

## **Article 3. - Restrictions on Particular Uses**

### **Sec. 301 - Purpose of Article 3.**

The purpose of Article 3 is to provide land use and development regulations for specific uses that will then be applicable to sites throughout Douglas County. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through Special Use approval.

### **DIVISION I. - RESTRICTIONS THAT APPLY IN GENERAL.**

#### **Sec. 302 - Agricultural and residential use separation.**

Adequate separation must be provided between certain agricultural structures or operations and neighboring residences for any new construction, in accordance with the provisions of this Section.

##### **302 (a) Separation required for new agricultural uses.**

- (1) The following agricultural structures or operations, when constructed or established, must be at least 300 feet from the property line of any property occupied by a residence:
  - a. Livestock sales pavilion.
  - b. Manure and other waste storage containers or pits and agricultural waste or composting operations impoundment sites.
- (2) The following agricultural structures or operations, when constructed or established, must be at least 200 feet from the property line of any property occupied by a residence:
  - a. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables.
  - b. A horse stable containing more than 4 stalls, and any corral, pen or designated riding area.
- (3) The following structures or operations, when constructed or established, must be at least 150 feet from the property line of any property occupied by a residence:
  - a. Accessory agricultural buildings for storage or operations not involving the housing of animals.
  - b. Kennels and other enclosures for the housing or breeding of domestic animals.

##### **302 (b) Separation from existing agricultural uses.**

- (1) When a new residence is to be constructed on a neighboring property in proximity to any existing agricultural structure or operation for which separation is required by this Section, but the existing structure or operation does not comply with such required distance, the new residence shall be sited so as to be separated from such structure or operation by the minimum distances required under 302 (a), above.
- (2) The separation distance may be reduced by the Director of Development Services if a natural or structural zoning buffer is provided by ~~the~~ either property owner meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code

## Sec. 303 - Environmentally hazardous uses.

### 303 (a) Special Use approval required.

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a Special Use from the Board of Commissioners. The Special Use application shall include a copy of the application for the federal or state permit.

(1) Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to Special Use approval in order to operate in Douglas County. An initial Form R or Form A must be included in the application for Special Use approval.

(2) Annual reporting required.

Section 313 Emergency Planning and Community Right-to-Know Act (EPCRA), which is also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), requires certain facilities to report both routine and accidental chemical releases. These businesses must submit reports to the Environmental Protection Agency (EPA) and the state emergency response commission (SERC) by July 1 for each preceding year

EPA's "Toxic Chemical Release Inventory Reporting Form R and Instructions" provides guidance on how to determine if your facility must submit a report. Either Form A or Form R must be sent to the EPA and SERC if a facility is required to comply with EPCRA §313. Choosing the correct EPA Form depends on the type and quantity of chemicals at the facility.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Development Services Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Development Services Department annually may be grounds to advertise for a show-cause hearing to determine if the special use should be revoked for failure to comply with the stated conditions of approval. ~~void County approval through reinitiation of the Special Use approval.~~

### 303 (b) EPCRA Section 313 businesses.

1) Specific determinations are made under EPA rules on a business-by-business basis.

2) Criteria for reporting a chemical with Form R:

- facility has 10 or more full-time employees; and
- facility is included in Standard Industrial Classification (SIC) codes 10, 12, 20-39, 4911, 4931, 4939, 4953, 5169, 5171, 73891 or is a federal facility; and
- chemical is subject to reporting under Section 313 column of SARA Title III "List of Lists"<sup>2</sup> (i.e. is a listed chemical), which is also listed in 40 CFR 372.65; and

- facility manufactures or processes more than 25,000 pounds/year of a listed chemical or facility otherwise uses more than 10,000 pounds/year of a listed chemical; and
- facility has an “annual reportable amount”<sup>4</sup> of more than 500 pounds; or
- facility has an “annual reportable amount” less than 500 pounds but facility manufactures, processes, or otherwise uses more than 1 million pounds .

3) Criteria for reporting a chemical with Form A:

- facility meets all the criteria previously mentioned for Form R except...
- facility has an “annual reportable amount”<sup>4</sup> of less than 500 pounds ; and
- facility manufactures, processes, or otherwise uses less than 1 million pounds .

4) ~~Businesses~~ Land Uses subject to this Development Code that may be subject to EPCRA Section 313 requirements ~~are those businesses with 10 or more full-time employees that manufacture, process or use any EPCRA Section 313 toxic chemical and that may be classified under any one of the following categories.~~

~~—Mining or manufacturing facilities.~~

- (i) Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:
- a. Metal mining;
  - b. Coal mining;
  - c. Food and kindred products;
  - d. Tobacco products;
  - e. Textile mill products;
  - f. Apparel and other finished products made from fabrics and other similar materials;
  - g. Lumber and wood products (except furniture);
  - h. Furniture and fixtures;
  - i. Paper and allied products;
  - j. Printing, publishing and allied industries;
  - k. Chemicals and allied products;
  - l. Petroleum refining and related industries;
  - m. Rubber and miscellaneous plastics products;
  - n. Leather and leather products;
  - o. Stone, clay, glass and concrete products;
  - p. Primary metal industries;
  - q. Fabricated metal products, except machinery and transportation equipment;
  - r. Industrial and commercial machinery and computer equipment;
  - s. Electronic and other electrical equipment and components, except computer equipment;
  - t. Transportation equipment;

- u. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and
  - v. Miscellaneous manufacturing industries.
- (ii) Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.
  - (iii) Any refuse system regulated under federal law.
  - (iv) Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals for bulk storage.
  - (v) Businesses primarily engaged in solvents recovery services on a contract or fee basis.

**Sec. 304 - Outdoor display areas.**

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

**304 (a) Outdoor display areas; permanent.**

The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):

- (1) New or Used Motorized vehicles that are in good running condition ~~free from exterior damage or substantial wear.~~
- (2) Plants and general nursery items.
- (3) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.

**304 (b) Temporary sales promotions.**

All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions. Such display shall be for a period not to exceed 60 days, and shall not occur more often than once each 3 month period. Signage for such temporary events is restricted in accordance with the Sign Regulations Article of this Code.

**304 (c) Outdoor display areas; restrictions.**

- (1) Merchandise or goods on display outdoors must be located at least 20 feet from any property line.
- (2) Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque imitation-wood vinyl fence, polymer or composite based material opaque fence or free-standing wall at least 6 feet in height or a zoning buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code shall not be considered an outdoor display area.

**Sec. 305 - Outdoor storage.**

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

**305 (a) Outdoor storage in office/commercial zoning districts.**

- (1) Outdoor storage is not permitted in the ~~O-L, O-H OI and C-N~~ Districts.
- (2) Outdoor storage is permitted in the C-G and C-H ~~and C-R~~ Districts with Special Use approval only. All outdoor storage must be located to the side or rear of the building inside all setback lines and must be screened from public streets and residential districts by an opaque imitation-wood vinyl fence or free-standing wall no less than 8 feet in height or a zoning buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Article of this Code.
- (3) No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.

**305 (b) Outdoor storage in the industrial zoning districts.**

(Amended 09/04/2018 - TXT-2018-02, § 1; Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 5; Amended 02/06/2007 - TXT2007-02)

- (1) Outside storage is permitted in the LI-R , L-I and H-I zoning districts ~~with Special Use Permit only~~. Any storage use operated as a principal use or accessory use on a property zoned LI, LI-R or HI shall be contained entirely within a building, or:
  - a. Shall be screened from view by an opaque imitation-wood vinyl fence, polymer or composite based material opaque fence, dark vinyl-coated chain link fencing with opaque screening or free-standing wall no less than 6 feet in height and appropriately landscaped and maintained, ~~or dark vinyl-coated chain link fencing per section 310(b)~~; and
  - b. Shall be placed in a side or rear yard and set back at least 25 feet from any side or rear property line.
- (2) Additional restrictions apply to salvage, junk and wrecking yards (see Sec. 346).
- (3) No required parking spaces, required landscaped areas or any other required site element shall be used for outdoor storage.

