

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 1203(b)(4)-1203(b)(6) of Article 12 regarding Major subdivisions in the Unified Development Code is amended to include the following as shown by the underlining of text:

- (4) **Subject to all dedications of land to the public shown on the Final Plat being approved by the Board of Commissioners,** approval of a Final Subdivision Plat by the Development Review Committed, Development Services Director and the Chairman of the Board of Commissioners will authorize recordation of the **deeds and** plat with the Clerk of the Superior Court. (Amended 09/04/2007 - TXT2007-07)
- (5) After recordation of the **Dedication Deeds and** Final Plat, the lots may be sold, and building permits and driveway permits on the lots may be obtained.
- (6) At the end of the maintenance period, all public improvements will be inspected by the County. After the developer has made any required repairs, public acceptance of the improvements **into perpetual maintenance** shall be issued by the Development Services Department.

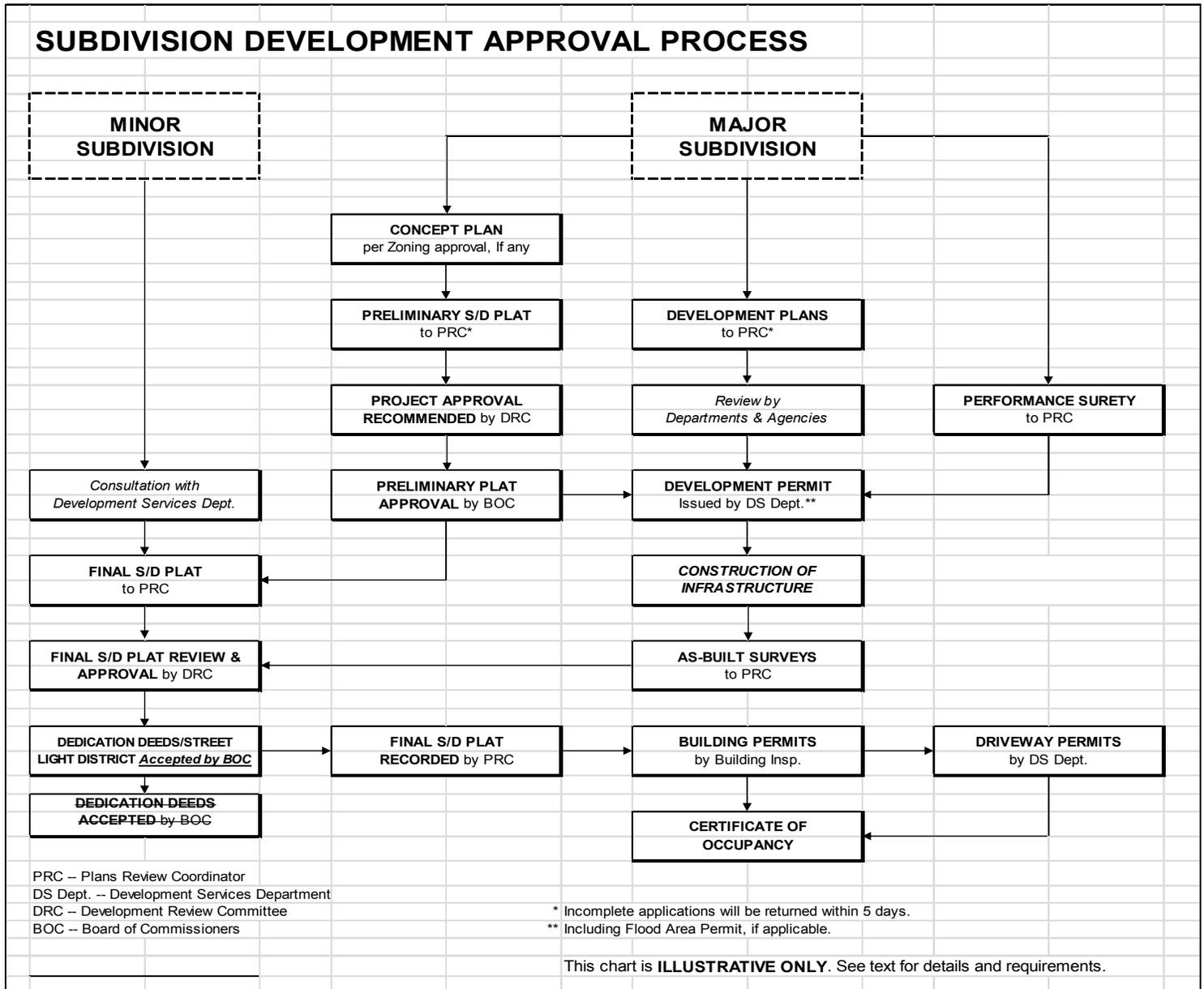
SECTION TWO

The text of Section 1203(c)(3) of Article 12 regarding Minor subdivisions in the Unified Development Code is amended to include the following as shown by the underlining of text:

- (3) After recordation of the Final Plat, **and acceptance of any required Dedication Deeds,** the lots may be sold, and building permits and driveway permits on the lots may be obtained.

