

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

<i>Principal Uses</i>	<i>AG</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>	
Monopole, guyed or Lattice Tower higher than 150 feet	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	§340

SECTION TWO

The text of Section 309(a) of Article 3 regarding Standards for office, commercial and industrial uses 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:

~~“Trash containers must be covered and be placed on a pad that shall be completely enclosed on all sides and screened from public streets and residential districts. All dumpster and/or exterior commercial trash storage containers must meet the requirements of Article 8, Section 807.”~~

SECTION THREE

The text of Section 311 of Article 3 regarding Timbering and forestry 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:

Sec. 311 Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

311(a) Bona fide agricultural activity.

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

- (1) The tract must be under an approved forestry ~~management plan~~ **stewardship plan or the care of a registered forester.***
- (2) Douglas County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment.*
- (3) A tree-harvesting notification has been submitted to the Tax Commissioner, as required by State law.*
- (4) There is a contract for delivery of the trees between the ~~tree harvesting company~~ **owner/operator** and an end user, such as to a mill or wood pulp company.*
- (5) Best Management Practices (**BMP's**) required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission. **Prescribed forestry practices do not cause sediment problems.***
- (6) The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.*

311(b) Restriction on clearance along streams.

*River and stream buffers required under the Environmental Protection Article of this Development Code shall be protected from all on-site activity and remain in their undisturbed natural state. **Owner/operator must adhere to approved Georgia Forestry BMP's.***

311(c) *Restriction on development approval of recently cleared land.*

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 3 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

- (1) *The tree removal occurred as a bona fide agricultural activity; and,*
- (2) *A minimum basal area of at least 50 **60** square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.*

311(d) *Exceptions.*

All maintenance on thinning operations are exempt from the requirements of Section 311(c) once a plan has been submitted and approved by the Development Services Director and/or his/her designee.

Thinning is a forest management practice that is performed at some point(s) in time during the course of development of both natural and planted pine stands. Thinning promotes the growth of individual trees within a stand by removing surrounding trees, which compete for water, sunlight and nutrients. Thinning is beneficial to the overall health of a stand of trees in order to sustain good tree health throughout the life of the stand. Thinning is practiced through several approved methods. Selection of method is based on stand density, uniformity and owner objective.

311(e) *Common thinning methods.*

- (1) *Row thinning – Alternate rows are removed*
- (2) *Selective thinning – Individual trees are selectively removed. Tree selection is based on position form and health of the stand (insect and/or disease outbreaks).*
- (3) *Combination thinning – A combination of both row and selective thinning.*
- (4) *Strip thinning – A strip of trees (rather than rows) are removed following land contours.*

SECTION FOUR

The text of Section 408 of Article 4 regarding Minimum setbacks; principal buildings is amended to include the following as shown by the underlining of text:

“All principal buildings on a lot shall be set back from the minimum required right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.4. See definition of “principal building setback line” for application of the setback requirements. Prior to any inspections, all property lines immediately adjacent to any proposed structure, shall be staked by a registered land surveyor in order to assure all required setbacks have been met.”

SECTION FIVE

The text of Section 807 of Article 8 regarding Screening of trash storage containers is amended to include the following as shown by the underlining of text:

~~“All exterior commercial trash storage containers shall be screened so that they are not visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such bin. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site landscaping plan.~~ All exterior commercial trash storage containers shall be screened so that they are not visible from any adjacent property or right-of-way. The screening must be a minimum of 8’ in height on three (3) sides and made of brick, granite, stone, marble or cementitious stucco with a locking gate. All containers must be located behind the building which they serve. All containers shall be placed on a pad constructed with a minimum 3,000 psi concrete and being 12’ wide x 20’ deep x 6” thick. The concrete pad must extend to a minimum of 10’ in front of the enclosure. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site landscaping plan.”

SECTION SIX

A new Section 1025 of Article 10 regarding Dams in the Unified Development Code is added to include the following as shown by the underlining of text:

“The provisions of O.C.G.A. 12-5-370 “Georgia Safe Dams Act of 1978”, all applicable federal and state laws, and administrative rules and regulations shall apply to all dams located in Douglas County. Any person who desires to construct a dam shall be required to obtain a permit from the Georgia Environmental Protection Division and the owner(s) of all dams shall operate and maintain existing dams as per regulations set forth in the act. In the event proposed development(s) could be effected by existing dams located on-site or upstream as determined by the Development Services Director or his/her designee, prior to issuance of a Land Disturbance Permit the developer shall provide a detailed engineering analysis, including but not limited to a dam breach analysis, hydraulic and hydrologic evaluations, which shall be performed by a professional engineer licensed by the State of Georgia and any geological investigations are required to be performed by a professional geologist registered to practice in the State of Georgia demonstrating the dam is sufficient to protect against probable”

loss of human life and/or property damage downstream. Such analysis and evaluation shall find the dam to be in a safe and stable condition, with no foreseeable deterioration in condition or safety."

SECTION SEVEN

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

SECTION EIGHT

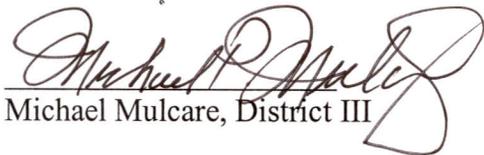
This ordinance shall be effective upon adoption.

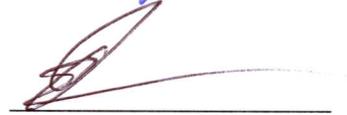
SO ORDAINED this 3rd day of March, 2009


Tom Worthan, Chairman

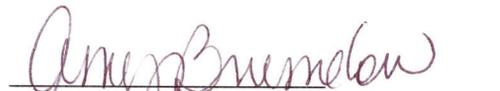

Freddie Ashmon, JR, District I


Kelly Robinson, District II


Michael Mulcare, District III


David Latham, District IV

Attest:


Amy Brumelow, Planning and Zoning