of Georgia, as applicable.
- (c) *Substandard streets.*
 - (1) If a substandard street (dirt or gravel road or inadequate width of pavement or right-of-way) provides a means of access to a major subdivision or non-residential development, the street shall be upgraded to the street classification standard required by the Rockdale County/City of Conyers Functional Classification System and in accordance with this article. These improvements shall extend from the entrance of the development to the nearest standard paved road of an equivalent or higher classification, along the route of primary access.
 - (2) All right-of-way required for these off-site improvements shall be acquired at the expense of the developer. Additional requirements may be mandated by the county as outlined in subsection (b).
- (d) *Improvements along state highways.* For any development that abuts a state or federal highway, improvements to the roadway and the location and design of any street or driveway providing access from the state highway shall comply with the standards and requirements of the GDOT and this chapter. A permit for the proposed access or improvements shall be required to have been approved by the GDOT and incorporated into the construction drawings for the project prior to issuance of a development permit by the department.
- (e) *Permanent dead-end streets.* See subsection 302-10(b).
 - (1) New streets shall connect at both ends to existing streets unless the director determines that unique parcel configuration or terrain make a fully connected street pattern infeasible or unsafe.
 - (2) When necessary, streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 800 feet in length, unless otherwise approved by the director.
 - (3) The length of a cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street.
 - (4) Cul-de-sacs shall conform to design requirements of the Rockdale County Standard Design and Construction Details.
- (f) *Temporary dead-end streets.*
 - (1) A temporary dead-end street shall be provided to the boundary of a subdivision to provide access to abutting property for planned continuity of future circulation, improved access for public safety vehicles or for the extension of public water or other utilities to neighboring properties. Such dead-end streets shall be designed to meet the requirements of this article, and to allow their reasonable extension and shall be located so as to be reasonably incorporated into a street design for the neighboring property. A temporary vehicular turnaround shall be provided as shown in the standard details.
 - (2) Existing dead-end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development.
 - (3) Subsections (1) and (2) of this subsection may be modified by the director in cases of serious topographical hardship or unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the dead-end street or the removal of the dead-end street back to its nearest intersection.
 - (4) Where a dead-end street (other than a cul-de-sac) serves four or more lots in a multi-phase subdivision and such street is to be extended later, the developer shall be required to provide a

temporary vehicular turnaround complying with subsection 332-1(b). This requirement may be waived if extension of the dead-end street is approved and under construction prior to its inclusion in a final plat.

- (g) *Access roads.* Where a development borders on or contains a railroad right-of-way, major utility easement, limited access highway right-of-way or a major thoroughfare; a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way. Locations of such service roads shall be aligned with similar service roads on adjacent properties.
- (h) Construction access drives are required for vehicles with gross weight of 10,000 pounds or more.
 - (1) On multi-phase developments, the developer shall be required to dedicate, install, maintain and remove temporary construction access drives for the ingress and egress of construction vehicles, personnel and equipment.
 - (2) Temporary construction access drives shall be shown on the concept plan and preliminary plat and shall access an existing county road where possible. Construction access drives shall be permitted through the department, and shall comply with sight distance requirements in subsection 332-3(e).
 - (3) Temporary construction access drives shall be utilized as the sole means of ingress and egress during the construction of subsequent phases of the development, to prevent the flow of construction and heavy vehicular traffic on newly constructed streets completed under earlier phases.
 - (4) If a temporary construction access drive cannot be provided at the discretion of the director, due to site-specific restrictions, then the developer shall provide a maintenance bond for those portions of the newly constructed roadway utilized for construction access. The maintenance bond shall provide surety for roadway repairs and resurfacing. The required bond amount per linear foot shall be the current amount established by the board of commissioners. The maintenance bond shall be provided to the county prior to the start of construction, and shall not expire for a period of 24 months following the completion of all construction activities.
- (i) *Half streets.* Both the construction of new half streets and the extension of access to existing half streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
- (j) *Reserve strips.* Land in private ownership adjacent to public rights-of-way, which could control or is intended to control access to streets, alleys or public lands, shall not be permitted unless control is given to the county under ownership, dedication or easement conditions approved by the county attorney or acceptable to the director. No development shall be designed so as to deny access to abutting properties.
- (k) *Alleys.* Alleys may be permitted by the director where lots are less than 75 feet in width or otherwise when the developer produces satisfactory grounds for the request. In the event the director approves the request, the alleys must be laid out in a grid fashion at rear lot lines, and double-fronting lots are permitted. The alley shall be designated as a public street pursuant to the standards contained in this chapter. Alleys shall not be permitted as dead end-streets.
- (l) *Street jogs.*
 - (1) Local streets shall either directly align or have offsets of a minimum of 125 feet for residential subdivision streets and a minimum of 200 feet for non-residential subdivision streets, as measured between the centerlines.
 - (2) Where it is not feasible to align new streets or entrances with an existing street intersecting nearby on the opposite side of a collector or arterial street, then the new street intersection shall be no less than 600 feet from the intersection of the existing street, as measured between centerlines of the two opposing streets.

- (m) *Traffic-calming measures.* Traffic-calming measures shall be incorporated in accordance with the Rockdale County Traffic-calming Guidelines. Specific measures may include easeabouts, speed tables or other methods approved by the director. Street layout and configuration should include a series of relatively short interconnected roadways in lieu of longer straight roads, to discourage excessive speeds. See section 332-10 of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-5. - Street intersections.

- (a) *Angle of intersections.* Intersections of two public streets shall form an angle that is between 85 and 95 degrees, unless otherwise approved by the director. If the intersection is signalized, the angle of the intersection may be reduced subject to the review and approval of the director.
- (b) *Intersection approaches.*
- (1) The approaching street at any intersection shall be designed and constructed to provide both the minimum horizontal and vertical approach distances, as defined in this section and indicated in the table below.
 - (2) Minimum horizontal approach distance is defined as the minimum distance required along the centerline of an approaching street, perpendicular or no less than 85 degrees to the intersected street, as measured from the edge of pavement of the intersected street to the point of horizontal curvature on the approaching street.
 - (3) Minimum vertical approach distance is defined as the minimum distance required along the centerline of the approaching street, at a grade less than or equal to the recommended grade indicated in the "Table of intersection approach distances," as measured from the edge of pavement of the intersected street to a point on the profile of the approaching street where grades exceed recommended values.

Table of Intersection Approach Distances

Approaching Street Classification	Minimum Horizontal Approach Distance ¹	Minimum Vertical Approach Distance ¹	Recommended Approach Grade ²
Principal Arterial	300 Ft.	200 Ft.	2.0%
Minor Arterial	200 Ft.	150 Ft.	2.0%
Collector Street	150 Ft.	100 Ft.	2.5%
Local Street	75 Ft.	50 Ft.	4.0%
1. Distance of the approach is measured from edge of pavement of the intersected street to the point of curvature in the approaching street.			
2. Recommended approach grades shall be considered as the maximum allowable grades, unless otherwise approved by the director. No grade shall be less than 1.5%.			

- (c) *Crown taper.* The typical crowned street cross section shall be tapered over a distance of not less than 50 feet on the approaching street at all intersections, in order to connect flush with the line and grade of the edge of pavement on the intersected street. The cross section taper shall be designed and constructed so as to provide for the adequate drainage of surface water from all portions of the travel surface and gutter.
- (d) *Intersection radii.* Intersection radii for roadways measured at back of curb and for the right-of-way lines shall be as shown in the "Table of intersection radii." For intersecting streets of different classification, the larger radii shall be provided. Larger radii may be required for streets intersecting at angles less than 90 degrees. In all cases, adequate right-of-way shall be provided to maintain a minimum of 12 feet from back of curb to right-of-way line. Miters are acceptable.

Table of Intersection Radii

	Radius at Intersection
Principal Arterial	30 ft.
Minor Arterial	30 ft.
Collector Street	25 ft.
Local Street-Rural or Urban	25 ft.
Commercial/Industrial	35 ft.

- (e) *Islands.* Islands in street intersections shall conform to the design requirements of the Rockdale County Standard Design and Construction Details. In no case shall anything in an island extend more than three feet above the street grade within the right-of-way; except traffic regulatory devices, street trees and other infrastructure erected or approved by Rockdale County. No island shall be approved that contains less than 100 square feet. Irrigation or other private systems shall not be installed within public right-of-way.
- (f) *Intersection corner sight distance.*
 - (1) Intersections shall be designed with adequate corner sight distance for each approaching street. Where necessary, back slopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance.
 - (2) The minimum corner sight distance from the approaching street shall be calculated using latest edition of AASHTO "Policy on Geometric Design of Highways and Streets", chapter 9 (at-grade intersections).
- (g) *Obstructing visibility at intersections.* On all corner lots located at a street intersection, a clear sight zone shall be maintained at all times. The design and location of new intersections shall meet the standards of subsection 332-3(e).
- (h) *Turning lanes at intersections.* Both center left-turn and right-turn lanes shall be provided on all new internal project streets, and on all existing county roads, where traffic volumes and turning

movements warrant the installation. At the request of the director, the developer or applicant shall prepare and submit a detailed traffic study (as defined herein), outlining projected traffic volumes, turning movements and auxiliary lanes required. The methodology and conclusions presented in the traffic study are subject to the review and approval of the department.

- (1) *Center turn lane storage.* A minimum storage length of 150 feet shall be provided for center left turn lanes on any arterial streets. A minimum storage length of 100 feet shall be provided on all collector streets. Additional storage capacity shall be provided as required, based on projected peak traffic volumes and turning movements.
- (2) *Taper length.* The taper length shall be in accordance with AASHTO design standards, based on the lane widths and design speed of the subject street.
- (3) The design, right-of-way acquisition, drainage system improvements, roadway widening, asphalt construction, traffic control, traffic striping, signage and all other improvements required or incidental to the installation of auxiliary turn lanes required to support any proposed development shall be completed by the developer or applicant, at no cost to Rockdale County.
- (4) Under the following conditions, left storage lanes shall be added to two-lane collectors or arterials with speed limits of 30 mph or more, at unsignalized locations where left turning vehicles will leave the arterial or collector street and enter major driveways or development entrances. See the "Table of left storage lane requirements."

Table of Left Storage Lane Requirements

If average peak hour left turn volume is:	And collector/arterial traffic is: (vehicles per lane in peak hour):	Left turn storage lane
Over 25	All volumes	Required
16—25	51-100	Required
13—15	101-200	Required
1—12	Over 200	May be required
Any volume	Any volume	May be required by director if sight distance (in feet) in either direction is less than 10 times the posted speed limit.

Source: Institute for Traffic Engineers, Traffic Engineering Handbook.

Note: Traffic volume shall include all additional vehicles from proposed development.

- (5) The length of left turn storage lanes and tapers shall be as prescribed in the Table 4-9, "Minimum Design Elements of Left Turn Lanes", GDOT "Regulations for Driveway and Encroachment Control", and the latest edition.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-6. - Geometric street design standards.