**Sec. 306 - Standards for numbering property and buildings.**

(Amended 08/03/2010 - TXT-2010-03, § 10)

There is hereby established a uniform system for number property and buildings along all public and private roads, streets, avenue and other right-of-way in the unincorporated are of Douglas County in order to protect the safety and welfare of the general public by facilitating the location of individual dwellings and businesses by emergency response personnel. Address numbers shall be assigned or re-assigned by the GIS Department or other department as designated by the Board of Commissioners in accordance with administrative procedures.

**306 (a) Re-assignment of address.**

When, in the opinion of the GIS Department, the existing address number of a property is inconsistent with the County's address numbering system and/or is difficult for emergency response personnel to locate, the GIS Department may administratively re-assign the street address number. The GIS Department shall mail a written notice of the new address number to the property owner at their last know mailing address. Within thirty (30) days of the date that the GIS Department provides written notification of the new address, the property owner may request a review of the new address by the department. Within six (6) months of the date that the notification of the new address is mailed, the property owner shall post the new address number in accordance with the terms of this Ordinance and remove any different address number that might be mistaken for or confused with the number assigned tot the structure by the GIS Department.

**306 (b) Assignment of new address.**

No building permit shall be issued for any principal building until the owner or developer has procured an official address number for the property from the GIS Department. Final approval for a Certificate of Occupancy of any principal building erected or repaired shall be withheld until permanent and property numbers have been displayed in accordance with the requirements of this Ordinance.

In the case of new subdivisions, address numbers must be assigned to each proposed lot or tract on the final plat.

**306 (c) Posting of designated address.**

All figures must be set against a contrasting background and made from a material that is reflective or illuminated, allowing for 24-hour visibility.

Each one-family and two-family dwelling unit shall post and maintain the address number in a conspicuous place on the property, such as both sides of a mailbox, the curb, yard sign or the dwelling. The address must be clearly visible from the street providing general public access in figures at least three (3) inches high.

Multi-family buildings with three or more dwelling units shall post and maintain the address number on the building, clearing visible from the parking lot or street providing general public access. The numbers shall be at least six (6) inches high. Each individual apartment or unit must have its unit number or address posted in letters or numbers at least four (4) inches high at the main entrance to the apartment or unit. If a multi-family building has more than one exterior entrance, each such entrance shall be marked in numbers at least four (4) inches high with the number, letter and/or address of each and every individual apartment or unit to which access is provided through that common entrance.

Each business or other non-residential building shall post and maintain the address number in a conspicuous place on the property clearly visible from the street providing public access in figures that are at least four (4) inches high.

**Editor's note**— TXT-2010-03, § 10, adopted August 3, 2010, amended the Code by adding a new § 306, and renumbering former §§ 306—354 as new §§ 307—355.

Sec. 307 - Standards for single-family and two-family dwellings.

(Amended 08/03/2010 - TXT-2010-03, § 10)

All single-family and two-family dwellings, including on-site built and industrialized housing and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within Douglas County:

**307 (a) Foundation.**

- (1) The structure shall be attached to a permanent foundation constructed in accordance with the Building Code or State regulations, as applicable.
- (2) Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.
- (3) The area beneath the ground floor of the structure shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a curtain wall constructed of finished masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.
- (4) Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the *Installation of Manufactured Homes and Mobile Homes* rules and regulations established and published by Georgia Safety Fire Commission (O.C.G.A. 8-2-160 et. seq.)

**307 (b) Landings.**

At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches.

**307 (c) Exterior siding.** (Amended 02/07/2017 - TXT-2017-01, § 1; Amended 05/03/2016 - TXT-2016-02, § 1; Amended 12/18/2012 - TXT-2012-03, §§ 2, 3; 07/07/2009 - TXT-2009-03, § 1; 06/2005)

Additional construction standards for dwellings on all lots for all detached and attached dwellings.

- (1) Detached dwellings and attached dwellings shall be constructed in compliance with the following requirements:
  - a. Exterior siding materials, excluding gables, soffits and minor trim, for the front of every dwelling shall be 100% brick, stone or cementitious siding; each side shall be at least 40% brick, stone or cementitious siding; vinyl siding and metal siding is prohibited, excepted where noted below. Any existing non-cementitious siding (i.e., cedar, wood, log, etc.) may be replaced with vinyl siding as an upgrade due to deterioration caused by environmental effects including mold, pests, insects, etc. and subject to the specifications listed below. Lots in the AG. R-A and R-LD zoning district that are at least a minimum of one acre in size, as shown on a boundary survey, and not in a platted subdivision may have exterior siding materials consistent with custom log home construction or vinyl siding subject to the specifications below:

Homes utilizing vinyl siding, where allowed as specified above, are subject to the vinyl siding standards listed below:

    1. Standards for vinyl siding and other polymeric siding.
      - a. Vinyl siding and other polymeric siding shall be installed by a Certified Installer and/or Certified Trainer through the VSI Certified Installer

Program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an equivalent program.

- b. Vinyl siding shall be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Siding by an approved quality control agency and shall:
    - i. Have a minimum thickness of .044 inches;
    - ii. Have panel projections of no less than 5/8" for clapboard and dutchlap styles;
    - iii. Have reinforced or double nail hem;
    - iv. Meet or exceed the color retention requirements of ASTM D6864 or D7251;
    - v. Shall be installed in accordance with manufactures' instructions and in accordance with ASTM D4756.
  - c. Polypropylene siding shall be labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) Siding by an approved quality control agency.
    - i. Shall be installed in accordance with manufacturers' instructions.
  - d. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.
    - i. Shall be installed in accordance with manufacturers' instructions.
  - e. If any provision of the installation instructions of the ASTM or the manufacturer conflict with the Building Code of Douglas County, the Douglas County Codes shall control.
- b. There must be an adequately paved area to provide off-street parking for a minimum of two (2) vehicles or there shall be a two-car garage, internal and attached or accessory and detached, of not less than two (2)-vehicle capacity 440 square feet for all new construction. Any single-family dwelling must meet the following conditions to obtain a permit to enclose into living space any garage or carport:
- (1) The single-family dwelling must be owner occupied.
  - (2) There must be adequate paved parking area after the garage/carport enclosure to provide off-street parking for a minimum of two (2) cars.
  - (3) Construction materials for the enclosure must be consistent with the existing house siding to provide a cohesive look and be architecturally pleasing.
- c. Front yards shall be fully landscaped ~~sodded~~, and all other yards shall be ~~sodded~~ landscaped where disturbed during development or building.
- d. At the time of application for a building permit a floor plan drawing and an elevation drawing of the front and sides of the residential building shall be submitted. The elevation drawings must show the type of siding being applied and the limits of the siding being installed on the structure.

- e. Any material not specifically approved or prohibited above may be approved as a hardship variance as described in Article 13, Section 1304.

**307 (d) Roofs.**

- (1) All roof surfaces shall have a minimum pitch of 4:12 (4 inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
- (2) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) metal, clay tiles, slate, or similar materials.
- (3) Minimum roof overhang shall be 12 inches, excluding gutters, along all sides of the structure.

