

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE

WHEREAS, following a public hearing and meeting advertised in accordance with O.C.G.A. §§ 36-66-4 and 50-14-1 *et seq.*, the Douglas County Planning and Zoning Board and Douglas County Board of Commissioners has considered and adopted various amendments to the Unified Development Code.

NOW, THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the Unified Development Code is amended as follows:

SECTION ONE

The text of Section 348 of Article 3 regarding Temporary Events in the Unified Development Code is struck down in its' entirety and replaced by the following as shown by the underlining of text:

Sec. 348 **Temporary events.**

This section specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an administrative permit or a special temporary event permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

348(a) Administrative Permits for Temporary Events

Definition: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or weeks at a time and including up to 200 people in attendance where there is no live entertainment.

- (1) Filing – A person seeking issuance of a temporary event permit allowed by administrative permit shall file an application with the Director of Development Services or his designee on the designated form.**
- (2) Indemnification agreement – No temporary event administrative permit will be issued unless the applicant agrees to release, indemnify and hold harmless the County for and from any liability for personal injuries or property damage sustained by any person in connection with any activities for which a permit under this section would be issued.**
- (3) Filing period – An application for a temporary event allowed under the administrative permit shall be filed with the Director of Development**

Services or his/her designee not less than 14 business days prior to when such temporary event shall occur.

- (4) Contents – The application for the administrative temporary event shall include at a minimum the following and shall be evaluated on this criteria in addition to those standards listed for each type of temporary event:
- a. The name, address and telephone number of the person seeking to conduct such temporary event.
 - b. If the temporary event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters/office of the organization and of the authorized and responsible parties for such organization.
 - c. The name, address and telephone number of the person who will be the event chairman/coordinator and who will be responsible for the conduct at the event.
 - d. The date when the temporary event shall occur.
 - e. The route(s) proposed and ingress/egress to access the temporary event location. All ingress and egress shall be shown on the plan submitted and shall be from a public right-of-way to include adherence to roadway design standards for safety of the travelling public as evaluated by DCDOT.
 - f. The approximate number of people, patrons, vendors, vehicles which will attend the event. Any event up to 200 persons shall be deemed an event allowed by administrative temporary event permit. All events over 200 persons shall be deemed a Special Temporary Event Permit.
 - g. The hours the event will start and terminate (including set-up and break-down times). Allowable hours of operation are listed in each section of allowable temporary event in the section.
 - h. A written parking plan for off-street parking for the event. There shall be no parking allowed on the right-of-way for any event. All parking must be clearly marked and must meet safety standards as determined by DCDOT as shown on a parking plan to include aisles, stalls, and parking management.
 - i. A written emergency action plan (including private medical services as required). All events must provide for Fire and EMS services in the case of an emergency whether my private service as may be required or through 911 services of the county.
 - j. Applicant shall provide sufficient proof of an adequate level of insurance in full force and effect to the satisfaction of the Douglas County Risk Manager.

- k. Any additional information enumerated on the application form provided by Development Services for such temporary event.
- (5) Review – The application shall be reviewed by a panel of administrative personnel to include Development Services, DCDOT, DC Fire Department, DC Sheriff’s Department and other staff as required.
- (6) Approval – The applicant shall be scheduled for a meeting with Douglas County staff within 7 days to review the application. The application shall be approved or denied within 10 calendar days of submittal based upon the criteria listed in the application, taking into consideration the use of adjoining properties and the health, safety and welfare of the public. The applicant will receive written notification of the decision by staff including any conditions if any of the temporary event permit approval.
- (7) Appeals – Any person or persons aggrieved by any decision of the Development Services Director or his designee relating to the Administrative Temporary Event Permit may initiate an appeal to the Planning & Zoning Board within 30 days as set forth in Article 13, Section 1306: Appeals of an Administrative Decision of the Douglas County Unified Development Code.

348(b) Roadside Produce Stands:

- (1) Retail sale of fruits and/or vegetables from roadside structure permitted from Memorial Day to Labor Day.
- (2) Any permanent retail sale of fruits and/or vegetables shall be required to meet the zoning standards in Table 2.5 List of Allowable Uses Permitted by Zoning District.
- (3) The hours of operations shall be 8:00 a.m. to 8:00 p.m. This shall include all set-up and break down of events and any sound check by live performers.
- (4) Two copies of a drawing, no larger than 11” x 17”, with dimensions (distances in feet) of the activity’s location from the site’s property lines and other minimum distance requirements as specified by this Section shall be submitted to the Development Services Department with the permit application for approval. Drawing shall incorporate north arrow, curb cuts and traffic patterns/parking.
- (5) The applicant shall provide a notarized written permission statement from the property owner (if different from applicant) of the subject site to the Development Services Department. A 24-hour contact number of the property owner shall be provided along with the permit application.
- (6) Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a required landscape strip or

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

348(c) Revival/Ministry Outreach Tent.