- (a) All streets and roadways shall be designed in accordance with the AASHTO Standards, as provided in "A Policy on Geometric Design of Highways and Streets," latest edition and any amendments thereto. All applicable signage, markings or other traffic control measures shall be designed in accordance with the Manual of Uniform Traffic Devices (MUTCD), latest edition and any amendments thereto.
- (b) *Horizontal curvature and super-elevation.* All new streets shall adhere to the standards governing horizontal curvature and super-elevation in "Table of horizontal curvature and super-elevations," unless otherwise specified by AASHTO Standards:

Table of Horizontal Curvature and Super-Elevations

Street Category	Design Speed	Minimum Radius	Maximum Super-elevation
Principal Arterial	55 mph	1190 ft.	0.04
Minor Arterial	45 mph	711 ft.	0.04
Collector Street	30 mph	348 ft.	0.04

Note: Super-elevation not required for local streets.

- (c) *Tangents.* Between reverse horizontal curves there shall not be less than the minimum centerline radii and tangents shown in the "Table of Horizontal Alignment and Reverse Curves," unless otherwise specified by AASHTO Standards. Compound radii are prohibited.

Table of Horizontal Alignment and Reverse Curves

Street Category	Desirable Tangent Length (ft.)	Minimum Tangents Between Reverse Curves
Principal Arterial	400	250 ft.
Minor Arterial	280	200 ft.
Collector Street	150	100 ft.
Local Street	120	50 ft.

- (d) *Vertical alignment.*

- (1) All changes in street profile grades having an algebraic difference greater than that shown in Table 4.3.5 of the latest edition of the GDOT Design Manual shall be connected to a parabolic curve having a minimum length in feet (L), which is equal to the algebraic difference between the grades in percent (A) multiplied by the design constant (K) assigned to the street according to its classification and design speed (i.e. $L = KA$).
- (2) (K) values shown in the Table of Constant (K) Values for Vertical Alignments shall be utilized in all cases, and in no case shall the constant K value be less than the minimum permitted.

Table of Constant (K) Values for Vertical Alignments

Street Category	Design Speed	Crest Vertical Curves (K Value)	Sag Vertical Curves (K Value)
Principal Arterial	55 mph	114	115
Minor Arterial	45 mph	61	79
Collector Street	30 mph	19	37
Local Street	25 mph	12	26

(e) *Street centerline grades.*

- (1) Street or road grades exceeding ten percent for a minor collector and 12 percent for local streets are prohibited, unless otherwise approved by the director. The director may grant limited exceptions on maximum grades, based on conclusive evidence that shows a lesser grade is impractical due to topographic or site specific limitations.
- (2) The minimum centerline grade for any street or roadway shall not be less than 1.5 percent, without exception, due to drainage concerns. A desirable minimum centerline grade of two percent shall be provided where possible.
- (3) The maximum centerline grade across any cul-de-sac turnaround shall be five percent.

(f) *Crown slope.* Unless super-elevated, all streets and roadways, except alleys, shall be designed and constructed with a crown slope of one-quarter-inch per foot, to provide for the adequate drainage of surface water from the street centerline to the gutter or edge of pavement.

(g) *Super-elevation.* The design of arterial and major collector roadways may require the super-elevation of the travel surface on horizontal curves in accordance with AASHTO Standards. The design and horizontal alignment of minor collectors and local streets serving residential areas should avoid the use of super-elevation where possible. In all instances, the maximum super-elevation rates shall be in accordance with subsection (b) above. Under no circumstance is a curved street of any classification to be reverse super-elevated.

(h) *Pavement design.*

- (1) Pavement sections shall be constructed in accordance with the standards in the "Table of standard pavement sections."

Table of Standard Pavement Sections

Street Type ^{1, 2}	9.5 mm Superpave		Superpave			GAB ³
	Type I	Type II	12.5 mm	19mm	25mm	
Residential Streets						
<250 VPD	1¼"			2"		6"
250—1,000 VPD	1¼"			2¼"		6"
1,001—5,000 VPD		1½"		2½"		8"
Commercial/Industrial Streets						
>250 VPD		1½"	2½"	3"		10"
251—1,000 VPD		1½"		2½"	3"	10"
1,001—5,000 VPD			2½"	3"	4"	12"

Notes:

1. Only roads that serve strictly residential uses (<1 percent trucks) shall use the sections listed above as residential. All other developments shall use the commercial/industrial sections.
2. All streets designated as "arterial" shall have a pavement design submitted that meet the requirements below.
3. Graded Aggregate Base (GAB).
- (2) The developer may submit for review and approval an alternative pavement design, prepared at the developer's cost. This submittal shall meet the following requirements:
 - a. Design prepared by a professional engineer licensed in Georgia.
 - b. Soils testing results prepared by a professional engineer licensed in Georgia.
 - c. Design shall be completed using the GDOT's "Asphalt Pavement Design Procedures", latest edition.
 - d. Design shall be based on 15-year pavement life.
 - e. Traffic shall be calculated using the Trip Generation Manual, by the Institute of Transportation Engineers, latest edition.
 - f. Traffic projections shall be made for any streets that serve areas outside of the proposed development.
 - g. Traffic counts, including truck traffic, shall be made as required on existing roads.

- h. Rockdale County will require written certification that material used in sub-base conforms to the soils test results used in the design.
- i. Cores of pavement and base will be made as necessary to verify actual thickness of each pavement layer (surface, base, and sub-base). Copies of the test reports will be made available to the inspector. The minimum number of cores of surface, binder, base, and sub-base is one core per 500 feet of each street (or one core with streets less than 500 feet in length).

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-7. - Street construction standards and specifications.

Unless otherwise specifically set forth in these regulations, all of the materials, methods of construction, and workmanship used in street construction shall conform to GDOT's "Standard Specifications for the Construction of Transportation Systems," latest edition and any amendments thereto.

- (a) *Pre-construction meeting.* A mandatory pre-construction meeting is required for all development, construction and land disturbing activities, unless this requirement is specifically waived by the department. The applicant or developer shall contact the department to schedule the pre-construction meeting. The department will ensure the attendance of all necessary county staff. The applicant or developer must, at a minimum, have the following project personnel attend the pre-construction meeting:
 - (1) On-site project representative on behalf of the applicant or developer.
 - (2) General and/or grading contractor.
 - (3) Sub-contractors performing drainage system installation, base course construction and asphalt paving.
 - (4) Other specialty contractors performing a significant portion of the work.
 - (5) Design professional responsible for project design.
- (b) *Clearing and grubbing.* Before grading is started, the entire right-of-way area shall be first cleared and grubbed of all trees, stumps, roots, brush, debris and other objectionable materials. Specific trees that are intended for preservation shall be indicated on the design plans and subject to the review and approval of the department. All clearing limits shall be marked and tree protection fence installed prior to the pre-construction meeting. All erosion control measures shall be installed as required by the approved plans and in accordance with this chapter.
- (c) *Rough grading.*
 - (1) Grading activities shall be performed in accordance with the lines and grades shown on the approved construction plans. Grading plans shall include a plan view of the proposed roadway, showing existing and proposed contour lines at an interval of no more than two feet, as well as a profile of the street centerline and all applicable curve and design data. Grading plans shall outline those areas required to remain undisturbed (i.e., tree protection areas, buffers, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas.
 - (2) Cut or fill slopes shall not exceed three horizontal units to one vertical unit, unless otherwise approved by the director based on site-specific topographic and geotechnical conditions. Flatter slopes shall be provided, where possible, to better accommodate utility installation and maintenance activities.
 - (3) Erosion and sediment control best management practices (BMPs) shall be installed in accordance with the approved construction plans, prior to or concurrent with all land disturbing activities. Alternate or additional BMPs may be required by the county inspector, if it is deemed that current measures do not provide adequate protection.

- (4) All suitable material from roadway cuts may be used in the construction of fills, approaches or at other places as needed. Excess or unsuitable materials, including organics, soft clay, etc., shall be removed from within the right-of-way and for a distance not less than one foot on each side of the road surface for each vertical foot of unsuitable material at the right-of-way line.
 - (5) Fill material shall be placed in uniform horizontal layers or "lifts," not to exceed a compacted thickness of more than six inches. Moisture content shall be adjusted as necessary to compact material to 95 percent of maximum dry density. The top 12 inches of sub-grade material under any roadway, drive or parking area shall be compacted to 98 percent of standard proctor density.
- (d) *Final grading and sub-grade preparation.*
- (1) After rough grading, storm sewer and utility installation is complete and the back-fill in all such ditches is thoroughly compacted, the sub-grade shall be brought to the lines, grades, and typical roadway section shown on the plans.
 - (2) All utility crossings shall be installed prior to sub-grade approval. If utility installation cannot be completed at this time, the developer shall coordinate the installation of casings or conduits to accommodate subsequent utility installation without disturbance to the sub-grade. Utility trenches cut in the sub-grade shall be backfilled and compacted as specified herein. The county inspector may require additional compaction tests at utility crossings to verify compaction.
 - (3) Prior to sub-grade inspection and approval, the design professional shall certify in writing to the department that the lines and grades of the proposed street or streets are within six inches of design grades. This letter shall be submitted prior to sub grade inspection by county personnel.
 - (4) *Sub-grade testing and inspection:* Sub-grade compaction shall be tested by the county inspector, prior to construction of the graded aggregate base course. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "roll test." The developer or contractor shall schedule all compaction tests with the county inspector no less than 24 hours in advance. The developer or contractor also shall provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. All areas or sections of the sub-grade that do not pass visual live load compaction testing, at the discretion of the county inspector, shall be corrected. Once the developer or contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.
 - (5) Provisions shall be made to provide adequate drainage of the road surface during the course of construction, including temporary four-inch drain lines in all concrete gutters.
- (e) *Graded aggregate base course construction.*
- (1) The base course shall consist of graded aggregate, of a minimum thickness as required based on the street classification. Minimum base course thickness is provided in subsection 332-6(h). The base course shall be constructed in accordance with the lines, grades and typical cross sections shown on the approved construction plans. All aggregate materials shall be secured from GDOT- approved sources and shall comply with section 815 of the "Standard Specifications for the Construction of Transportation Systems," latest edition.
 - (2) All base course material shall be spread uniformly with a mixture spreader, or other approved means, to the proper depth to obtain the required thickness. The maximum thickness of base course material to be placed in one course shall be six inches compacted. If the design thickness of the base course is more than six inches, it shall be constructed in two or more courses of approximate equal thickness. With sufficient and suitable equipment, the county inspector may allow base material to be placed in lifts up to eight inches.
 - (3) The moisture content of the aggregate material shall be uniformly distributed and shall be adequate to allow compaction to a minimum of 100 percent of the maximum dry density based on the modified proctor method. Immediately following the spreading of the graded aggregate, all material shall be compacted to the full width by rolling with a smooth-wheel, vibratory roller weighing seven to ten tons, or an equivalent sheepsfoot packer. Rolling shall progress gradually

from the edge to the center, parallel with the centerline of the street and lapping uniformly each preceding track by one-half the width of such track. Rolling shall continue until the entire surface is smooth, closely knit, free from cracks, conforming to the prescribed line, grade and cross section, within the limits specified.