**307 (e) Minimum width.**

The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than 5 feet for other architectural elements of the structure's design.

**307 (f) Deviations from standards; where allowed.**

The Board of Commissioners may approve deviations from the standards contained in this Section for a single-family or two-family dwelling or a manufactured home as a special use upon a finding that all of the following are met:

- (1) Such deviation shall provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property; and,
- (2) Such deviation shall foster beneficial development of the County in the public interest.

**307 (g) Compliance with codes.**

The dwelling shall be constructed in accordance with all applicable requirements of the Building Code as adopted by the County, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with State law and regulations for industrialized buildings, whichever apply.

**Note**— See editor's note, § 306.

Sec. 308 - Standards for multi-family dwellings (including townhouses).

(Amended 08/03/2010 - TXT-2010-03, § 10)

**308 (a) Requirements in general.**

- (1) Recreation amenity.

Every townhouse or multi-family development must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, tennis courts, tot lot, basketball courts, sidewalks, or bike trails.

- (2) Off-street parking facilities shall be grouped in bays, either adjacent to streets or at the rear of dwellings; and no off street parking space shall be more than 100 feet distance by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- (3) Curb and Gutter is required on all internal public streets.
- (4) All common areas not included within lots or occupied by dwelling units must be set aside for community open space or recreational amenities. No less than 20% of the gross site area must be set aside as community open space.
- (5) All primary resource conservation areas, as defined in this Code, must be set aside under a natural resource or conservation easement drawn in accordance with the Environmental Protection Article of this Development Code.

**308 (b) Building arrangement.**

Buildings that are front face to front face or back face to back face or front face to back face shall not be less than 75 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation.

**308 (c) Dwelling units per building:**

- (1) Townhouses: No more than 10 or fewer than 3 dwelling units can comprise a building.
- (2) Other multi-family buildings: No more than 8 dwelling units per floor may be included within a building used exclusively as a multi-family dwelling.
- (3) Lofts and mixed-use buildings: Within a master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.

**308 (d) Townhouse developments.**

- (1) Townhouse development is to be designed, proposed and intended such that each dwelling unit therein is to be sold in fee simple as a condominium or with the land upon which the unit is located as an individual lot subdivided from all other lots.
- (2) No more than three contiguous dwellings that form a part of a single building shall have the same setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.
- (3) Sidewalks shall be provided for each townhouse residential development to promote safe pedestrian access throughout the entire development.
- (4) Driveways serving more than six units shall be paved to a minimum width of 30 feet, curbed and guttered. All driveways within the development shall be paved, curbed and guttered according to county specifications.
- (5) Private, usable open space, such as balconies, sundecks, patios, etc., shall be provided contiguous to each dwelling unit. The area of such open space provided for

each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

(6) Residential open space .

The developer shall set aside and develop not less than 20% of the land area within the development area for open space, parks or recreational use. Required streets, drives, yard areas and common parking court areas shall not be credited toward this minimum required open space allocation. Only fifty percent of such area may be developed with recreational facilities. Primary conservation areas as defined in the Environmental Protection Article of this Development Code shall not be included in the minimum 20% calculation.

(7) Common open space facilities .

Any townhouse residential development providing common open space or other lands or facilities in common ownership shall comply with the Property Owner's Association requirements of the Subdivisions and Planned Developments Article of this Code.

**Note**— See editor's note, § 306.

Sec. 309 - Standards for pre-owned manufactured homes.

(Amended 08/03/2010 - TXT-2010-03, §§ 6, 10)

**309 (a) Standards in general.**

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the county.

- (1) All pre-owned manufactured homes moved into or relocated within Douglas County must bear an approval seal of either HUD or the Georgia Department of Community Affairs.
- (2) Mobile homes, which are defined as manufactured housing that do not conform to the Federal Manufactured Housing Construction and Safety Standards Act (the HUD Code), are not allowed to be moved into or relocated within the county.

**309 (b) Manufactured home inspection.**

Any pre-owned manufactured home being moved or relocated within the county must pass inspection by an inspector acceptable to the Department of Development Services prior to being moved or relocated. *(Amended 02/2005)*

- (1) This inspection will cover, but not be limited to:
  - a. Sanitary facilities.
    1. Every plumbing fixture, water, and waste pipe shall be in a sanitary working condition free from leaks or obstructions.
    2. Both cold and hot water must be supplied.
    3. Water heating facilities must be in safe working condition.
  - b. Exterior condition.

1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.
  2. The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
  3. The exterior siding shall be free of rot and rust and must be uniform in appearance.
  4. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- c. Safety of operating systems (electrical, heating, etc.), including:
1. Heating facilities must operate in a safe working condition. Where a central heating system is not provided, the manufactured home shall be provided with facilities whereby a heating appliance may be connected.
  2. 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 house per cubic foot of room content.
  3. Unvented fuel burning heaters shall be prohibited in bedrooms.
  4. 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.
  5. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
- d. The presence of operable smoke detectors.
- e. Interior condition.
1. Every floor, interior wall and ceiling shall be in sound condition.
  2. Doors and windows shall be operable, watertight and in good working condition.
  3. The floor system shall be in sound condition and free of warping, holes, water damage or deterioration.
- (2) Timing of inspection.
- a. For a manufactured home to be relocated within the county, the inspection shall be conducted prior to moving the home from the original site.
  - b. For a manufactured home being moved into the county, either:
    1. The inspection shall be conducted prior to moving the home from the original site; or
    2. With the owner's written approval and acceptance of all liability, the inspection may be conducted at the new home site prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to

permanent power. Such a manufactured home that does not pass inspection or is not brought into conformity must be removed from the county.

**Note**— See editor's note, § 306.

**Sec. 310 - Standards for office, commercial and industrial uses.**

(Amended 08/03/2010 - TXT-2010-03, §§ 7, 10)

**310 (a) Screening of dumpsters.**

(Amended 03/03/2009 - TXT-2009-02, § 2)

All dumpster and/or exterior commercial trash storage containers must meet the requirements of Article 8, Section 807.

**310 (b) [Wooden and woven-wire fences.]**

(Amended 09/04/2018 - TXT-2018-02, § 2; Amended 08/02/2011 - TXT-2011-01, § 7; Added 1/06/2009 - TXT2009-01, § 2)

Woven-wire fences shall not be used. Polymer or composite based material opaque fence or Vinyl materials that simulate wooden fences in appearance may be used. All wooden fences shall be maintained in good repair at all times with a painted or stained finish on all sides. Good repair shall be determined by the Development Services Director or his/her designee.

Dark vinyl-coated chain-link fencing may be used in L-I, LI-R, and H-I districts in conjunction with properly-maintained landscaping and screening when said landscaping and/or existing vegetation prevent the view of the fence within two years of planting as determined by the Douglas County Arborist. It may only be used on the interior of required landscape buffers. Dark vinyl-coated chain-link fencing may not be used on perimeters of any property in overlay zones unless specifically permitted. The fencing shall not block or obscure the required site line at driveways and intersections or diminish the sight distance required for visibility at those locations.