SECTION THREE

The text of Section 1220(b) Subdivision Development Approval Process Chart of Article 12 regarding Procedure for project approval in the Unified Development Code is amended to include the following as shown by the underlining of text and delete the following as shown by the strikethrough of text:



SECTION FOUR

The text of Section 1230(b)(5)(b)-1230(b)(6) of Article 12 regarding Review and approval process in the Unified Development Code is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

(5) *Action by the Development Services Director.*

After receipt of recommendations by the subdivision review staff, the Development Services Director shall do one of the following:

- a. Issue a certificate of final plat approval and pass a resolution approving the final plat and street light district; or*
- b. Disapprove the final plat or any portion thereof on the grounds that the subdivision does not meet the requirements of this Development Code, or would create conditions that would be unfavorable to or adversely affect the health, safety, convenience, prosperity, or general welfare of the citizens of Douglas County. In such case, the ~~Board of Commissioners~~ **Development Services Director** shall notify the applicant in writing of its decision.*

(6) *Action by the Board of Commissioners.*

***Prior to** ~~Upon~~ approval of a final subdivision plat, the Development Services Director shall forward the dedication deeds and street light district to the Board of Commissioners for acceptance at their next available meeting.*

SECTION FIVE

The text of Section 1233(4) – 1233(5) of Article 12 regarding Acceptance of public improvements in the Unified Development Code is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

- (4) *The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. **And the subdivider shall execute such documents as required by the Development Services Director to ensure the County is held harmless and indemnified from any claims arising from non-performance by the subdivider including attorney's fees and costs incurred by the County in enforcing the requirements of the UDC as amended.***

- (5) *Upon certification by the Development Services Director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the ~~Board of Commissioners~~ **Development Services Director** will release the maintenance bond and accept the public improvements into perpetual maintenance.*

SECTION SIX

The text of Section 1233 of Article 12 regarding Acceptance of public improvements in the Unified Development Code is amended to include a new 1233(6) as shown by the underlining of text:

- (6) Notwithstanding anything herein to the contrary, dedication of proposed public right of ways, easements and improvements shall not be accepted without public approval by the Board of Commissioners of dedication deeds.**

SECTION SEVEN

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.

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

Applicability: The provisions of this section shall apply to all temporary events held in the County. Such uses shall be subject to all provisions set forth herein, as applicable.

Definition of Temporary Event: "Temporary Event" is the temporary use of property for the functions, including, but not limited to, fund raisers, parties, receptions, weddings, celebrations and the like with more than 200 hundred guests in attendance at any one time during a 24 hour period that are not part of the primary use on the property and not allowed under the current zoning category or as part of a Special Use Permit associated with such property. Any

event conducted with 200 or fewer total guests in attendance at any one time during a 24 hour period is a gathering and shall be exempt from this regulation.

348(a) Temporary Event Permits

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

- (1) Filing – A person seeking issuance of a temporary event permit shall file an application with the Director of Development Services or his designee on the designated form.
- (2) Indemnification agreement – No temporary event permit will be issued unless the applicant agrees to release, indemnify and hold harmless the County for and from any liability for personal injuries or property damage sustained by any person in connection with any activities for which a permit under this section would be issued.
- (3) Filing period – An application for a temporary event shall be filed with the Director of Development Services or his/her designee not less than 14 business days prior to when such temporary event shall occur.
- (4) Contents – The application for the temporary event shall include at a minimum the following and shall be evaluated on this criteria in addition to those standards listed for each type of temporary event:
 - (a) The name, address and telephone number of the person seeking to conduct such temporary event.
 - (b) If the temporary event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarter/office of the organization and of the authorized and responsible parties for such organization.
 - (c) The name, address, and telephone number of the person who will be the event chairman/coordinator and who will be responsible for the conduct at the event.
 - (d) The date when the temporary event shall occur.
 - (e) The route(s) proposed for ingress/egress to access the temporary event location. All ingress and egress shall be shown on the plan submitted and shall be from a public right-of-way to include adherence to roadway design standards for safety of the travelling public as evaluated by DCDOT.
 - (f) The approximate number of people, patrons, vendors, vehicles which will attend the event.
 - (g) The hours the event will start and terminate (including set-up and break-down times). Allowable hours of operation are listed in each section of allowable temporary events in this section.
 - (h) A written parking plan for off-street parking for the event. There shall be no parking allowed on the right-of-way for any event. All