- (1) A permit may be granted a maximum of 14 days in a calendar year.
- (2) A revival tent may be placed only on property occupied by an existing building used as a place of worship.
- (3) The revival tent or any area used for assembly shall be located at least 200' from a property line of any residential district and/or AG district used for single-family.
- (4) No temporary sanitary facility or trash receptacle may be located within 200' of an existing dwelling and no tent shall be located within 250' of an existing dwelling.
- (5) A minimum of one parking space per four seats shall be provided.
- (6) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
- (7) A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this section.

- (8) The hours of operation shall be no earlier than 8:00 a.m. and no later than 10:00 p.m. This shall include all set-up and break down of events and any sound check by live performers.
- (9) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.

348(d) Yard and garage sales.

Yard and garage sales shall be permitted within any agricultural or residential district as an accessory use. It shall not be the intention of this regulation to prohibit the occasional sale of personal belongings on one's property.

(1) Permit Required.

- a. All yard sales shall require a permit, which shall be obtained from the Development Services Department by phone or personal application. This permit will contain the name and address of the applicant, and the 3-day period for which the applicant wishes to sell property and the permit number.
- b. No permit shall be extended for more than 72 hours in any 7-day period.
- c. No street address may obtain a permit for more than 4 times each year.
- d. It shall be the responsibility of the property owner to obtain the permit and to post said permit in full view of the public at the place of the yard sale.
- e. It shall be a violation of this regulation to sell merchandise in a yard sale or offer merchandise for sale or to display merchandise in any yard, carport, garage or house without a yard sale permit.

(2) Exclusions.

This Section shall not regulate the private sale of major possessions such as homes and personal autos.

348(e) Seasonal Business Use

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

- (1) Allowed in AG and residential zoned district only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc. existing as a conforming or legal non-conforming use.

- (2) An administrative permit shall not be issued for the same business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 15 days prior to the event. Example: one permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.
 - (3) The hours of operation shall be 8:00 a.m. to 9:00 p.m. Sunday through Thursday and 8:00 a.m. to 10:00 p.m. Friday and Saturday. This shall include all set-up and break down of events and any sound check by live performers.
 - (4) Two copies of a drawing no larger than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Development Services Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
 - (5) Any display or sales activity shall maintain a minimum 20' setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10; from any internal drive or permitted curb cut.
 - (6) A minimum of 10 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
 - (7) No temporary sanitary facility or trash receptacle may be located within 100' of a property line of a residential use.
 - (8) No tent, table or other temporary structure shall be located within 100' of a residential structure. Sales from vehicles are prohibited.
 - (9) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.
 - (10) No equipment, vehicle or display or sales activity shall block access to a public facility, such as a mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
 - (11) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
 - (12) Signage shall be in accordance with Article 7 of the Unified Development Code.
- 348(f) Special Temporary Event Permit

Definition: A special temporary event permit is issued for those events involving the public attendance of an event located on residential and/or commercial property of more than 200 people and/or including live entertainment, animals, music, vendors offering items for sale who may or may not pay a fee for such booth or tent space.

- (1) Filing – A person seeking issuance of a special temporary event permit shall file an application with the Director of Development Services or his/her designee on the designated form.**
- (2) Indemnification agreement – No special temporary event permit will be issued unless the applicant agrees to release, indemnify and hold harmless the County for and from any liability for personal injuries or property damage sustained by an person in connection with any activities for which a permit under this section would be issued.**
- (3) Filing Period – An application for a special temporary event permit shall be filed with the Director of Development Services or his/her designee per the schedule set forth by the Board of Commissioners but not less than 30 days prior to when such temporary event shall occur.**
- (4) Contents – The application for the special temporary event permit shall include at a minimum the following and shall be evaluated on this criteria in addition to those criteria listed within this section:**
 - a. The name, address and telephone number of the person seeking to conduct such temporary event.**
 - b. If the temporary event is proposed to be conducted for, on behalf of or by an organization , the name, address and telephone number of the headquarters/office of the organization and of the authorized and responsible parties for such organization.**
 - c. The name, address and telephone number of the person who will be the event chairman/coordinator and who will be responsible for the conduct at the event.**
 - d. The date when the temporary event shall occur.**
 - e. The route(s) proposed and ingress/egress to the temporary event location. All ingress and egress shall be shown on the plan submitted and shall be from a public right-of-way to include adherence to roadway design standards for safety of the travelling public as evaluated by DCDOT.**
 - f. The approximate number of people, patrons, vendors and vehicles which will attend the event. Any event up to 200 persons shall be deemed an event allowed by administrative temporary event permit. All events over 200 persons shall be deemed a Special Temporary Event Permit.**