**310 (c) Building exterior guidelines.**

On all non-residential structures in zoning districts other than L-I and H-I, all exposed exterior wall sidings shall be composed of Type A materials. On industrial structures in L-I and H-I zoning districts, the front exterior of all such structures shall be composed of Type A materials, and the remaining sides and back exterior wall sidings shall be composed of the maximum and minimum percentages of materials as follows:

<u>Material</u>	<u>Maximum %</u>	<u>Minimum %</u>
Type A	100	40
Type B	60	0

Type C	10	0
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Type A Material: To consist of brick, granite, stone, marble, Cementous stucco accents, fiber-cement siding accents, limestone accents, or insulated window wall panels. Metal siding is prohibited. *(Amended 01/06/2009 - TXT-2009-01)*

Type B Material: To consist of metal panels with a baked-on or acrylic finish which must be expected to retain its appearance without substantial maintenance for a period of ten years, plain reinforced concrete slabs, plain concrete block with sculptured treatment or stack bond with raked porcelain treated steel, or anodized or other permanently finished aluminum.

Type C Material: To consist of steel and aluminum without finish prescribed as Type B, plain concrete block, Masonite, particle board, and wafer board (sheet). *(Amended 1/06/2009 - TXT-2009-01, §§ 2, 3; 04/03/2007 - TXT-2007-03; 06/2005)*

**310 (d) Exterior lighting requirements.** *(Amended 08/01/2017 - TXT-2017-04, § 1; 1/06/2009 - TXT-2009-01, § 2)*

See Article 10 Section 1026 for lighting requirements.

**310 (e) Landscaping area.**

All non-residential property shall provide landscaping in accordance with the requirements of the Landscaping, Buffers and Tree Conservation Article of this Development Code. *(Amended 1/06/2009 - TXT2009-01, § 2)*

**Note—** See editor's note, § 306.

**Sec. 311 - Sexually oriented adult uses.**

*(Amended 08/03/2010 - TXT-2010-03, § 10)*

The purpose of these standards is to regulate certain types of businesses to the end that criminal activities engendered by such businesses will be curtailed. This is not intended as a de facto prohibition of legally protected forms of expression. This is intended to represent a balancing of competing interests: reduced criminal activity and protection of neighborhoods and development throughout the regulation of sexually oriented establishments versus any legally protected rights of sexually oriented establishments and patrons. This is not intended to allow or license any business, establishment, or activity, which would otherwise be unlawful. The Board of Commissioners, after weighing and careful consideration, find that all other uses allowed within any zone other than LI (Light Industrial), and HI (Heavy Industrial) zones shall exclude sexually oriented establishments unless such uses are specifically stated to include sexually oriented establishments within that zone. No general use description set out elsewhere shall be deemed or construed to include such use.

**311 (a) Special Use approval required.**

Prior to using the premises as an sexually oriented establishment, any person, association, partnership, corporation, or other business entity must first have applied and received Special Use approval for the operation of any sexually oriented establishment. No use hereunder shall condone or make legal any activities there under if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States or under any other ordinance, rule, or regulation of Douglas County.

**311 (b) Use limitations.**

- (1) No minors shall be allowed to enter or remain within a licensed premises.
- (2) It shall be unlawful for any person to sell, exchange, barter, trade, give or offer to sell, exchange, barter, trade, or give, to any minor any entertainment, service, material, device, or thing offered, for sale or otherwise, at an sexually oriented facility.
- (3) It shall be unlawful for any elected or full-time appointed official or any employee of the County or employee of an elected official of the County who receives all or part of his/her salary from Douglas County, or his/her spouse or minor child(ren) to have any whole, partial, or beneficial interest as defined herein in any license or use hereunder.
- (4) The following provisions, in addition to all others, shall apply to erotic dance and entertainment establishments.
  - a. No later than March 1 of each year, the applicant shall file a verified report with the County showing the licensee's gross receipts and all amounts paid to dancers or entertainers for the preceding 12 month period.
  - b. Applicants shall maintain and retain for a period of 2 years the names, addresses, and ages of all persons employed as dancers or entertainers.
  - c. All dancers and entertainers, dancing and entertainment, shall occur on a platform intended for that purpose which is raised at least 2 feet from the next-highest level of the remainder of the floor.
  - d. No dancing or entertainment shall occur closer than 10 feet to any patron.
  - e. No dancer or entertainer shall fondle or caress any patron and no patron shall fondle or caress any dancer.
  - f. No patron shall directly pay or give any gratuity to any dancer or entertainer.
  - g. No dancer or entertainer shall solicit any pay or gratuity from any patron.
  - h. All areas of the licensee's establishment shall be fully lighted at all times when patrons are present, which shall mean illumination equal to 3½ foot candles per square foot.
- (5) No sexually oriented establishment shall be conducted, operated, or licensed if the sexually oriented activity on the interior of its premises is visible from the exterior of the premises.
- (6) No booth, screen, partition, or other obstruction shall be permitted within the interior of any such establishment so as to prevent a clear view throughout the premises, except to separate offices, kitchens, rest rooms, or other areas not frequented by patrons.
- (7) All premises shall be kept clean and in proper sanitary condition. Each premise shall be cleaned at least once daily and more frequently when necessary. The person in charge of the premises shall supervise this activity. There shall be provided adequate facilities, equipment, and supplies on the premises to meet this requirement, and

adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises, but shall be disposed of daily or more frequently if necessary to prevent accumulation.

- (8) The applicant or his designee shall make sanitary inspections of the premises at least every 15 days. Each licensed premise shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.
- (9) No premises for a sexually oriented establishment shall have any interior connections or doors with any other place of business or with any place where gambling or other illegal activity is conducted or where persons congregate for the illegal consumption, sale, possession, barter, manufacture, exchange, purchase, dispensation, delivery, or other dealing in, of alcoholic beverages or for any immoral purposes.

**311 (c) Certain activities prohibited.**

- (1) No person, firm, partnership, association, corporation, or other entity shall conduct any illegal activity in or upon the premises.
- (2) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or other person to appear nude or semi-nude where there is an individual payment offer or solicitation of money occurring between patron and employee.
- (3) No person, firm, partnership, association, corporation, or other entity shall permit any employee or patron to use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.
- (4) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or any person on the premises to insert an object into her vagina or her or his anal orifice, except for personal hygiene or necessity.
- (5) No person, firm, partnership, association, corporation, or other entity shall permit or suffer an employee or any person on the premises to engage in actual or simulated genital masturbation, or in the case of females, fondling of the breasts.
- (6) No person, firm, partnership, association, corporation, or other entity shall permit or suffer a male employee or any person on the premises to exhibit an unclothed, erect penis.
- (7) No person, firm, partnership, association, corporation, or other entity shall permit or suffer a male employee or any person on the premises to engage in or simulate bestiality.
- (8) No person other than a dancer or entertainer while on any licensed premises shall expose or be permitted to expose to public view with less than a complete and opaque covering of his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, and if female, her breasts below a point immediately above the top of the areola.
- (9) No employee or person, while on licensed premises, shall or be permitted to dance or perform nude or semi-nude in such a manner as to simulate sexual activity with any patron, spectator, employee, or other person not employed therein.
- (10) No person, while on licensed premises, shall, while nude or semi-nude, be permitted to sit upon or straddle the leg, legs, lap, or body of any patron, spectator, employee, or

other person therein, or to engage in or simulate sexual activity while touching or being touched by said patron, spectator, or other person.

- (11) No person, firm, partnership, association, corporation, or other entity shall permit or suffer the use of any areas of the premises of such establishments for sexual contact or private dancing performance or entertainment.
- (12) No person, firm, partnership, association, corporation, or other entity shall permit or suffer any signage or advertisement which encourages, solicits, induces, or promotes conduct or activities prohibited by this Section.
- (13) No alcoholic beverages of any kind shall be sold, possessed, or consumed on the premises except in full compliance with Douglas County and any applicable federal or state laws.
- (14) No drugs or illegal or controlled substances of any kind shall be allowed, permitted, used, possessed, or sold upon the premises, and no gambling shall be allowed or permitted therein.