- parking must be clearly marked and must meet safety standards as determined by DCDOT as shown on a parking plan to include aisles, stalls, and parking management.
- (i) A written emergency action plan (including private medical services as required). All events must provide for Fire and EMS services in the case of an emergency whether by private service as may be required or through 911 services of the county.
 - (j) Outdoor lighting; There shall be no lighting directed towards any right-of-way or any adjacent residential property. All lighting shall be shown to be directed towards the interior of the property containing such temporary event.
 - (k) Applicant shall provide sufficient proof of an adequate level of insurance in full force and effect to the satisfaction of the Douglas County Risk Manager.
 - (l) Any additional information enumerated on the application form provided by Development Services for such temporary event.
- (5) Review – The application shall be reviewed by a panel of administrative personnel to include 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 14 calendar days of submittal based upon the criteria listed in the application, taking into consideration the use of the 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 Temporary Event Permit may initiate an appeal to the Planning & Zoning Board within 30 days as set forth in Article 13, Section 1306, Appeal of an Administrative Decision of the Douglas County Unified Development Code.

348(b) Roadside Produce Stands

- (1) Retail sales of fruits and/or vegetables from roadside structure permitted from Memorial Day to Labor Day.
- (2) Any permitted 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”x17”, 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) 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(d) Seasonal Business Use

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

- (1) Allowed in AG and residential 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 season business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: one permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.
- (3) The hours of operation shall be 8:00 a.m. to 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 breakdown of events and any sound check by live performers.
- (4) Two copies of a drawing, no larger than 11"x17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Development Services Department with the permit application for approval. Drawing shall incorporate north arrow, curb cuts and traffic patterns/parking.
- (5) Any display or sales activity shall maintain a minimum 20' setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum 10' setback from any internal drive or permitted curb cut.
- (6) A minimum of 10 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
- (7) No temporary sanitary facility or trash receptacle may be located within 100' 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(e) Outdoor Event

- (1) No more than four Outdoor Temporary Event Permits shall be granted per year with more than 1500 people in attendance within any 24 hour period 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 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.
- (2) 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.
- (3) Two copies of a drawing, no larger than 11"x17", 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.
- (4) The applicant shall provide a notarized written permission statement from the property owner (if different from applicant) of the subject site to the Development Services Department. A 24-hour contact number of the property owner shall be provided along with the permit application.
- (5) Any display or sales activity shall maintain a minimum 20' foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10' from any internal drive or permitted curb cut.
- (6) Any stage or other live entertainment shall not be located within 250' of a property line of any residential use.
- (7) No temporary sanitary facility or trash receptacle may be located within 100' of a property line of a residential use.
- (8) No activity area, tent, table or other temporary structure shall be located within 250' of a residential structure. Sales from vehicles are prohibited.
- (9) Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require a structural plan review and a building permit. All tents are subject to approval by the Fire Department.
- (10) The entire site/event must comply with Douglas County's parking requirements based on the proposed use. All parking shall be located at least 100' from a property occupied by a residential structure.
- (11) All permitted access/curb cuts shall be from local streets.

- (12) No equipment, vehicle, or display or sales activity shall block access to a public facility such as a mailbox, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
- (13) A sound level of 65 DBA shall not be exceeded at adjacent property lines of any residential use as determined by Douglas County Officials and measured utilizing an approved sound meter device.
- (14) Signage shall be in accordance with Article 7 of the Unified Development Code.
- (15) No parking is allowed within the right-of-way.
- (16) All parking and access areas must be of an all-weather surface approved by the Douglas County DOT.

348(f) Agricultural-Related Activities

Certain agricultural-related activities are allowed on property zoned AG or R-A with a Temporary 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 occupiees with a single family residence.

- (1) Minimum lot size is 10 acres.
- (2) All permitted access/curb cuts shall be from local streets.
- (3) Food services are allowed
- (4) A minimum 100' setback is required from all property lines for activity areas, including parking.
- (5) All structures housing animals shall be setback a minimum of 200' from all property lines.
- (6) All parking and access areas must be of an all-weather surface approved by the Douglas County DOT.
- (7) 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.
- (8) 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.
- (9) No temporary sanitary facility or trash receptacle may be located within 100' of a property line of a residential use.

348(g) All Other Special Temporary Events

Any temporary events meeting the definition in Section 348 for a Temporary Event but not specifically listed in this section must apply for a Temporary Event Permit with the required documents listed in Section 348(a)(1)-348(a)(7).

SECTION EIGHT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective upon adoption.

SO ORDAINED this 7th day May 2013.

Tom Worthan, Chairman

ABSENT

Henry Mitchell, III, District I

Kelly Robinson, District II

Michael Mulcare, District III

Ann Jones Guider, District IV

Attest:

Amy Brumelow, Planning and Zoning