- (4) Any irregularities, areas of segregation or depressions that develop under such rolling shall be corrected by loosening the material at these locations and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately, as required to prepare a uniform compacted base.
 - (5) Along curbs, headers, walls and at all locations not accessible to the roller, the base course material shall be compacted thoroughly with mechanical tampers or approved hand tampers.
 - (6) No base material shall be deposited or shaped when the sub-grade is frozen, thawing, or during other unfavorable weather conditions.
- (f) *Graded aggregate base course testing and inspection.*
- (1) *Cross section.* The cross section and crown slope shall be verified at intervals or locations determined by the county inspector. The developer or contractor shall provide a string line and dedicated personnel to pull the line and allow verification measurements to be made by the county inspector. Those areas or portions of the roadway, which do not comply with the design cross section or crown slope, shall be corrected and verified by county personnel prior to base course approval.
 - (2) *Roll test.* Base course compaction shall be tested by the department prior to the application of bituminous asphalt paving. Compaction testing shall be accomplished by visual inspections of actual live axle loads (roll test). The developer or contractor shall schedule all compaction tests with the county inspector no less than 24 hours in advance. The developer or contractor also shall provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. All areas or sections of the base course that do not pass visual live load compaction testing, at the discretion of the county inspector, shall be corrected. Once the developer or contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.
 - (3) *Prime coat.* At the completion of base course construction, testing and approval by the county inspector; the base course shall be primed and sealed with 0.25 gallon of R.C. 70 per square yard. This requirement may be waived by the county inspector, if the placement of asphalt paving is anticipated within the following three to five days and prior to any significant rainfall event.
 - (4) *Additional inspections due to weather conditions.* If a significant weather or rainfall event occurs following the approval of base construction but prior to asphalt paving, the county inspector may require additional roll testing to re-verify the structural integrity of the road base. The developer or contractor shall be subject to comply with such additional inspections, at the discretion of the county inspector.
- (g) *Bituminous asphalt paving.*
- (1) Bituminous asphalt production, handling, transportation and placement shall meet or exceed the requirements of the GDOT's "Standard specifications construction of transportation systems," latest edition and any amendments thereto. Asphalt pavements shall be of the superpave mix design, as specified herein; and the use of conventional mix designs will not be permitted, unless otherwise approved by the director.
 - (2) *Equipment.*
 - a. *Mechanical pavers.* Mechanical pavers used for the placement of hot-mix asphalt shall be capable of spreading and finishing all courses to the indicated widths and depths, true to line, grade and cross section, and shall be capable of striking a smooth finish, uniform in

density and texture. Mechanical pavers shall be equipped with extendable screeds, capable of spreading at the width of each travel lane in one pass.

- b. *Compaction equipment.* The compaction equipment must be in good mechanical condition and capable of compacting the mixture to the required density. The number, type, size, operation, and condition of the compaction equipment shall be subject to the approval of the county inspector. At a minimum, a smooth drum vibratory roller (minimum eight tons) and a separate pneumatic-tired roller shall be provided. An additional finish roller or larger equipment may be required by the county inspector, based on visual observations of surface texture or density tests.

(h) *Paving operations.*

- (1) The county inspector will require that a copy of the detailed asphalt mix design be submitted prior to asphalt paving. Only asphalt produced by a GDOT-approved plant may be utilized. Plant production, transportation and paving operations shall be so coordinated that a uniform continuity of operation is maintained. If the spreading operations are interrupted for one hour or more, a transverse joint shall be constructed. Asphalt shall be delivered to the job site at a temperature that is within 20° F (11° C) of the temperature of the job mix formula. The county inspector may reject any asphalt load that does not meet temperature requirements, contains segregated material or does not comply with mix design requirements.
- (2) *Weather limitations.* The mixing and placement of bituminous asphalt pavement shall not be performed when the existing surface is wet or frozen. For all courses, the air temperature for placement of the mix shall be in accordance with the "Table of Air Temperature for Placing Asphalt Pavement."

Table of Air Temperature for Placing Asphalt Pavement

Lift Thickness (Inches)	Minimum Temperature (°F)
1 or Less	55
1.1 to 2.0	45
2.1 to 3.0	40
3.1 to 4.0	35
4.1 to 8.0	32 ^a

Note a: Temperature must be rising and base material may not be frozen.

- (3) *Bituminous tack coat.* Tack shall be applied prior to the placement and compaction of all subsequent courses of asphalt pavement, in accordance with GDOT Standards, Section 413. On curbed streets, the edge of the gutter shall be tacked to provide a water-resistant seal at the joint. Special care shall be taken to avoid the application of bituminous tack to portions of the curb and gutter that are to be visible following construction.
- (4) Wearing course must be placed at the earliest of the following times:

- a. Upon completion (final inspection) of principal structures on 80 percent of the buildable lots in the subdivision.
 - b. Two years after recording of the final plat for the subdivision.
 - c. At an earlier time by the mutual consent of the developer and the department.
- (5) Prior to installation of the surface pavement course and bituminous tack coat, the county inspector shall inspect existing asphalt pavement for damage from traffic and construction activities. Any areas found shall be repaired to the inspector's satisfaction prior to final paving.
- (i) *Concrete streets.* Concrete streets are not allowed.
- (j) *Rural cross section.* Certain local residential roads may be constructed without curb and gutter as provided in this chapter. On all such rural streets, the road base shall be extended one foot beyond the edge of the pavement.
- (k) *Typical sections.* All streets and roadways shall be constructed to the typical sections specified in the Rockdale County Standard Design and Construction Details, based on street classification category.
 - (1) Copies of test results are to be made available to the county inspector as needed for verification of standards and specifications.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-8. - Curbs and gutters.

- (a) All new streets or street widening sections shall be provided with curb and gutter, except as noted below. All gutters shall drain positively with no areas of ponding.
- (b) Only in rare circumstances shall streets without curb and gutter be allowed with the approval of the director. Such cases may involve future street widening projects or unique circumstances that prevent the installation of new curb and gutter. Otherwise, all new streets shall have curb and gutter.
- (c) All concrete curb and gutter shall be GDOT Standard 9032B, Type 2 (except in subdivisions, where the curb and gutter shall be 24 inches wide, while all other dimensions remain). Roll-back or Hollywood curbing shall be prohibited.
- (d) Curbing shall conform to the following standards:
 - (1) Concrete shall be class "A," as defined by the GDOT, and have a minimum strength of 3,000 PSI at 28 days.
 - (2) One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at an interval not to exceed 250 feet in the remainder of the curb and gutter. Contraction joints also shall be provided at ten-foot intervals along the curb line.
 - (3) When the development ties into existing curbing, the curb and gutter shall transition to and match the existing width and profile at the connection point.
 - (4) Terminations or curb tapers shall be provided at the end of any gutter. The curb height shall be tapered from six inches to zero inches over a distance of six feet.
- (e) Curb and gutter shall be set true to the line and grade of the street, horizontally and vertically field staked and finished to the section shown on the plans. Line and grade shall be established by the developer's engineer or surveyor. Offset staking shall be provided at 50-foot intervals.
- (f) Curbing not installed in accordance with the requirements of this section or the standard details shall be removed and replaced at the developer's expense. The county inspector may require and the developer shall provide core samples to verify concrete thickness.

- (g) Disturbed areas along all curbing shall be back-filled, compacted, stabilized and grassed.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-9. - Sidewalks and bikeway requirements.

- (a) Sidewalks shall be located:
 - (1) Along the street frontage of all commercially zoned property
 - (2) Along the existing street frontage of any new development
 - (3) Within a ½-mile radius of any public school
 - (4) On one side of all streets in any residential subdivision except in the A-R and W-P zoning districts.
- (b) Sidewalks in subdivisions shall be continued to the nearest arterial street.
- (c) Sidewalks shall be located as shown on the Rockdale County Standard Design and Construction Details. All new sidewalks shall match and provide a smooth transition to any existing sidewalk.
- (d) Sidewalks shall be installed on an individual lot basis at the time of building construction. The county shall inspect the location and construction of the sidewalk and shall not issue a certificate of occupancy until the required sidewalk is properly installed.
- (e) A strip of grass or other approved landscape material at least four feet in width shall separate all sidewalks from adjacent curbs on public streets. See Rockdale County Standard Design and Construction Details.
- (f) Sidewalks shall be concrete and a minimum of five feet wide and four inches thick. Concrete shall be class "A," as defined by the GDOT, and have a strength of 3,000 PSI at 28 days. Disturbed areas along sidewalks shall be backfilled, compacted, stabilized and grassed. The county inspector may require and the developer shall provide core samples to verify core thickness.
- (g) Additional sidewalks and/or pedestrian easements may be required in subdivisions or developments where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (h) Bicycle lanes, where provided, shall be a minimum of four feet in width and placed between the outside lane of a roadway and the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with appropriate markings, as required by MUTCD Standards. Bikeways and bicycle lanes must be pre-approved by the department and meet the requirements of AASHTO "Guide for the Development of Bicycle Facilities," latest edition.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-10. - Traffic calming devices.

- (a) Easeabouts and associated signage shall be included in the design and construction of all streets and roads in the county where either the design speed or the posted speed limit is 35 miles per hour or less.
- (b) The director shall establish specific standards for the design, construction, placement and planting plan for easeabouts, as well as for the design and construction of other types of island splitters, including entrance islands, boulevards, roundabouts, cul-de-sac islands and other such vegetated or natural islands within the right-of-way. These standards shall be known as "Island, Easeabout and Roundabout Design and Placement Standards for Rockdale County," further referred to and known as the design and placement standards and are hereby made a part of this section by reference. The

design and placement standards are available to the public and shall be maintained in the offices of the department and the office of the board of commissioners. The director may, from time to time, modify these technical standards.

- (c) Easements for all local streets shall be designed and installed in accordance with the design and placement standards. Easements shall be placed at intervals and locations as specified in the design and placement standards.
- (d) All other types of islands or island splitters, including entrance islands, roundabouts, cul-de-sac islands and other such vegetated or natural islands within the right-of-way shall conform to the design standards contained in the design and placement standards.
- (e) Other designs or types of traffic calming devices may be approved at the discretion of the director, provided that such devices meet the following minimum criteria:
 - (1) The proposed traffic calming device must be recognized as such by the transportation industry, i.e., it must be recognized by the Institute of Transportation Engineers, American Association State Highway Transportation Officials, the Federal Highway Administration, the American Traffic Safety Services Association or other nationally recognized transportation industry organization or guiding authority.
 - (2) The proposed traffic-calming device must be designed, located and constructed in accordance with the minimum standards of the approving organization or guiding authority. The director may impose additional design, location or construction criteria prior to approving such a device.
 - (3) The proposed traffic-calming device must include plantings, water quality or other environmental enhancements or beautification elements.
 - (4) Traffic calming may be accomplished via proper geometric design of the streets. Such designs may be accepted by the director in lieu of easements or other structural traffic calming devices.
 - (5) The director may disallow the use of devices that meet the criteria set forth in subsections (a) through (d) of this section if, in his judgment, the installation of such a device would create unusual or costly maintenance, create a safety hazard, restrict movement of emergency vehicles, or would otherwise not be in the best interest of the county.
- (f) Islands that are not specifically for traffic calming, such as entrance islands, cul-de-sac islands, tree save islands or other decorative islands, may be approved for construction by the director, if they conform to the design principles contained in design and placement standards.
- (g) All plant materials included in easements or other islands shall be installed at the expense of the developer and shall be maintained by the subdivision's homeowner's association. A notification to this effect shall be included on the final plat recorded for the subdivision.
- (h) The director may, at his or her discretion, approve unusually shaped islands or innovative designs.
- (i) Any party may appeal a decision of the director regarding the design, construction, placement or planting requirements for easements, entrance islands, roundabouts, cul-de-sac islands or other vegetated or natural islands within the right-of-way to the board of commissioners. The notice of appeal shall be filed with the clerk of the board of commissioners within ten days of the written decision of the director. The clerk of the board of commissioners shall set forth a date, time and place for the appeal hearing no less than ten days and no more than 30 days after the date the notice of appeal was filed with the clerk of the board of commissioners. The appellant shall submit a \$75.00 fee with the notice of appeal to defray administrative costs.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-23, § 11, 10-9-2007)

Sec. 332-11. - Traffic control devices.