- g. The hours the event will start and terminate (including set-up and break-down times). Allowable hours of operation are listed in each section of allowable temporary event in the section.
 - h. A written parking plan for off-street parking for the event. There shall be no parking allowed on the right-of-way for any event. All parking must be clearly marked and must meet safety standards as determined by DCDOT as shown on a parking plan to include aisles, stalls, and parking management.
 - i. A written emergency action plan (including private medical services as required). All events must provide for Fire and EMS services in the case of an emergency whether my private service as may be required or through 911 services of the county.
 - j. Applicant shall provide sufficient proof of an adequate level of insurance in full force and effect to the satisfaction of the Douglas County Risk Manager.
 - k. Any additional information enumerated on the application form provided by Development Services for such temporary event.
- (5) Review – The application shall be reviewed by a panel of administrative personnel to include Development Services, DCDOT, DC Fire Department, DC Sheriff’s Department and other staff as required. The staff will then submit a written recommendation to the Board of Commissioners including any proposed conditions for approval.
- (6) Standards for Consideration of Special Temporary Event Permit – In the interest of the public health, safety and welfare, the Board of Commissioners may exercise limited discretion in evaluating the site proposed for a use which requires a special temporary event permit. In exercising such discretion pertaining to the subject use, the Board of Commissioners may consider:
- a. Whether the proposed use is consistent with the land use or economic development plans adopted by the Board of Commissioners;
 - b. Whether the proposed use violates statues, ordinances or regulations governing land development, such as, but not limited to, Douglas County Soil Erosion and Sedimentation Control and the Metropolitan River Protection Act;
 - c. Whether the proposed activity will have a negative effect on traffic flow along adjoining streets.

- d. The location of off-street parking; There shall be no parking allowed on the right-of-way for any event. All parking must be clearly marked and must meet safety standards as determined by DCDOT as shown on a parking plan to include aisles, stalls, and parking management.
 - e. The number, size and type of signs proposed for the site; All signs must be accordance with the Sign Regulations of the UDC Article 7.
 - f. The amount and location of open space; All buffers listed in this code section must be shown on the plan.
 - g. Protective screening; All screening requirements listed in this section must be shown on the plan.
 - h. Hours and manner of operation of the proposed use; Allowable hours of operation are listed in each section of allowable temporary event in the section.
 - i. Outdoor lighting; There shall be no lighting directed towards any right-of-way or any adjacent residential property. All lighting shall be shown to be directed towards the interior of the property containing such temporary event.
 - j. Ingress and egress to the property; All ingress and egress shall be shown on the plan submitted and shall be from a public right-of-way to include adherence to roadway design standards for safety of the travelling public as evaluated by DCDOT.
 - k. Compatibility with surrounding land use.
 - l. In granting such permits, conditions may be attached as deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed temporary use.
- (7) Public Notice – The application will be advertised in the legal organ of Douglas County a minimum of 15 days but not more than 30 days prior to the public hearing date.
- (8) Posting of Property – The Douglas County Development Services department shall place upon the property signs to advertise the proposed temporary use permit a minimum of 15 days but not more than 30 days prior to the public hearing for public notice.

- (9) Public Hearing – The applicant shall be scheduled for a public hearing before the Douglas County Planning & Zoning Board and the Douglas County Board of Commissioners per the schedule set forth by the Board of Commissioners not less than 30 of days of the application.
- (10) Decision – The Douglas County Planning & Zoning Board will render a recommendation by majority vote of a quorum to the Board of Commissioners to approve, approve with conditions, deny or table the application. The Douglas County Board of Commissioners will render a decision by majority vote of a quorum of its members to approve, approve with conditions, table or deny the special temporary event permit. The applicant shall be sent written notice of the decision within 10 business days of the date of the meeting at which the Board of Commissioners took action.
- (11) Appeals– Any person aggrieved by any decision of the Board of Commissioners relating to the final action on a Temporary Special Event Permit may seek review of such decision in the Superior Court of Douglas County. Any appeal from the decision of the Board of Commissioners shall be filed within 30 days after the date of decision by the board and upon failure to file the appeal within 30 days of the decision, the decision shall be final.