**311 (d) Distance requirements for location.**

- (1) No sexually oriented establishment, business, or use shall be located within the following distances as defined and measured as stated herein.
  - a. Within 1,000 feet of any residence.
  - b. Within 1,000 feet of a place of worship, school, government-owned or operated building, library, civic center, public park, hospital, community club, or prison.
  - c. Within 1,000 feet of another establishment regulated or defined hereunder.
  - d. Within 1,000 feet of an establishment selling alcoholic beverages other than the licensed establishment.
- (2) Each application for Special Use approval hereunder for which there is no existing County license then in effect of the type for which application is being made shall include a blue line copy of a surveyor's plat, 8-1/2" by 11" in size showing the proposed location and the location of all customer entries in relation and distance, measured as provided in this Section, to all real property and buildings on such real property which fall within the above distance requirements, together with the zoning district and present uses of all such real property and the proposed location.
- (3) After issuance of any license, no change in the location of the building on the premises or customer entry locations shall be made which would affect compliance with any distance requirements of this Section.

**311 (e) Sexually oriented establishment employees.**

- (1) Employees of sexually oriented establishments shall not be less than 21 years of age.
- (2) No person shall be employed in any capacity whatsoever, including, but not limited to, performers, entertainers, waiters, bouncers, bartenders, disc jockeys, and musicians, who has been convicted in this or any other county or state or in any federal court within 5 years immediately prior to the application for employment of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the manufacture or sale of intoxicating liquors, or any other felony or crime involving moral turpitude, or for whom any outstanding warrant exists on which service has not been performed. "Be

employed" shall include all work done or services performed while in the scope of employment on the premises or elsewhere, for compensation or otherwise. Notwithstanding, this provision shall not apply to an independent contractor who performs accounting, legal, administrative, repair, or maintenance services for licensee.

- (3) A permit to work in or be employed by a sexually oriented establishment, whether for compensation or otherwise, shall be required for all employees thereof. For the purpose of this Section, independent contractors, such as entertainers, employed or hired by a sexually oriented establishment shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any sexually oriented establishment. Each independent contractor shall be required to have and maintain his or her separate business license. Notwithstanding, this provision shall not apply to an independent contractor who performs accounting, legal, administrative, repair, or maintenance services for licensee.
- (4) No person requiring a permit may be employed by or work in an establishment until such person has filed an application, paid the fee for, and obtained a work permit from the Sheriff's Department.
- (5) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The Sheriff's Department may prescribe reasonable fees for certifying the eligibility for employment.
- (6) It shall be the duty of all licensees of a sexually oriented establishment to file with the Sheriff's Department the names of all employees with their home addresses and home telephone numbers and places of employment on a monthly basis.
- (7) Employees holding permits issued pursuant to this chapter shall at all times during their working hours have said permits available for inspection at the premises.

**311 (f) Additional standards for approval of Special Use.**

With respect to the issuance, renewal, or retention of a Special Use approval, any right to retain or have approved an application for such, the following standards shall apply in addition to standards stated elsewhere in this Development Code.

- (1) Where there is evidence that, even though there is compliance with the minimum distance requirements herein, the type and number of schools or number of churches or other facilities in the vicinity causes minors to frequent the immediate area.
- (2) Where there is evidence that the location or type of structure would create difficulty in law enforcement supervision.
- (3) Where there is evidence that a license for the location would be detrimental to the property values in the area.
- (4) Where there is evidence that the license in that location would be detrimental to traffic conditions or that there is a lack of sufficient parking spaces for automobiles. In addition to compliance with any other parking space requirements of this Code, a licensee shall have sufficient parking on the premises so as to provide parking for his customers and so as to prevent parking on the streets or adjoining property.
- (5) Where there is evidence that alcoholic beverages have been sold to intoxicated persons or to a minor.

- (6) Where there is evidence that the conducting of the business has violated the law or this Section, creates a disturbance, congregation of intoxicated or unruly persons, alcoholic beverages illegally on the premises, or that illegal activities have occurred on or in connection with the premises or business, or causes law enforcement officers to answer complaints or make extra surveillance of the premises.

### **311 (g) Lighting.**

All premises shall be fully lighted both inside and outside, except during hours when the establishment is not open for business. Interior lighting shall be at least 3-1/2 foot candles per square foot.

**Note—** See editor's note, § 306.

### **Sec. 312 - Timbering and forestry.**

(Amended 08/03/2010 - TXT-2010-03, § 10; Amended 03/03/2009 - TXT-2009-02, § 3)

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

#### **312 (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 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 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.

#### **312 (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.

#### **312 (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 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.

**312 (d) Exceptions.**

All maintenance on thinning operations are exempt from the requirements of Section 312(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.

**312 (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.

**Note—** See editor's note, § 306.

**DIVISION II. - RESTRICTIONS ON CERTAIN USES.**

**Sec. 313 - Accessory buildings, uses and structures.**

(Amended 08/03/2010 - TXT-2010-03, § 10)

The following provisions apply to accessory uses or structures in all zoning districts where the principal use is otherwise allowed, whether by right or through Special Use approval.

**313 (a) Provisions relating to all accessory uses.** *(Amended 05/03/2016 - TXT-2016-02, § 2; Amended 1/06/2009 - TXT2009-01, § 4; 11/07/2006 - TXT2006-02)*

- (1) Relationship to a principal use.
  - a. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building

through the attachment by a wall and roof, and other such requirements as applicable to the main building.

- b. No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced except for lots with a minimum of five (5) acres shall be allowed to construct a barn or similar structure such as a private, freestanding garage for the storage of equipment related to the maintenance of the property or to house farm animals.

- c. Any accessory building or structure in the AG, R-A, and R-LD zoning district on lots ranging in size from 0.34 acres (15,000 SF) up to 0.99 acres, as shown by a boundary survey, including lots in platted subdivisions, shall not exceed 1,000 SF.

Any accessory building or structure in the AG, R-A and R-LD zoning district on lots ranging in size from 1.0 acre up to 5.0 acres, as shown by a boundary survey, shall not exceed 1,000 SF except that property owners of lots meeting the size requirements above in the AG and R-A zoning districts may apply to the Development Services Director and Planning and Zoning Director for administrative approval of an additional 500 SF of building size. Property owners of lots meeting the size requirement in the R-LD zoning district may apply to the Development Services Director and Planning and Zoning Director for administrative approval of an additional 250 SF of building size. Any accessory building receiving administrative approval for increased size will be required to match the facade of any portion of the accessory building visible from the right-of-way to the facade of the home on the site. Additional square footage beyond the maximum including additional size as may be allowed with administrative approval will only be allowed through the Special Use Permit process.

Any accessory building or structure in the AG, R-A, and R-LD zoning district on lots greater than 5.0 acres, as shown by a boundary survey, shall have no limit on maximum size.

- d. All setbacks as established in Article 4 of this Unified Development Code shall apply. Additional distance may be required by Section 302.
- e. An accessory use shall not occupy more than 30% of a side or rear yard.

- (2) Setback and height restrictions for accessory uses and structures.

Except as specifically regulated under this Section, see the setback and height restrictions for accessory buildings and structures in the Lot and Building Standards Article of this Code.