- (a) *MUTCD compliance.* All traffic signals, signage, striping and pavement markings shall conform to the MUTCD, latest edition and any amendments thereto. Traffic control signs shall comply in shape, color, size, reflectivity, height, materials and placement.
- (b) *Traffic signage.*
 - (1) After final plat approval, the developer shall procure and install all necessary traffic signs, traffic signals, and pavement markings as called for in the final plat. Rockdale County will inspect the installation to insure that work is done in accordance with the final plat and the Manual on Uniform Traffic Control Devices (MUTCD).
 - (2) Any signs that are damaged following initial installation, due to additional work at the site, shall be replaced at the developer's expense.
 - (3) Decorative signs or traffic control devices shall be prohibited. The use of decorative signposts may be approved at the discretion of the director, if covenants are provided that require decorative sign post replacement to be funded by an established property owner's association. If decorative signposts in any development are damaged or worn, the county will provide only a standard U-channel sign post as replacement.
- (c) *Pavement markings.*
 - (1) Local streets with curb and gutter are exempt from traffic striping requirements, except for stop bars at stop signs and markings at ease-about and traffic circles. All other street classifications shall require both centerline and edge line striping in accordance with this chapter.
 - (2) All centerline or edge line striping shall be performed in compliance with GDOT Standard 652, Paint Striping. On any street classified as a major collector or arterial, all traffic striping shall be thermoplastic in accordance with GDOT Standard 653.
 - (3) All pavement markings shall be reviewed and approved by the department. All pavement markings shall be thermoplastic and shall be installed in accordance with GDOT Standard 653 and MUTCD requirements.
 - (4) On any newly paved or resurfaced streets on public rights-of-way, thermoplastic stop bars are required on all approach lanes in accordance with MUTCD Standards.
 - (5) Raised pavement markers or similar devices shall be required on all major collector and arterial streets, and on any other street installed by developers where safety conditions warrant such devices.
- (d) *Traffic signals.*
 - (1) Prior to the installation of a traffic signal, the installation of a single-lane roundabout shall be considered.
 - (2) Traffic signal installation must be approved by Rockdale County and the GDOT, if on a state route. The developer shall submit a traffic study prepared by a professional engineer, registered in the State of Georgia, detailing existing and projected traffic volumes, movements, capacity and required improvements. The director may require that a traffic study be provided for any development where increased traffic volumes may significantly impact the existing capacity, traffic flow or safety on any existing county road.
- (e) *Traffic safety improvements.* It shall be the developer's sole responsibility to fund, design, construct and/or install any all traffic safety improvements and traffic control devices required to provide safe ingress and egress to any development.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-12. - Unpaved county roads.

- (a) Paving of the county's unpaved roads will be accomplished under the following procedures subject to availability of funds:
- (1) *Roads requiring additional right-of-way.* These type roads are generally connecting roads to other more heavily traveled roads in the county. The road design would be in accordance with the subdivision standards.
- a. Property owners will submit a request to the department to pave the road.
 - b. The request would include a signed petition by at least 60 percent of the owners that agree to donate the necessary right-of-way.
 - c. Upon completion of concept design, Rockdale County will provide notice to the public of a public information meeting (PIM) on the specific project. The purpose of the meeting will be to reveal the concept design and address any questions that the citizens may have on the project. Following the PIM, Rockdale County will evaluate the comments from this meeting; and, if 80 percent support is achieved, Rockdale County will proceed with the final design plans.
 - d. Upon completion of the final design plans, a second PIM will be held to answer any questions that may arise. Immediately following the second meeting, personal contact will be made with each property owner to secure donations of right-of-way. This contact will be made by an independent land acquisition person and/or a county employee to secure the right-of-way. At this stage of design, if a minimum of 80 percent of the property owners on the project have signed deeds donating right-of-way to the county, the county will proceed with right-of-way negotiations with the final 20 percent of the property owners. The percentage referred to in this paragraph may be changed for public necessity by the board of commissioners.
 - e. If Rockdale County is unsuccessful in securing the right-of-way from the final 20 percent of the property owners, the county shall proceed with condemnation of the right-of-way.
- (2) *Roads not requiring additional right-of-way.*
- a. The criteria for these roads would be in accordance with the following:
 1. Traffic volumes less than 100 vehicles per day.
 2. Dead-end road.
 3. Existing right-of-way of at least 50 feet.
 4. Less than ten homes/residences adjacent to the road.
 5. No major drainage problems.
 6. No major environmental issues.
 7. Little or no crash history.
 8. Approximately ½ mile in length or less.
 - b. The design of the road would be in accordance with the Guidelines for Geometric Design of Very Low-Volume Local Roads, latest edition.
 - c. The pavement structure would consist of a graded aggregate base (at least four inches) and a two-inch asphalt paved riding surface of at least 18 feet wide and a total roadway width of at least 20 feet.
 - d. Trees, vegetation side slopes, and open drainage abutting the roadway would be undisturbed to the maximum extent possible without compromising public safety.
- (b) Paving of the unpaved county roads has to be included in the Rockdale County/City of Conyers Comprehensive Transportation Plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Secs. 332-13—332-15. - Reserved.

ARTICLE II. - DRAINAGE SYSTEM

Sec. 332-16. - Drainage system requirements.

- (a) *Drainage improvements required.* Drainage systems may include, but are not limited to, culverts, storm sewer piping, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, and ditches, shall be provided for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-way. Drainage systems that are designed to carry runoff from more than one parcel, existing or proposed, and the public right-of-way, shall meet the requirements of these regulations.
- (b) *Standard specifications.* Unless otherwise specifically set forth herein, all of the materials, methods of construction and workmanship for the work covered in reference to drainage system construction shall conform to the most recent standard specifications of the GDOT "Standard specifications, construction of transportation systems," latest edition, and any amendments thereto. For roads constructed with public funds, either wholly or in part, or for roads classified as principal arterials, minor arterials, or collector streets, materials that meet the GDOT design standards shall be used, unless an alternative is specifically approved by the department.
- (c) All drainage structures shall be constructed in accordance with the GDOT's current standard details.
- (d) *Design criteria - general.*
 - (1) All drainage system design calculations shall be certified by a registered professional engineer or landscape architect, licensed in the State of Georgia.
 - (2) The methods utilized in calculating stormwater runoff and peak flows from any drainage basin or basins, shall be appropriately selected based on the relative size of each basin and best engineering practice for recommended hydrologic methods and basin size limitations. See "Table of Recommended Hydrologic Methods."

Table of Recommended Hydrologic Methods

Method	Basin Size Limits
Rational	0—25 acres
SCS	0—2,000 acres
USGS	25 acres—25 square miles

;sz=8a;Note: For estimating peak flows only.

- (3) All portions of a drainage system, which drain areas falling within a specific category above, shall be analyzed using the same methodology.

- (4) Runoff coefficients used for the rational method and runoff curve numbers used for the SCS method shall be consistent with those shown in the "Georgia Storm Water Management Manual," latest edition.
 - (5) Culverts carrying live streams shall extend to where the crown of the pipe intersects the roadway slope. Pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines and may be required to extend farther, where necessary to provide an adequately protected building site on the property. The length requirement, however, shall be subject to requirements for maintaining stream buffers in accordance with Georgia law or county regulations.
 - (6) No drainage system piping shall be installed beneath or within the load bearing soil strata supporting any building or structure.
- (e) *Design criteria - cross drain culverts (Streams or major drainage channels).*
- (1) Cross drain culverts or pipe systems designed to convey water from one side of a public right-of-way to the other shall be designed to pass the fully developed peak flow associated with a 100-year storm, with at least 1.5 feet of freeboard between the 100-year ponding elevation and the centerline of the road, without raising the 100-year flood elevation on upstream properties. Fully developed flows shall be based on the future land use plan adopted by the board of commissioners. See chapter 320 for more information.
 - (2) The 100-year ponding limits at and upstream of the culvert shall be shown on the development plans and on the final plat (if applicable).
 - (3) The minimum allowable culvert diameter shall be 18 inches. Culvert design shall include a thorough analysis of both inlet and outlet control conditions.
- (f) *Design criteria—longitudinal storm sewer piping.*
- (1) The preliminary design (initial pipe sizing and profile design) of longitudinal pipe collection systems shall be based upon conveyance of the peak flows associated with a fully developed 25-year storm with the hydraulic grade line (HGL) being one foot or more below the top of each structure, gutter line or proposed final ground surface elevation, whichever is lowest. All longitudinal piping within a Federal Emergency Management Agency (FEMA)-identified floodplain shall be sized to adequately convey the 100-year frequency storm event.
 - (2) The minimum allowable pipe diameter shall be 18 inches.
 - (3) Storm sewer inlets or catch basins shall be provided and spaced so that the gutter spread for a ten-year design flow shall not exceed the following, as measured from the face of the curb:
 - a. Four feet or less based on the requirements of the GDOT Drainage Manual, if the street is classified as a principal arterial or minor arterial.
 - b. Six feet, if the street is classified as a collector street.
 - c. Fourteen feet at any given section, but in no case greater than eight feet on one side of the street, if the street is classified as a local street.
 - (4) Gutter spread calculations shall be included in the hydrology study and on the development plans.
 - (5) Complete pipe sizing, flow, velocity and hydraulic grade line computations shall be provided for all portions of a piped collection system. Hydraulic grade lines shall be shown on the storm drainage profiles contained with the development plans for the 25-year storm. A storm drainage pipe chart shall be provided with the construction drawings showing pipe identification, type, size, length, Q_{design} , Q_{max} , HGL at each end and velocity at the discharge point.
 - (6) Where open drainage channels are proposed, flow, typical sections, velocity and specifications for non-erodible linings shall be provided. Calculations are to be based on the 25-year storm event.

(g) *Energy dissipation - piped systems and culverts.*

- (1) Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. Outlet protection shall be in accordance with the "Manual for Erosion and Sediment Control in Georgia," latest edition and Georgia Stormwater Management Manual.
- (2) Energy dissipation devices shall be located entirely within the project site, no closer than 20 feet from any property line, and shall not encroach upon any required buffer.
- (3) When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

(h) *Pipe material specifications.* Pipe materials shall be provided in accordance with the Selection Guidelines for Storm Sewer Piping, based on application, traffic and flow conditions (See Standard Design and Construction Details).