348(g) Indoor/Outdoor Event

- (1) All temporary events are subject to the requirements of other Douglas County Departments such as Emergency Medical Services Plans, Emergency Planning and Preparedness, tent permits, pyrotechnics permits, food service permits, etc.
- (2) Special Indoor/Outdoor Events of more than 200 persons located on property zoned residential are allowed in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of a charity such as a tour of homes, show houses and the like.
- (3) No more than two Special Temporary Use Permits shall be granted per year and no permit shall be effective for more than 7 consecutive days for a single event on the same property. An application for said permit shall be made no less than 30 days prior to the event. Said permit must be posted on site such that it is visible from the street.
- (4) The hours of operation shall be 8:00 a.m. to 8:00 p.m. Monday through Thursday and Sunday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. This shall include all set-up and break down of events and any sound check by live performers.
- (5) Two copies of a drawing no larger than 11' x 17', with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the

- Development Services Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
- (6) The applicant shall provide a notarized written permission statement from the property owner (if different from applicant) of the subject site to the Development Services Department. A 24-hour contact number of the property owner shall be provided along with the permit application.
 - (7) Any display or sales activity shall maintain a minimum 20' setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10' from any internal drive or permitted curb cut.
 - (8) Any stage or other live entertainment shall not be located within 250' of a property line of any residential use.
 - (9) No temporary sanitary facility or trash receptacle may be located within 100' of a property line of a residential use.
 - (10) No activity area, tent, table or other temporary structure shall be located within 250' of a residential structure. Sales from vehicles are prohibited.
 - (11) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.
 - (12) The entire site/event must comply with Douglas County's parking requirements based on the proposed use. All parking shall be located at least 100' from a property occupied by a residential structure.
 - (13) All permitted access/curb cuts shall be from local streets.
 - (14) No equipment, vehicle or display or sales activity shall block access to a public facility such as a mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
 - (15) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
 - (16) Signage shall be in accordance with Article 7 of the Unified Development Code.
 - (17) No parking is allowed within the right-of-way.
 - (18) All parking and access areas must be of an all-weather surface approved by the Douglas County DOT.
 - (19) An Emergency Medical Services plan shall be required to be submitted with the application for said temporary event.
 - (20) An Emergency Action Plan shall be required to be submitted with the application for said temporary event.

348(h) Agricultural-Related Activities

- (1) Certain agricultural-related activities are allowed on property zoned AG or R-A with a Temporary Special Event Permit in compliance with the development standards listed in this section to preserve the nature of agricultural areas. Such uses shall include, but are not limited to, petting zoo, educational tours, dude ranches and pay fishing. Such uses shall only be allowed on property used strictly for agricultural uses and not occupied with a single family residence.**
- (2) Minimum lot size is 10 acres.**
- (3) Permitted curb cut access shall not be from a local street.**
- (4) Food services are allowed.**
- (5) A minimum 100' setback is required from all property lines for activity areas, including parking.**
- (6) All structures housing animals shall be set back a minimum of 200' from all property lines.**
- (7) All parking and access areas must be of an all-weather surface approved by the Douglas County DOT.**
- (8) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device..**
- (9) Hours of operation shall be from 8:00 a.m. to 8:00 p.m. Monday through Sunday. This shall include all set-up and break down of events and any sound check by live performers.**
- (10) No temporary sanitary facility or trash receptacle may be located within 100' of a property line of a residential use.**

SECTION TWO

The text of Table 2.5 of Article 2 regarding List of Principal Uses Allowed by Zoning District in the Unified Development Code is amended to delete the following as shown by the strikethrough of text and to include the following as shown by the underlining of text:

<i>NAICS Code</i>	<i>Principal Uses</i>	<i>A G</i>	<i>RA</i>	<i>RLD</i>	<i>RMD</i>	<i>RD</i>	<i>RTC</i>	<i>RMF</i>	<i>RMH</i>	<i>OIL</i>	<i>OIH</i>	<i>CN</i>	<i>CC</i>	<i>CG</i>	<i>CH</i>	<i>CR</i>	<i>LI</i>	<i>LIR</i>	<i>HI</i>	<i>See Also</i>
454390	Circus or Carnival														•	•				§ 348
454390	Religious Assembly	•	•										•	•	•	•				§ 348
454390	Retail Sale of Seasonal Items	•	•									•	•	•	•	•				§ 348
<u>454390</u>	<u>Roadside Produce Stand</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>					<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>				<u>§ 348</u>
<u>454390</u>	<u>Revival Tent</u>	<u>•</u>	<u>•</u>	<u>•</u>						<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>			<u>§ 348</u>
<u>454390</u>	<u>Seasonal Business Use</u>	<u>•</u>	<u>•</u>	<u>•</u>						<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>			<u>§ 348</u>
<u>454390</u>	<u>Special Indoor/Out door Event</u>	<u>•</u>	<u>•</u>	<u>•</u>						<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>			<u>§ 348</u>
<u>454390</u>	<u>Agricultura l Related Activities</u>	<u>•</u>	<u>•</u>																	<u>§ 348</u>
<u>454390</u>	<u>All Other Temporary Events</u>	<u>•</u>	<u>•</u>							<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>			<u>§ 348</u>
<u>454390</u>	<u>Swap Meets, Flea Markets, Craft Shows and Farmers' Markets</u>	<u>•</u>	<u>•</u>													<u>•</u>				<u>§ 348</u>