**313 (b) Customary accessory uses to a dwelling.** *(Amended 02/07/2017 - TXT-2017-01, § 2; Amended 11/01/2016 - TXT-2016-05, § 3; Amended 08/02/2016 - TXT-2016-04, § 4; Amended 05/03/2016 - TXT-2016-02, § 3; Amended 02/03/2015 - TXT-2015-01, § 1; 1/06/2009 - TXT-2009-01, § 5)*

Each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use that it serves, subject to more restrictive standards that may apply under this Section.

- (1) Private garage or carport.

- a. In the R-MD district, the freestanding private garage or carport may not exceed eight hundred and fifty square feet in area. The garage shall be a one-story structure not over 14 feet high.
  - b. Duplex uses in the R-MD ~~R-D~~ district, the freestanding private garage or carport may not exceed six hundred square feet for each dwelling unit. The garage shall be a one-story structure not over 14 feet high.
- (2) Outdoor parking area.
- (3) Utility or storage buildings.
- a. In the R-A, R-LD, and R-MD ~~and R-D~~ districts, a shed or tool room for the storage of personal items and equipment shall not be more than 180 square feet in size and must be located in the side or rear yard at least sixty feet from any street right-of-way.
  - b. In the ~~R-TC, R-MF~~ R-HD and R-MH districts, a shed or tool room for the storage of supplies and equipment used in grounds or building maintenance shall not exceed 1,000 square feet.
- (4) Radio, television and telecommunications devices, as follows:
- a. Any device designed for over-the-air reception of radio or television broadcast signals, or direct broadcast satellite service.
  - b. Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
  - c. Radio, television and telecommunications devices shall meet the same setbacks as for principal buildings for the zoning district.
- (5) Children's playhouse, playground and play equipment.
- (6) Animals.

Domesticated animals will be allowed subject to the following conditions:

- a. In the AG and R-A districts associated with a commercial farming activity.
- b. In the A-G, R-A and R-LD districts, horses, mules, donkeys, goats, swine and ponies for the personal use and pleasure of the family residing on the property at the rate of not more than one (1) such animal per one (1) full acre of land; plus no more than six (6) poultry, pigeons, rabbits and other similar animals typically considered to be pets for the personal use and pleasure of the family residing on the premises on lots that are at least one (1) acre in size, except that roosters are strictly prohibited in platted subdivisions. The one (1) full acre of land must be entirely contained within the boundaries of the parcel where the keeping of said animals will occur.
- c. In all residential districts, dogs and cats raised outside for the personal pleasure of the resident of the lot, not to exceed a total of four such mature animals per dwelling. The keeping of domesticated animals in the home for companionship are not restricted in number, however keeping of said indoor animals is for the personal pleasure of the resident of the lot and accessory to the use as a residence.

- (7) Quarters for the keeping of domestic pets (such as a doghouse) owned by the occupants of the dwelling for non-commercial purposes. Pens housing dogs shall be a minimum of 25 feet from all property lines. For kennels, see Sec. 319.
- (8) When allowed, a barn, shed, pen, corral, other structure to house, shelter, or confine farm animals such as horses, mules, ponies, sheep, goats, rabbits, or poultry provided said structure to be placed in the rear yard and be at least 100 feet from every property line. Additional distance may be required by Sec. 302.
- (9) When allowed, a barn used only to store farm equipment, supplies or crops must be behind the dwelling and at least 50 feet from any property line. Additional distance may be required by Sec. 302.
- (10) Personal recreational facility accompanying a residence on a lot, such as a swimming pool and bathhouse or cabana, jacuzzi, tennis court, deck or patio.
  - a. A personal swimming pool must be located at least 100 feet from any street right-of-way or it must be in the side or rear yard.
  - b. Pools must be enclosed by a fence or wall at least 4 feet in height with a self locking gate.
  - c. A pool bathhouse or cabana not more than 12 feet high and not more than 400 square feet in area may be built next to the swimming pool provided that it be connected to the required fence or enclosed by said fence and provided that it be at least 100 feet from any street right-of-way. A pool house may contain bathroom facilities including a shower, a kitchenette, but no sleeping arrangements.
- (11) Clubhouse, fitness amenities, recreational facilities such as a swimming pool or tennis courts, common laundry facility, rental or management office, central mail box pavilion, dumpster or designated recycling collection location incidental to a residential subdivision, townhouse or multi-family development or manufactured home park for the exclusive use of the occupants of the development, subject to the following conditions:
  - a. Must be located within the principal building setbacks.
  - b. Outdoor activities shall cease by 11:00 P.M. with clubhouse/recreation centers, swimming pools and tennis courts.
  - c. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
  - d. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.
- (12) Noncommercial greenhouse not more than one story tall and 180 square feet in size, located in the rear yard at least sixty feet from any street right-of-way.
- (13) Fences and freestanding walls, subject to the setback and height restrictions in the Lot and Building Standards Article of this Code (but no fence shall contain any barbed wire unless used to confine one or more horses or similar animals and no wooden fences are allowed except on an individual single-family lot as an accessory to a single-family home).
- (14) Garbage pad, heating and air conditioning units.
- (15) Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Boats,

RVs and other like items stored on a residential site must be owned by the property owner or tenant of the lot, where allowed. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 ( *Life Safety Code* ).

**313 (c) Customary accessory uses to a religious institution ~~church or other place of worship~~.** (Amended 11/03/2015 - TXT-2015-04, § 4; Amended 02/04/2014 - TXT-2014-01, § 2)

- (1) Meeting facilities.
- (2) Offices and rectories.
- (3) A ~~church or other place of worship~~ religious institution may have a residence for the housing of the pastor, priest, minister, rabbi, etc. in a residential zoning district.
  - a. Minimum building separation of 15 feet ~~from primary~~ between structures is required.
  - b. Customary accessory uses associated with a dwelling are permitted.
- (4) Religious classrooms, church schools and related facilities to include ~~Mother's Morning Out~~ child day care, adult day care and similar part time programs and services as an accessory use allowed by right. A ~~church or other place of worship~~ religious institution may have an accessory school with the following minimum requirements:
  - a. Minimum lot size of 3 acres for the school in addition to the minimum lot size requirement for the church or other place of worship.
  - b. Minimum public road frontage of 100 feet.
  - c. Overall parking and landscape plan for entire site to be approved by the Board of Commissioners.
  - d. Temporary Classrooms require a Special Use permit.
- (5) Cemeteries and mausoleums. A church or other place of worship may have an accessory cemetery with the following minimum requirements:
  - a. Minimum lot size of 5 acres for cemetery in addition to the minimum lot size requirement for the church.
  - b. When abutting any residential property line, a 50-foot zoning buffer shall be required.
  - c. Ingress/egress shall be provided.
  - d. Compliance with all State of Georgia requirements.
- (6) Within the office/commercial zoning districts, a community food or housing shelter may be located in a ~~church or other place of worship~~ religious institution as an accessory use, provided it meets the applicable minimum standards of the Community Food and Housing Section of this Article.