- (1) Corrugated steel pipe and pipe arches shall conform to the requirements of AASHTO M-36, and shall be Aluminized Type II.
 - a. Aluminized Type II coated steel pipe shall comply with AASHTO M-274 for coating requirements and AASHTO M-36 for the pipe fabrication
 - b. No corrugated steel pipe may be utilized in a flowing stream application.
 - c. The gauge, diameter, and corrugation configurations for corrugated steel pipe and pipe arches shall be in accordance with GDOT Standard 1030-D.
 - d. Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed as to lap on an equal portion of each of the pipe sections to be connected. The connecting bands shall have a minimum of four annular corrugations and shall fully engage, over the entire pipe periphery, two corrugations on each pipe end. Bands shall be fabricated from the same material as is the pipe, and the gauges shall be as specified in section 9.2 of AASHTO M-36.
 - e. Gaskets may be required, as determined by the county inspector in the field, and shall be either sleeve type or O-ring type, and shall meet the requirements for gaskets as specified in section 9.3 of AASHTO M-36.
 - f. Corrugated steel pipe shall not be laid at slopes of less than one percentage of paved invert.
- (2) Reinforced concrete pipe joints shall be not less than eight feet in length, unless approved by the director for the installation of very large diameter pipe. All joints shall be bell and spigot-type, using an O-ring 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 GDOT 1030-D.
- (3) Corrugated aluminum alloy pipe shall comply with AASHTO M-196 for material and fabrication.
 - a. The gauge, diameter and corrugation configurations for corrugated aluminum alloy pipe and pipe arches shall be in accordance with GDOT Standard 1030-D.
 - b. Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed as to lap on an equal portion of each of the pipe sections to be joined. The connecting bands shall have a minimum of four annular corrugations and fully engage, over the entire pipe periphery, two corrugations on each pipe. Bands shall be fabricated from the same material as the pipe. The minimum band gauges for aluminum alloy pipe shall be as specified in AASHTO M-196, Section 19.

- c. Gaskets may be required, as determined by the county inspector in the field, and shall be either sleeve-type or O-ring-type and shall meet the requirements for gaskets published by AASHTO.
- (4) Structural plate drainage structures shall conform to the following specifications:
 - a. Corrugated steel structural plate pipe, pipe arches and arches shall consist of galvanized plates, bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-167.
 - b. Corrugated aluminum alloy structural plate pipe, pipe arches and arches shall consist of aluminum plates and galvanized bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-219.
- (5) *Corrugated high-density polyethylene pipe - Smooth lined Type "S".*
 - a. This specification is applicable to nominal sizes 18 inches in diameter or larger. Requirements for test methods, dimensions and markings of pipe sizes 18 through 36 inches in diameter are those found in AASHTO Designation M-294. HDPE pipe manufacturers shall be approved by the GDOT. HDPE pipe larger than 36 inches in diameter shall be subject to approval by Rockdale County.
 - b. Pipes and fittings shall be made of polyethylene compounds that meet or exceed the requirements of Type III, Category 4 or 5, Grade P33 or P34, Class C per ASTM D-1248, with the applicable requirements defined in ASTM D-1248. Corrugated fittings may be either molded or fabricated by the manufacturer. Fittings supplied by manufacturers other than the supplier of the pipe shall not be permitted without prior approval from Rockdale County.
 - c. Joints shall be made with split couplings, corrugated to engage the pipe corrugations, and shall engage a minimum of four corrugations, two on each side of the pipe joint. Where required by Rockdale County, a neoprene gasket shall be utilized with the coupling to provide a soil-tight joint. Gaskets shall conform to ASTM F-477.
 - d. Installation shall be in accordance with ASTM Recommended Practice D-2321 or as specified by Rockdale County. Certification from the manufacturer that the product was manufactured, tested and supplied in accordance with this specification shall be furnished to Rockdale County upon request.
- (i) *Pipe installation standards.* Reinforced concrete pipe, corrugated steel and aluminum alloy pipe shall be bedded and backfilled in the same manner. Corrugated high-density polyethylene pipe shall be bedded and backfilled in accordance with the GDOT Standard Specifications. In addition, prior to approval of a final plat, the county may require the submittal of certification from a mandrel testing agency indicating that any HDPE pipe installed does not exceed 5.0 percent deflection.
 - (1) *Pipe bedding.* All piping and structures shall be placed on stable earth, fine granular foundation, or rock backfill, the characteristics of which would be expected to provide long-term stability and allow for the pipe to be laid accurately. In all live stream pipe installations, in areas of low-bearing solid or non-uniform foundations, in areas where rock is encountered at the foundation level or in other locations where conditions warrant, a minimum of six inches of crushed stone bedding is required, (maximum size of stone shall be $\frac{3}{4}$ -inch). Geo-textiles or geo-grids also may be required by the county inspector in unstable materials.
 - (2) *Backfilling.* Backfill on all pipe installations shall be constructed using rock backfill material, as specified in GDOT Standards 812.01 and 812.02, respectively. These materials shall be placed in layers of not more than six inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:
 - a. Backfill within all street rights-of-way shall be compacted to 98 percent maximum.

- b. Backfill in all other areas shall be compacted to 95 percent maximum density, tested using the AASHTO Method T-99.
- (3) *Construction loads and minimum cover.* The minimum cover for any pipe or culvert shall be two feet. Minimum cover shall be measured from sub-grade elevations, to ensure adequate pipe protection from construction loads.
- (4) *Inspection of pipe installation.* All pipe shall be installed in a straight approach in strict accordance with the lines and grades shown in the approved construction drawings. The county inspector shall provide periodic inspections of all drainage system installation, to insure compliance with these regulations. No cross drain piping or piping under the proposed paved surface shall be completely backfilled prior to the inspection of all pipe joints, bedding, initial backfill and compaction up to the pipe center line. A final inspection and approval of all pipe installation shall be required at the completion of construction activities, and prior to final plat approval.
- (j) *End finish.* Headwalls or other end treatments are required on all culverts (except under residential driveways) and at the outlet of all piped collection systems.
 - (1) Headwalls shall be pre-cast concrete or poured-in-place, with adequate steel reinforcement and concrete footings. Headwalls shall be required at any pipe inlet where erosion protection and slope stabilization is required.
 - (2) Flared end sections shall be concrete or aluminized coated metal only, in accordance with GDOT Standard 1120. Tapered end cuts on metal pipe may be permitted in lieu of flared end sections, at the discretion of the department.
 - (3) Safety end sections shall be concrete in accordance with GDOT Standard 1122.
- (k) *Junction boxes and catch basin.*
 - (1) *General requirements.* A junction box, catch basin or other approved drainage structure shall be provided at all points where a change in the horizontal or vertical alignment of any pipe segment occurs, or at intervals not to exceed 300 feet. The change in directional flow in any junction box or catch basin shall not be greater than 90 degrees.
 - (2) Junction boxes, catch basins, inlets and all other accessible drainage structures shall be constructed of pre-cast, reinforced concrete, minimum four feet in diameter or larger. Structures shall be properly sized (diameter) and pre-cored (inlets and outlets) based on the diameter(s) of piping to be connected. All pre-cast drainage structures with a finished depth greater than four feet shall be provided with accessible polypropylene composite steps spaced at not more than 12 inches vertically on center. All pre-cast drainage structures shall include a metal ring and cover, to provide access for maintenance personnel. Junction boxes shall require a Standard 310 (traffic rated) ring and cover, which shall either be cast in or grouted to the cone section.
 - (3) Catch basins shall be constructed in accordance with GDOT Standards 1033D (Single Wing) or 1034D (Double Wing). All catch basins located along the radius of any cul-de-sac shall be constructed in accordance with GDOT Standard 1033F or 1034F (Offset). Catch basins shall require a reinforced pre-cast "round-to-square" adapter set at a depth of not less than six inches below the gutter elevation, to provide additional gutter clearance and throat support. The throat and top of each catch basin shall be cast-in-place, and the edge of the top facing the travel lane shall include chamfered edges to prevent possible tire damage. The vertical opening of any catch basin, measured at the gutter line, shall not be less than 5½ inches or greater than eight inches. Each catch basin top shall include a metal ring and cover (Standard 1033) to provide access for maintenance personnel.
 - (4) *Curb inlets.* The use of hood and grate curb inlets, in accordance with GDOT Standard 1019, may be used along curb radii less than 25 feet, but shall not be used in any cul-de-sac turnaround or at the low point of any sag vertical curve draining more than 300 linear feet of road surface.

- (5) *Finish.* Drainage structures shall be set at the proper location and installed plumb. The tops of all drainage structures shall match final grade. The pipe end at the connection to any drainage structure shall not extend more than six inches past the interior wall of the structure, when measured at the centerline of the pipe. All pipe end connections shall be adequately sealed with a non-shrink grout. Both sides of pipe shall be grouted (inside and outside) for erosion and sediment control and to ensure complete seal of structure. All sediment and debris shall be removed from each structure prior to final inspection and approval. All drainage structures that are damaged during construction activities shall be repaired and or replaced, at the discretion of the county inspector.
- (l) *Special structures.* The use of special structures such as natural bottom arches and box culverts, are subject to the review and approval of the director. Special structures may be permitted in accordance with the latest "Georgia Department of Transportation, Standard Specifications, Construction of Transportation Systems," latest edition. Additional fees for review and inspection may be charged to the developer. In addition, a separate maintenance bond may be required for the approved special structure.
- (m) *Drainage ditches and swales.*
- (1) Ditches, swales or channels shall be designed and constructed to convey at least the fully developed 25-year storm, with freeboard equal to 20 percent of the design flow depth, or one foot, whichever is greater. All channels that lie within a FEMA-indicated floodplain shall be designed to adequately convey the 100-year frequency storm event.
 - (2) Transition channels shall be provided at the inlet and outlet ends of all culverts and pipe systems, unless otherwise provided herein.
 - (3) The maximum flow rate and velocity at the project site's downstream property line shall not exceed the pre-developed flow rate and velocity.
 - (4) In cases of potential erosion due to irregular channel alignment, extreme velocities or excessive slopes, a paved ditch or concrete valley gutter may be required. However, if, in the opinion of the director, the expected long-term maintenance of an open or surface drainage system could prove impractical; a closed or piped drainage system design may be required.
 - (5) The cross-sectional shape of channels shall be as found in the standard design and construction details. "V"-shaped cross sections are not permitted in grassed channels.
 - (6) If the channel will be affected by backwater from culverts, bridges, other structures or floodplains; backwater curves shall be shown in profiles of the channel.
 - (7) *Construction standards.* Ditches and channels shall be constructed to the line, grade and cross section specified on the approved plans and shall be free of gullies or other irregularities. Protective cover in grassed channels shall be installed as soon as practical, to prevent possible erosion. All ditches or channels constructed in fill material shall be lined with appropriately sized coarse aggregate or other approved materials, based on design velocities.
- (n) *Easement requirements.*
- (1) Easements, where required shall have a minimum width of ten feet on either side of the lot line where pipes outlet between lots.
 - (2) Drainage easements for improved ditches, pipe construction and detention facilities shall be cleared, opened and stabilized at the time of development to control surface water run-off. Easements may not have a cross slope greater than 4:1 (horizontal:vertical).
 - (3) Run-off slope and side slopes are to be specified by the developer's engineer, according to good engineering practice. Drainage easements shall be provided according to the minimum requirements found in the "Table of Easements for Storm Drain Pipes and Systems" and shall conform to county standards.