**313 (d) Customary accessory uses to office, commercial and industrial uses.** (Amended 08/01/2017 - TXT-2017-04, § 2; 06/03/2008 - TXT-2008-03)

- (1) The following accessory uses are permitted in the office/commercial and industrial zoning districts
  - a. Heating and air conditioning units subject to the following conditions:

1. When abutting any residential property line, heating and air conditioning units shall not be located in any required setback.
  2. When abutting any other non-residential district, heating and air conditioning units shall not be closer than 10 feet to a side or rear lot line.
  3. Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened if visible from a public right-of-way or adjoining residentially-zoned property from a side or front view.
  4. Ground based air conditioning and heating units shall not exceed 35 feet in height.
- b. Incidental storage.
- Incidental storage, provided that the material stored is incidental to the permitted use, and is stored completely within a portion of the enclosed, principal structure permitted in the district or within the permitted accessory structure. Adherence to the National fire Protection Association Code (NFPA) 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 (*Life Safety Code*)
- c. Free standing parking garages, subject to the following conditions:
1. When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.
  2. When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.
- d. Manufacturing and fabrication as an accessory use.
- If undertaken as an accessory use to a retail use allowed by right, such as a jewelry store or pottery, the manufacturing or fabrication activity may occupy no more than 25% of the gross floor area or 1,000 square feet (whichever is less). All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.
- e. Ancillary Retail Sales.
- The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business
- f. Heavy Truck Parking.
1. Heavy truck parking is allowed in the C-H zoning district as an accessory use with Special Use Permit approval subject to the following requirements:
    - a. On a property with a minimum of 2 1 acres
    - b. Placed in the rear yard of the property

- c. Placed on a paved surface
  - d. Consist of no more than 5 heavy trucks parked on the property at any given time
  - e. Fenced and screened according to the Outdoor Storage requirements of this Development Code
2. Heavy Truck Parking is allowed in the LI, LI-R and HI Districts as an accessory use by right for company-owned fleet vehicles utilized on a regular basis for the conduct of the business subject to the following requirements:
    - a. On a property with a minimum of 2 acres
    - b. Placed in the rear yard of the property
    - c. Placed on a permanent improved surface
    - d. Fenced and screened according to the Outdoor Storage requirements of this Development Code
  3. Heavy Truck, Semi-Tractor over-the-road truck, long-haul truck and trailer parking as a principle use shall be subject to the requirements of Section 331 of this Development Code
- g. Electric Vehicle Charging Stations.

Electric vehicle charging stations are allowed as accessory uses on any lot which is zoned and developed for office, commercial, or industrial uses such that they are at least 10 feet from any property line and not within any required zoning buffer. One parking space must be provided for each charging station on site so that vehicles charging will be out of travel lanes and the flow of traffic.

- (2) Development restrictions applicable to nonresidential accessory uses.
  - a. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
  - b. Where any non-residential lot adjoins the side or rear of a residential lot, any accessory building shall not be located within the required building setback.
  - c. When an accessory building is attached to the principal building by breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
  - d. Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that complies with the building setbacks for a principal building.

**313 (e) Accessory retail uses within an office, hotel or multi-family building.**

Within the R-MF, ~~O-L~~, ~~O-H~~ OI, CG and ~~C-N~~ CH zoning districts, retail sales and services accessory to the operation of an office building or institutional use, motel, hotel, or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory, and are further subject to the following conditions:

- (1) The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per dwelling unit in a multi-family building.

- (2) The floor space used or to be used for such accessory uses shall be limited to a total of 25 square feet per room in a hotel or motel.
- (3) The floor space used or to be used for such accessory uses shall be limited to a total of 10% of the gross floor area in an office building or institutional use.
- (4) Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure, except for restaurants located within an office building, hotel or motel.
- (5) No show window, advertising, or display shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.
- (6) No merchandise shall be stored or displayed outside of the primary use structure.
- (7) The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations, and other similar personal service establishments; drugstores, book stores, florists, convenience food stores, gift shops, cafeterias and restaurants, private clubs, laundry facilities for the convenience of residents, and news stands.

**313 (f) Accessory Dwelling Units apartments.**

(Amended 11/07/2017 - TXT-2017-05, § 1)

1. Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages or tiny homes on the same lot as the principal dwelling unit or a conversion of a garage or barn.
2. Types of ADUs  
Detached backyard “cottage” or “bungalow”  
Attached addition to existing home, with separate entrance and kitchen  
Interior (upper level) attic apartment  
Interior (lower level) basement apartment  
Above-garage addition that serves as an apartment over the garage  
Garage conversion; an attached or detached garage made into an apartment
3. Accessory Dwelling Units may be classified as Short-term rental units as prescribed and covered by the requirements under Section 318 Traveler Accommodations. It is a violation of this Development Code to utilize a permitted ADU as a short-term rental without following the requirements for short-term rentals set forth in this Development Code.
4. Attached Accessory Dwelling Unit (ADU). Accessory dwelling units which are attached or internal to the primary residence on site must be accessible through the primary structure and may be accessible directly from outside of the primary structure. These ADU are allowed by right in the AG, R-A and R-LD zoning districts such that adequate provision has been made for additional parking spaces, disposal of sewage as certified by the Douglas County Health Department, waste and stormwater drainage, and that the

square footage of the accessory dwelling ~~apartment~~ does not exceed 60% of the square footage of the primary structure. In addition, the density in dwelling units per acre shall not exceed the requirements of the zone district when the primary residence and ADU are counted as two dwelling units for this calculation. Also, the lot shall be a minimum of 1 acre, and the ~~property primary residence~~ is owner occupied, and ~~sharing a single driveway shall serve both dwelling units.~~

5. Detached Accessory Dwelling Unit (ADU). Detached accessory dwelling units ~~apartments~~ must meet the following requirements:

- (a) The primary residence is located on a minimum of 1 acre and only one ADU ~~accessory apartment~~ may be permitted per lot.
- (b) A Special Use Permit is required for and t~~The construction and~~ occupancy of the ADU ~~apartment~~. Authorization will be is determined by the Board of Commissioners not to be detrimental to the neighborhood in which the lot is located as determined by the criteria established for evaluating a special use application.
- (c) The property ~~house~~ to which an ADU ~~accessory apartment~~ is to be added must be owner occupied and must share its driveway ~~with~~ between the residence and the accessory apartment. No separate driveway to the ADU ~~accessory apartment~~ shall be allowed.
- (d) Adequate provision has been made for parking, disposal of sewage, waste and drainage.
- (e) There shall be no external entrance (doorway) to the accessory apartment that faces a public street.
- (f) The minimum heated area of the accessory apartment shall be no larger than ~~that~~ 60% of the floor area of the principal residence.
- (g) The accessory apartment is subject to annual inspection and the Special Use permit may be subject to “show cause” hearing ~~revoked~~ at any time by the Board of Commissioners for violation of any of the above rules.
- (h) The density in dwelling units per acre shall not exceed the requirements of the zone district when the primary residence and ADU are counted as two dwelling units for this calculation
- (i) The height of the ADU shall not exceed the height requirements of the zone district for all accessory structures and shall be finished in substantially the same façade materials and style as the principle residence.

**313 (g) Agricultural produce stand.**

Agricultural produce stands are allowed as an accessory use to a farm in the AG and R-A Districts with the following requirements:

- a. The sale of products and commodities raised on the premises is permitted, provided that no structure for such sales shall be closer than ~~one~~ 50 hundred feet to any side or rear property line.
- b. No such structure for the sale of such commodities may exceed five hundred square feet in floor area.

**Note**— See editor's note, § 306.

Sec. 314 - Accessory housing for family care-RESERVED.

(Amended 08/03/2010 - TXT-2010-03, § 10)

**314 (a) Purpose.**

A mobile home may be parked and occupied as a residence in any R-A or R-LD Residential area, that is not an approved subdivision, where a medical hardship exists.

**314 (b) Definitions relating to family care housing.**

The following terms as used in this Section are defined as follows:

*Family care:* Watchful oversight and individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing and toileting, provided by a family or family member to a relative.

*Medical hardship:* A physical or mental health condition that necessitates family care of such intensity or continuous duration that the person with the condition and the family providing the care must live in close proximity, either in the same dwelling or on the same lot.