Table of Easements for Storm Drain Pipes and Systems

Diameter of Pipe	Minimum Easement Width
18 inches to 36 inches	20 ft.
42 inches to 72 inches	25 ft.
Over 72 inches	30 ft.
Multiple Pipes	Standard width plus ten feet
Improved Ditches/Natural Watercourses	20 feet + width at top of ditch
* Additional width may be required by the director for deep installations	

- (4) Where a subdivision is traversed by a stream or other state waters, a stream buffer is required in conformity with subsection 306-4(c)(15).
- (5) Where a subdivision is traversed by a drainage way or channel other than state waters there shall be dedicated an access and maintenance easement measuring not less than 20 feet in width or at least ten feet on each side of the top of bank, whichever is greater.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-17. - Bridges and concrete box culverts.

- (a) The design and construction of bridges and concrete box culverts shall comply with all applicable standards of the GDOT and AASHTO.
- (b) The review and inspection of bridge and concrete box culvert design and construction are subject to additional fees, as imposed by the department. Said fees shall cover the costs of an independent structural review and supplemental inspections, performed on behalf of the county at the discretion of the director, by an independent registered professional engineer.
- (c) At the completion of bridge and/or concrete box culvert construction, the designer and engineer of record shall provide written certification that the structure was constructed in accordance with the approved plans, all applicable standards of the GDOT and that the bridge or concrete box culvert is complete, structurally sound and safe to accommodate traffic.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-18. - Walls.

- (a) No fence (other than subdivision entrance walls, noise abatement walls or walls used as a required buffer between two dissimilar zoning densities) shall be more than eight feet in height or be constructed on public right-of-way or future street right-of-way. If a wall is to be located adjacent to a public road and within the required yard within a zoning district, the wall shall not exceed four feet in height and should not obstruct sight distance for motorists. Should a wall be erected in error within

the right-of-way, Rockdale County shall not be responsible for replacing or repairing the nonconforming structure.

- (b) When permanent grades are proposed with a resulting slope steeper than one foot vertical for every two feet of horizontal displacement (2:1), an appropriate retaining structure shall be designed by a registered professional engineer to be constructed of reinforced concrete or other masonry materials designed by a registered professional engineer in compliance with applicable regulations of the U. S. Occupational Safety and Health Administration. An engineered design may be substituted for the reinforced concrete design, if the specific vendor has a pre-qualified acceptance from the building official. All structural components of the wall shall meet the minimum building codes for the proposed use.
- (c) When the necessity for an earth retaining structure is required for a vertical displacement of 30 inches or less, appropriate landscaping timbers, or approval equal, may be employed if no permanent structure is supported by the soil retained by the retaining wall. The use of railroad cross ties or other timber product will be allowed only in these instances as per detail.
- (d) All wall designs must demonstrate complete dimensions for line and grade. Wall design will consider foundation drainage and select backfill material for the proposed conditions.
- (e) Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface runoff of stormwater. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.
- (f) Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free-standing structure and shall be inspected, as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the engineer of record to submit a certification of the nonconforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the inspector has not been provided ample opportunity to inspect the structure, the contractor must provide a certification of the construction by the engineer of record and geotechnical reports for concrete testing for strength and reinforcing steel specifications. Failure to comply with the requirements of this section will require that the remaining work cease and/or removal of non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the director.
- (g) Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydrostatic load, as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of one foot and an emergency overflow capacity equal to the allowable peak discharge for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.
- (h) Any construction that may impact or be within the right-of-way of an existing or proposed water or sanitary sewer easement must be approved by the utility providing service.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-23, § 12, 10-9-2007)

Secs. 332-19—332-23. - Reserved.

ARTICLE III. - PUBLIC UTILITIES INSTALLATION

Secs. 332-24—332-39. - Reserved.

ARTICLE IV. - STREET LIGHTING

Sec. 332-40. - Authority and responsibility.

- (a) The board of commissioners hereby declares that the cost and service for creation of street light districts or street lighting hereafter created shall be a service and not a tax, as authorized by Georgia Constitution Article IX, Section IV, Paragraph II.
- (b) The board of commissioners may contract with public utilities for the purpose of carrying out the terms of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-41. - Applicability.

- (a) The owner, developer or other person developing a subdivision shall be required to provide street lights that conform to all of the standards provided for in this article and, in addition thereto, shall be required to obtain approval of the street light layout from the department prior to the construction of any street light facilities. Approval or final acceptance of the subdivision requires compliance with this article.
- (b) The owner, developer or other person developing a shopping center, industrial park, office park, apartment complex or like development within a designated street light district shall provide street lights along public rights-of-way adjoining that property that conform to all standards provided for in this article; and the owner or developer shall obtain approval of the street light layout from the department prior to commencing any construction of any street light facilities.
- (c) The department shall not recommend the acceptance of any public streets or roads proposed to be dedicated to the county for perpetual ownership and maintenance until such time as the street lights conform to the approved street light layout.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-42. - Procedures.

- (a) *Street lights.* Street lights shall be required to be provided by the developers of all new subdivisions or other developments utilizing new streets or roads to be dedicated to the county or existing county roads or any combination, unless waived by the board of commissioners. Unless so waived, the developer, at the time of submitting the final plat to the department shall:
 - (1) Submit a final street light layout prepared by the utility company, which will provide the lighting service showing exact location of street lights within the development or subdivision. For residential and non-residential subdivisions, this drawing must be approved by the department prior to obtaining any building permit within the subdivision. Fixtures and standards/poles installed or used shall be approved by the utility company, which will be responsible for the maintenance of the facilities, and by the department. The fixtures shall be mounted a minimum of 25 feet above the ground, and each fixture shall have appropriate arm length to illuminate the street. The department may require, in addition to other requirements, a light to be located at any or all street intersections within the subdivision or other development.
 - (2) Pay all costs for standards/poles, fixtures and any other related items or materials necessary for the installation.
 - (3) Submit proof of payment for complete installation to the Rockdale County Department of Transportation.
 - (4) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.

- (b) *Underground cable for electric service.* In subdivisions utilizing underground cable for electrical service, the developers shall be required to accomplish the same items listed in subsection (a) above.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-43. - Creation of district.

- (a) *Petition by lot owners.*

- (1) Any lot owner in any unincorporated area of the county may present a request for the creation of a street light district to the director. Upon receipt of the request, the department shall determine the appropriate boundaries for a street lighting district that will serve the lot owner presenting the request and neighboring lot owners. The department then shall prepare a plat showing this proposed street lighting district, and a petition for the creation of the proposed street lighting district then shall be circulated among the lot owners in the proposed district. That petition shall provide space for the lot owners in the proposed district to sign, showing whether it is their preference that the proposed district be created. Once a petition has been returned to the department, there shall be no changes in the preferences recorded thereon, and the petition shall clearly state the same. If more than 50 percent of the lot owners in the proposed district sign the petition approving the creation of the street lighting district, notices shall be posted in the proposed district stating that:

"Notice: Rockdale County has received a petition for street lights. A public hearing is not required unless requested in writing by (date). For information call (telephone number)."

- (2) If such hearing is requested, the person requesting that hearing shall be notified of the date and time of the hearing, and a legal advertisement announcing the public hearing shall be published once in the official legal organ of the county. At any such hearing, the board of commissioners shall determine whether to create the proposed street lighting district. Safety and economic factors shall be the prime consideration in making such determination. If there is no request for a hearing or if 100 percent of the lot owners have signed the petition, the street lighting district shall be created, upon approval of the board of commissioners. The department will take no action on petitions with less than a majority of the lot owners' approval.
- (3) The petition for creation of the proposed street lighting district must be returned to the department within 90 days after it is obtained from the department, however, the director may, in his discretion, for good cause shown, extend the time for the return of the petition an additional 30 days, for a total of 120 days, when a request for such extension is made to the director before the expiration of the original 90 days.
- (b) *Special conditions.* In areas where special conditions as to safety, security, land topography, economic and other factors may be involved; the board of commissioners may create special street lighting districts and provide for special street lighting under such terms and conditions as may be determined by the board of commissioners, any other provisions of this article to the contrary notwithstanding; provided, however, that in such instances, a public hearing shall be held by the board of commissioners after advertisement in the official organ of the county, one time at least ten days before conducting such public hearing.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-44. - Costs and assessments.

- (a) The cost of providing and maintaining street light service in existing street light districts and in street light districts hereafter created shall be borne by the lots and lot residents within the street light districts who are billed for utility services provided to the lots by utility providers who, by agreement

with the county, will bill for street light service, whether or not the lot is located within the boundaries of a particular subdivision, so long as the lot is located within the boundaries of a street light district.

- (b) The charge, therefore, shall be determined by the department and approved by the board of commissioners and shall be posted and open for public inspection in the offices of the department and the clerk of the board of commissioners. The initial charge for each proposed street lighting district created by petition also shall be included on the petitions circulated through the proposed district. In the event of excessive vandalism to street lights within a district that results in the county being billed for repairs, the county may prorate those repair bills and add a pro rata share of those bills to the charge.

In those districts in existence as of the date of adoption of this UDO or that may hereafter be created in which there is construction cost, the same shall be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and shall be accordingly per lot.

- (c) *Payment date.* The due date for the payment of the services and sums provided in this article shall be the same date of each month as the utilities are due to the utility provider that bills for lighting service on behalf of the county, and subject to the same penalties for late payment and for failure to pay. Any utility service provided by the utility provider may be discontinued for late payment or non-payment.
- (d) *Responsibility for collection of money.* The billing, accounting, collecting and receiving of the money provided for in this article shall be performed by Rockdale County Water Resources, which will, by agreement with the county, perform those functions on behalf of the county.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 332-45. - Standards of installation and operation.

- (a) In order to ensure adequate illumination of public rights-of-way and promote safety and security, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1983), as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated areas of the county, with the following exceptions:
- (1) Except for principal arterials, lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be as shown in "Table of Minimum Average Street Illumination Levels"

Table of Minimum Average Street Illumination Levels (footcandles)

Roadway Classification	Commercial Area	Intermediate Area	Residential Area
Minor Arterial	1.2	0.9	0.6
Collector Street	0.8	0.6	0.4
Local Street	0.6	0.5	0.3

*Note: Illumination of Principal Arterials shall be determined by GDOT.

- (2) The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal footcandle required illumination level, except that on local or residential streets it may be no less than one-sixth of this average.
- (3) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the director for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval.
- (4) Should the director disapprove the request to install or operate lighting fixtures within any public right-of-way, he shall communicate the disapproval in writing to the party requesting approval. The written communication shall include the specific reasons for disapproval.
- (5) Any disapproval of a light or lighting system by the director may be appealed to the board of commissioners. If any party desires to appeal an adverse decision by the director, a notice of appeal shall be filed within 30 days from the date following the written notice of disapproval. It shall be the responsibility of the director to transmit forthwith to the board of commissioners all papers and allied documents constituting the record upon which the action appealed from was taken. The board of commissioners may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination being appealed.
- (6) Roadway or street lighting luminaries or fixtures installed within the public rights-of-way as security lights or for the purpose of lighting areas other than the public streets shall be mounted on the side of the pole opposite from the street, and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the department shall be obtained before installation of these lights.
- (7) Other lighting fixtures to be installed within or outside of public rights-of-way, for whatever purpose, shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Chapter 336 - IMPACT FEES

Sec. 336-1. - Short title, authority, and applicability.

- (a) *Short title.* This chapter shall be known and may be cited as the "Development Impact Fee Ordinance of Rockdale County, Georgia," or, for brevity, the "Impact Fee Ordinance."
- (b) *Authority.* This chapter has been prepared and adopted by the Rockdale County Board of Commissioners in accordance with the authority provided by Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.
- (c) *Applicability.*
 - (1) The provisions of this chapter shall not be construed to limit the power of Rockdale County, Georgia, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this chapter.
 - (2) This chapter shall apply to all areas under the regulatory control and authority of Rockdale County, Georgia, and such other areas as may be included by intergovernmental agreement.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-2. - Findings, purpose, and intent.

(a) *Findings.* The county board of commissioners finds and declares:

- (1) That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Rockdale County.
- (2) That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development.
- (3) That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.

(b) *Purpose.*

- (1) The purpose of this chapter is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.
- (2) It is also the purpose of this chapter to ensure that adequate public facilities are available to serve new growth and development in Rockdale County and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.

(c) *Intent.* This chapter is intended to implement and be consistent with the Rockdale County Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. § 50-8-1 et seq.); and the applicable Minimum Standards and Procedures for Local Comprehensive Planning and the Development Impact Fee Compliance Requirements, both as adopted by the Georgia Board of Community Affairs and amended from time to time.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-3. - Rules of construction and definitions.

The provisions of this chapter shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of Rockdale County.

- (1) *Rules of construction.* Unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:
 - a. In the case of any difference of meaning or implication between words or phrases as used in this chapter and as used in other codes, regulations or laws of Rockdale County, such difference shall not affect the meaning or implication of such words or phrases as used in this chapter.
 - b. In the case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
 - c. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - d. Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
 - e. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.
 - f. The conjunction "and" indicates that all the connected terms, conditions, provisions, or events shall apply.

- g. The conjunction "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- h. The use of "either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly and not in combination.
- i. The word "includes" or "including" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- j. The chapter, section, and paragraph headings and enumerations used in this chapter are included solely for convenience and shall not affect the interpretation of this chapter.

(2) *Definitions.* As used in this chapter, the following terms shall have the meaning set forth below.

Administrator: The director of public services and engineering of Rockdale County, Georgia, or the director's designee, who is hereby charged with implementation and enforcement of this chapter.

Building permit: The permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.

Capital improvement: An improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element: That portion of the Rockdale County Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the county board of commissioners.

Commencement of construction, for private development: Initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Day: A calendar day, unless otherwise specifically identified as a "work" day or other designation when used in the text.

Development: Any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

Development approval: Written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development impact fee: The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Encumber: To legally obligate by contract or otherwise commit to use by appropriation or other official act of Rockdale County, Georgia.

Excess capacity: That portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Feepayer: That person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development

impact fees which is required by this chapter has been expressly transferred or assigned to the successor in interest.

Individual assessment determination: A finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this chapter or, if the requirements are met, the fee calculated therefrom.

Individual assessment study: The engineering, financial, or economic documentation prepared by a fee payor or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Level of service: A measure of the relationship between service capacity and service demand for specified public facilities as established by Rockdale County, Georgia in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities or both.

Present value: The current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

Project: A single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements: Site-specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a "project" improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by Rockdale County, Georgia shall be considered a project improvement.

Property owner: That person or entity that holds legal title to property.

Proportionate share: That portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Public facilities: (A) Parks, open space, and recreation areas and related facilities; and (B) Public safety facilities, including sheriff, inmate housing, fire, emergency medical, and rescue facilities; (C) Libraries and related facilities; and (D) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of state or federal highways.

Service area: A geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

System improvement costs: Costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to three percent of the total of all other system improvement costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other

financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements: Capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.

Unit of development: The standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unused or excess impact fee: Any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this chapter.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-4. - Imposition of development impact fees.

Any person who, after the effective date of this chapter, engages in development shall pay a development impact fee in the manner and amount set forth in this chapter.

- (a) *Construction not subject to impact fees.* The following projects and construction activities do not constitute "development" as defined in this chapter, and are therefore not subject to the imposition of impact fees:
 - (1) Rebuilding no more than the same number of units of development as defined in this chapter that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.
 - (2) Remodeling or repairing a structure that does not result in an increase in the number of units of development.
 - (3) Replacing a residential housing unit with another housing unit on the same lot or property.
 - (4) Placing or replacing a manufactured home in a manufactured home park on a prepared manufactured home pad in existence and operation prior to the effective date of this chapter.
 - (5) Placing a temporary construction or sales office on a lot during the period of construction or build-out of a development project.
 - (6) Constructing an addition to or expansion of a residential housing unit that does not increase the number of housing units.
 - (7) Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, satellite antenna, pet enclosure, or private recreational facilities such as a swimming pool.
- (b) *Grandfathered projects.* Notwithstanding any other provision of this chapter, that portion of a project for which a valid building permit has been issued prior to the effective date of this chapter shall not be subject to development impact fees so long as the permit remains valid and construction is commenced and is pursued according to the terms of the permit.
- (c) *Method of calculation.*
 - (1) Any development impact fee imposed pursuant to this chapter shall not exceed a project's proportionate share of the cost of system improvements, shall be calculated on the basis of the establishment of service areas, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development, as established in the capital improvements element of the comprehensive plan.

- (2) Notwithstanding anything to the contrary in this chapter, the calculation of impact fees shall be net of credits for the present value of ad valorem taxes or other revenues as established in the capital improvements element of the comprehensive plan, and which:
 - a. Are reasonably expected to be generated by new growth and development; and
 - b. Are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category and in the same service area for which an impact fee is imposed.
- (3) The method of calculating impact fees for public facilities under this chapter shall be maintained for public inspection as a part of the official records of Rockdale County, Georgia, and may be amended from time to time by official act.
- (4) In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements to the extent that such public facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element of the comprehensive plan.
- (5) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element of the comprehensive plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-5. - Fee assessment and payment.

(a) *Fee schedule.*

- (1) Payment of a development impact fee pursuant to the fee schedule, section 336-13, for a property located inside of Rockdale County, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Rockdale County, and shall be deemed to be in compliance with the requirements of this chapter.
- (2) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure.
- (3) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:
 - a. The administrator in his or her sole discretion shall make a determination as to the appropriate land use designation and the appropriate development impact fee.
 - b. In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule.
 - c. If a land use designation is not in a category contained in this chapter, then an appropriate new category may be added by the administrator and an appropriate fee established under the county's current impact fee methodology, subject to annual confirmation by the county board of commissioners.
 - d. Appeals from the decision of the administrator shall be made to the county board of commissioners in accordance with the administrative appeals section of this chapter.

(b) *Timing of assessment and payment.*

- (1) Development impact fees shall be assessed at the time of application for a building permit.

- (2) All development impact fees shall be collected no later than the time of issuance of a building permit.
 - (3) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.
 - (4) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the actual use prior to issuance of an interior finishes permit or approval of a certificate of occupancy. An adjustment may result in a refund to the fee payor or payment of the marginal increase of the adjusted fee over the amount already paid.
 - (5) Notwithstanding any other provision of this chapter, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the building permit shall be assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.
- (c) *Individual assessment determinations.* Individual assessments of development impact fees may be established as follows:
- (1) At their option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for their project in lieu of the fee established on the fee schedule, section 336-13.
 - (2) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. Each individual assessment study shall:
 - a. Be based on relevant and credible information from an accepted standard source of engineering or planning data; or,
 - b. Be based on actual, relevant, and credible studies or surveys of facility demand conducted in Rockdale County or its region, carried out by qualified engineers or planners pursuant to accepted methodology; and,
 - c. Provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.
 - (3) The administrator in his or her sole discretion shall determine whether the content of an individual assessment study satisfies the requirements of this chapter. A negative determination by the administrator may be appealed to the county board of commissioners in accordance with the administrative appeals section of this chapter.
 - (4) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Rockdale County, and shall be deemed to be in compliance with the requirements of this chapter.
- (d) *Fee certification.* Upon application to the administrator, a developer may receive a certification of the development impact fee schedule, section 336-13, or a certified fee for a particular project, as applicable. Such certified schedule or fee shall establish the development impact fee due for a period of 180 days from the date of certification, even if new or revised rate schedules are adopted in the interim.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-6. - Deposit and expenditure of fees.

(a) *Maintenance of funds.*

- (1) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this chapter shall be maintained in one or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
- (2) Separate accounting records shall be maintained for each category of system improvements within each service area wherein fees are collected.
- (3) Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this chapter.

(b) *Expenditures; restrictions.*

- (1) Expenditures from the impact fee accounts shall be made only for the category of system improvements within the service area for which the development impact fee was assessed and collected.
- (2) Except as provided below, development impact fees shall not be expended for any purpose that does not involve building or expanding system improvements that create additional capacity available to serve new growth and development.
- (3) Notwithstanding anything to the contrary in this chapter, the following shall be considered general revenue of Rockdale County, and may be expended accordingly:
 - a. Impact fees collected to recover the present value of excess capacity in existing system improvements;
 - b. Any portion of an impact fee collected as a repayment for expenditures made by Rockdale County for system improvements intended to be funded by such impact fee; and,
 - c. Any portion of the impact fee (but not to exceed three percent of the total) collected and allocated by the administrator for administration of the impact fee ordinance, and such additional amount assessed for repayment of the cost of preparing the capital improvements element of the comprehensive plan.

(c) *Annual report.*

- (1) The administrator shall prepare an annual report to the county board of commissioners as part of the annual audit describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year by category of public facility and service area.
- (2) Such annual report shall be prepared following guidelines of the Georgia Department of Community Affairs (DCA), and submitted to DCA in conjunction with the annual update of the capital improvements element of the comprehensive plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-7. - Credits.

- (a) When eligible, feepayors shall be entitled to a credit against impact fees otherwise due and owing under the circumstances and in the manner set forth in this section.

(1) *Credits; restrictions.*

- a. Except as provided in subsection b. below, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this chapter.
- b. If the value of any construction, dedication of land, or contribution of money made by a developer (or his or her predecessor in title or interest) prior to the effective date of this chapter for system improvements that are included for impact fee funding in the capital improvements element of the comprehensive land use plan, is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this chapter, any credit due under this section shall not constitute a liability of Rockdale County, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements within the same service area.
- c. In no event shall credit be given for project improvements, or for system improvements not included for impact fee funding in the capital improvements element of the comprehensive plan.

(2) *Granting of credits.*

- a. Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his or her predecessor in title or interest for system improvements of the same public facilities category and in the same service area for which a development impact fee is imposed, provided that:
 - 1. The system improvement is included for impact fee funding in the capital improvements element of the comprehensive land use plan.
 - 2. The amount of the credit does not exceed the portion of the system improvement's cost that is eligible for impact fee funding, as shown in the capital improvements element.
 - 3. The county board of commissioners shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.
- b. The credit allowed pursuant to this section shall not exceed the impact fee due for such system improvement unless a greater credit is authorized under a private agreement executed under the provisions of section 336-13.

(3) *Guidelines for credit valuation.* Credits under this section shall be valued using the following guidelines:

- a. For the construction of any system improvements by a developer or his or her predecessor in title or interest and accepted by the county, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.
- b. For any contribution or dedication of land for system improvements by a developer or his or her predecessor in title or interest and accepted by the county, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.
- c. For any contribution of capital equipment that qualifies as a system improvement by a developer or his or her predecessor in title or interest and accepted by the county, the value shall be the original cost to the developer of the capital equipment or the cost that Rockdale County, Georgia would normally pay for such equipment, whichever is less.
- d. For any contribution of money for system improvements from a developer or his or her predecessor in title or interest accepted by the county, the original value of the money shall

be the same as that at the time of contribution, from which present value may be calculated.

- e. In making a present value calculation, the discount rate used shall be the net of the interest returned on a State of Georgia, AA rated or better municipal bond less average annual inflation, or such other discount rate as the county board of commissioners in its sole discretion may deem appropriate.

(4) *Credits; application.*

- a. Credits shall be given only upon written request of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.
- b. The administrator, in his or her sole discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.
- c. Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.

- (5) *Credits; abandoned building permits.* In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the present value of the impact fee against future impact fees for the same parcel of land, upon submission of adequate evidence to the administrator that an impact fee was received by the county, the amount paid, and that the building permit was abandoned.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-8. - Refunds.

(a) *Eligibility for a refund.*

- (1) Upon the request of a feepayor regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
 - a. Capacity is available in the public facilities for which the fee was collected but service is permanently denied.
 - b. The development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.
 - (2) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.
- (b) *Notice of entitlement to a refund.* When the right to a refund exists due to a failure to encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in a newspaper of general circulation in Rockdale County within 30 days after the expiration of the six-year period after the date that the development impact fee was collected and shall contain a heading "Notice of Entitlement to Development Impact Fee Refund." No refund shall be made for a period of 30 days from the date of said publication.
- (c) *Filing a request for a refund.* All requests for refunds shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later. Failure to make a claim for a refund within said time period shall result in a waiver of all claims to said funds.

(d) *Payment of refunds.*

- (1) All refunds shall be made to the feepayor within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.
- (2) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.
- (3) In no event shall a feepayor be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by Rockdale County for system improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element of the comprehensive plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-9. - Private contractual agreements.

- (a) *Private agreements; authorized.* Nothing in this chapter shall prohibit the voluntary mutual approval of a private contractual agreement between the county and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including inter-project transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project, provided that:
 - (1) The system improvements are included for impact fee funding in the capital improvements element of the comprehensive plan.
 - (2) The amount of any credit or reimbursement granted shall not exceed the portion of the system improvement's cost that is eligible for impact fee funding.
- (b) *Private agreements; provisions.* A private contractual agreement for system improvements may include, but shall not be limited to, provisions which:
 - (1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement shall allow the county to assess additional development impact fees after the completion of construction according to schedules set forth in this chapter.
 - (2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which development impact fees would be imposed in the same service area in lieu of or with a credit against applicable development impact fees.
 - (3) Permit a schedule and method of payment appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this chapter, provided that acceptable security is posted ensuring payment of the development impact fees. Forms of security that may be acceptable include a cash bond, irrevocable letter of credit from a bank authorized to do business within the State of Georgia, a surety bond, or lien or mortgage on lands to be covered by the building permit.
- (c) *Private agreements; procedure.*
 - (1) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the administrator for review, negotiation, and submission to the county board of commissioners.
 - (2) Any such agreement must be presented to and approved by the county board of commissioners of Rockdale County, Georgia prior to the issuance of a building permit.

- (3) Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the landowner, and shall require the applicant to submit such agreement to the clerk of superior court for recording.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-10. - Periodic review and amendments.

(a) *Amendments.*

- (1) This chapter may be amended from time to time as deemed appropriate or desirable.
- (2) Interim amendments to the impact fee schedule regarding the establishment of new land use categories by the administrator under subsection 336-13(b) are expressly authorized, and shall be confirmed by the county board of commissioners when this chapter is subsequently amended.

(b) *Capital improvements element periodic review.*

- (1) *Update.* At least once each year, the county board of commissioners shall review and may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element update shall be submitted to the regional development center for their review, in accordance with the development impact fee compliance requirements as adopted by the Board of Community Affairs of the State of Georgia.
- (2) *Amendment.* In conducting a periodic review of the capital improvements element and calculation of development impact fees, the county board of commissioners may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the procedural requirements of the development impact fee compliance requirements as adopted by the Board of Community Affairs of the State of Georgia, and shall be required for any change to the capital improvements element that would:
 - a. Redefine growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;
 - b. Add new public facility categories for impact fee funding, modify impact fee service areas or make changes to system improvement projects;
 - c. Change service levels established for an existing impact fee service area; or
 - d. Make any other revisions needed to keep the capital improvements element up to date.
- (c) *Continuation of validity.* Failure of the county board of commissioners to undertake a periodic review of the capital improvements element shall result in the continued use and application of the latest adopted development impact fee schedule and other data. The failure to periodically review such data shall not invalidate this chapter.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-11. - Administrative appeals.

- (a) *Eligibility to file an appeal.* Only applicants or feepayers who have already been assessed an impact fee by the county or who have already received a written determination of individual assessment, refund or credit amount shall be entitled to an appeal.
- (b) *Appeals process.*

- (1) The aggrieved applicant or feepayor (hereinafter, the "appellant") must file a written appeal with the administrator within 15 days of the decision or receipt of written determination from which the appeal is taken.
 - (2) Such written appeal shall constitute an application for relief, shall be of sufficient content to set forth the basis for the appeal and the relief sought, and shall include:
 - a. The name and address of the appellant.
 - b. The location of the affected property.
 - c. A copy of any applicable written decision or determination made by the administrator (from which the appeal is taken).
 - (3) Within 15 days after receipt of the appeal, the administrator shall make a written final decision with respect to the appeal, such decision to be of sufficient content to set forth the basis for the determination.
 - (4) Appeals from the final decision of the administrator shall be made to the board of adjustment in accordance with the procedures set forth in UDO section 238-8. Appeals from final decisions of the board of adjustment shall be as provided in UDO section 238-13.
- (c) *Payment of impact fee during appeal.*
- (1) The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of development approval.
 - (2) A developer may pay a development impact fee under protest to obtain a development approval, and by making such payment shall not be [stopped] from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

Sec. 336-12. - Enforcement and penalties.

(a) *Enforcement authority.*

- (1) The enforcement of this chapter shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.
- (2) The administrator shall have the right to inspect the lands affected by this chapter and shall have the right to issue a written notice, a stop work order or citation for violations, as the administrator in his or her sole determination may deem appropriate to the circumstances. Refusal of written notice of violation, stop work order or citation under this chapter shall constitute legal notice of service. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 days unless otherwise extended at the discretion of the administrator.
- (3) The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals, if the provisions of this chapter have been violated by the developer or the owner or their assigns.

(b) *Violations.*

- (1) Knowingly furnishing false information on any matter relating to the administration of this chapter shall constitute an actionable violation.
- (2) Proceeding with construction of a project that is not consistent with the project's impact fee assessment, such as the use category claimed or units of development indicated, shall constitute an actionable violation.

- (3) Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.
- (4) A violation of this chapter shall be a misdemeanor punishable according to law, including the general penalty provisions of the Rockdale County Code of Ordinances, Part II, Subpart A, section 1-11. In addition to or in lieu of criminal prosecution, the county board of commissioners shall have the power to sue in law or equity for relief in civil court to enforce this chapter, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this chapter and to recover such damages as may be incurred by the implementation of specific corrective actions.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-14, § 21, 7-24-2007)

Sec. 336-13. - Fee schedule.

(a) *Land use.*

Land Use	Unit of Measure	Impact Fee Per Unit
Single-family detached housing	dwelling	\$2,330.0291
Apartment	dwelling	2,330.0291
Residential condominium/townhouse	dwelling	2,330.0291
All suites hotel	room	82,2478
Amusement park	acre	1,053.5644
Apparel store	square foot	0.1935
Arena	acre	386.1015
Auto parts store	square foot	0.11121
Auto-care center	square foot	0.1657
Bowling alley	square foot	0.1158
Building materials and lumber store	square foot	0.1703
Business hotel	room	11.5890
Campground/recreational vehicle park	camp site	7.7614

Cemetery	acre	9.4325
Church/synagogue	square foot	0.0597
Clinic	employee	115.8420
Convenience market (Open 15—16 hours)	square foot	0.2027
Convenience market (Open 24 hours)	square foot	0.2085
Convenience market with gasoline pumps	square foot	0.2085
Corporate headquarters building	square foot	0.3840
Day care center	square foot	0.2944
Discount club	square foot	0.1503
Drive-in bank	square foot	0.4221
Electronics superstore	square foot	0.1112
Factory outlet center	square foot	0.1935
Fast-food restaurant	square foot	1.2627
Free-standing discount store	square foot	0.2275
Free-standing discount superstore	square foot	0.1112
Furniture store	square foot	0.0481
General heavy industrial	square foot	0.2119
General light industrial	square foot	0.2674
General office building	square foot	0.3842
Golf course	acre	28.4524

Hardware/paint store	square foot	0.1117
High-cube warehouse	square foot	0.0211
High-turnover (sit-down) restaurant	square foot	0.8642
Home improvement superstore	square foot	0.1112
Hospital	square foot	0.3760
Hotel	room	72.0579
Lodge/fraternal organization	employee	115.8420
Manufacturing	square foot	0.2107
Medical-dental office building	square foot	0.4697
Mini-warehouse	square foot	0.0051
Motel	room	82.3826
Movie theater	square foot	0.1735
Multipurpose recreational facility	acre	57.9210
New car sales	square foot	0.2055
Nursery (garden center)	square foot	0.1889
Nursery (wholesale)	square foot	0.1931
Nursing home	bed	75.0242
Pharmacy/drugstore	square foot	0.1935
Private school (K—12)	square foot	0.9370
Quality restaurant	square foot	0.8642

Quick lubrication vehicle shop	service bay	243.2683
Racquet club	square foot	0.0422
Recreational community center	square foot	0.0973
Research and development center	square foot	0.3392
Self-service car wash	stall	23.1684
Shopping center	square foot	0.1935
Single-tenant office building	square foot	0.3702
Specialty retail center	square foot	0.2107
Supermarket	square foot	0.1471
Tennis courts	acre	28.2525
Tire store	square foot	0.1483
Truck terminal	acre	1,357.2907
Warehousing	square foot	0.1477
Wholesale market	square foot	0.0950
Wholesale tire store	square foot	0.1483

- (b) *Other uses.* Impact fees for other uses not included shall be determined in accordance with the methodologies contained in the capital improvements element of Rockdale County, GA, or other methodologies as approved by the county.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2007-19, § 1, 9-25-2007)