*Primary dwelling:* A habitable and occupied single-family dwelling that exists on the property where the manufactured home is to be located.

*Relative:* A person related by blood, marriage or adoption, but extending in lineage no more than two generations (grandparent, parent, child or grandchild) or laterally no farther than sibling, niece or nephew.

*Residential lot:* A lot, tract or parcel of land that is occupied by a primary dwelling and properly zoned for such use.

**314 (c) Residency requirements.**

- (1) Owner must occupy the property.

The owner of the residential lot on which the primary dwelling and the accessory manufactured home are located must occupy either the primary dwelling or the accessory manufactured home as their principal place of residence.

- (2) Relationship between the person with the medical hardship and the owner.

The person with the medical hardship for whom family care is needed must be the owner/occupant or a relative of the owner/occupant of the residential lot. If the person with the medical hardship is the owner/occupant of the residential lot, he or she must be a relative of the occupant of the other dwelling on the lot.

**314 (d) Locational and other requirements.**

- (1) Accessory use status.

The primary dwelling must have a greater floor area than the accessory manufactured home.

- (2) Compliance with other codes.

- a. ~~The residential lot on which the accessory manufactured home is to be placed and the primary dwelling must be in compliance with all rules and regulations of the county, other than restrictions on the placement of an accessory manufactured home on the lot.~~
- b. ~~If the residential lot on which the accessory manufactured home is to be placed or the primary dwelling are not in compliance with all rules and regulations of the county, such nonconformity must be rectified before an accessory manufactured home for family care can be placed on the lot.~~

~~(3) Location on the lot.~~

- a. ~~Placement of the accessory manufactured home on the lot must conform to all relevant county codes and ordinances, including setback requirements of the Zoning Ordinance and separation requirements of the Building Code.~~
- b. ~~The accessory manufactured home may only be located in the rear yard behind the primary dwelling, or in the side yard away from a side street on a corner lot.~~

~~(4) Installation requirements.~~

- a. ~~The accessory manufactured home must be connected to a potable water supply, a sewage disposal system and electrical service in conformity with the requirements of Douglas County Health Department and applicable Building Codes.~~
- b. ~~Placement of the accessory manufactured home must comply with anchoring, foundation and other requirements of the State of Georgia and the Georgia Department of Community Affairs.~~

**314 (e) Process for approval.**

~~(1) Confirmation of hardship and need for accessory housing.~~

~~In no case shall such a use be allowed unless it is shown by an affidavit by a physician, and verified by the Douglas County Health Department, that the person to occupy the manufactured home or the permanent dwelling falls within the provisions herein provided for. Before any permit shall be issued the applicant must show and state in a signed affidavit that the dwelling on the premises does not contain sufficient facilities to accommodate the proposed occupant of the manufactured home and that the present facilities used are inadequate, and that the occupant of the manufactured home is a member of the immediate family of the occupant of the premises.~~

~~(2) Application.~~

~~Approval for an accessory manufactured home for family care can be requested at any time during the year. The request shall be filed with the Development Services Department on forms provided by them. The Development Services Department will forward the request to the Board of Commissioners and handle administration of the application process.~~

- a. ~~An initial application for family care accessory housing will be processed as a Special Use under, and shall comply fully with, the provisions for Special Use approval in the Procedures and Permits Article of this Code. The application shall include the following:~~

- ~~1. All application requirements for a Special Use under the Procedures and Permits Article of this Development Code.~~
  - ~~2. A recorded warranty deed showing that the applicant is owner of the land on which the manufactured home is proposed to be put.~~
  - ~~3. Proof that all ad valorem taxes due have been paid.~~
  - ~~4. The physician's affidavit confirming the medical hardship, verified by the Douglas County Health Department~~
- ~~b. No application will be taken or heard if taxes are not paid in full unless the applicant can provide documentation that such taxes are being contested and that the board of assessors is apprised of the contestation and agreed to hear the case.~~
  - ~~c. The zoning office shall distribute letters of notification to all contiguous property owners or occupants. Contiguous shall include all property across road, street, utility right-of-way or other common use property. This notification form shall contain the time, place and purpose of the public hearing on the application.~~
  - ~~d. The applicant shall comply continuously with the residency requirements of Section 314 (c). Transfer of ownership of the property shall cause immediate revocation of the Special Use approval.~~
- ~~(3) Standards for approval.~~

~~In addition to the standards for Special Use approval in the Procedures and Permits Article of this Code, the following standards shall guide the Board of Commissioners in considering a request for approval of an accessory manufactured home for family care:~~

- ~~a. Whether or not the person creating the need for the manufactured home has a bona fide medical hardship;~~
- ~~b. Whether or not the person creating the need for the manufactured home is a relative of the person or family that will provide the needed care, and such person or family resides on the lot upon which the manufactured home will be located as their principal place of residence;~~
- ~~c. Whether or not placement of the manufactured home will be suitable in view of the zoning and development of adjacent and nearby property;~~
- ~~d. Whether or not placement of the manufactured home will adversely affect the existing use or usability of adjacent or nearby property; and~~
- ~~e. Whether or not the manufactured home does or will comply with all locational and other requirements of this Ordinance.~~

### ~~314 (f) Compliance.~~

- ~~(1) Annual renewal of approval required.~~
  - ~~a. Every approval granted for an accessory manufactured home for family care must be renewed on or prior to March 31 of every year.~~
  - ~~b. A request by the property owner shall be filed with the Development Services Department on forms provided by them no later than March 1 of every year.~~

- ~~1. The request must be accompanied by a letter or other statement of a physician stating that a medical hardship requiring the use of a manufactured home for the health care of the relative continues to exist.~~
- ~~2. The physician's letter must indicate that the person with the medical hardship is a patient of the physician and under their continuing care, and must be dated within the same calendar year that the request for renewal is made.~~
- ~~c. Renewal shall be granted administratively upon a finding by the Development Services Department that:
  - ~~1. The conditions warranting the original approval by the Board of Commissioners continue to exist; and~~
  - ~~2. The lot, the primary dwelling, the manufactured home and the occupants continue to be in compliance with all requirements of this Ordinance.~~~~
- ~~d. The renting of a manufactured home or the real property upon which the manufactured home is situated shall be grounds for termination of the Special Use approval.~~

~~(2) Annual report by Development Services.~~

~~Each year the Development Services Department will produce a report on the applications received, approved, renewed and not renewed. Failure to provide such report shall not relieve the property owner from continuing uninterrupted compliance with the provisions of this Code.~~

~~(3) Removal of the manufactured home.~~

~~Once the state of "medical hardship" is removed, the land use permit for mobile homes shall expire and the mobile home shall be removed in a timely manner. The accessory manufactured home for family care must be removed from the property within 30 days after the need for such housing no longer exists, or after the lot, the primary dwelling, the manufactured home or the occupants are no longer in compliance with all requirements of this Ordinance.~~

~~**Note**— See editor's note, § 306.~~

**Sec. 315 - Asphalt plants and concrete plants.**

(Amended 08/03/2010 - TXT-2010-03, § 10)

(Amended 08/03/2010 - TXT-2010-03, § 10)

Asphalt plants, temporary batch plants and concrete plants must comply with the following requirements:

**315 (a) Use restrictions.**

- (1) Asphalt mixing shall be a sealed process.
- (2) Compliance with all applicable state and federal laws regulating these uses.
- (3) All necessary state and federal permits be obtained prior to application.

- (4) Noise abatement and air pollution abatement plans to be approved by county staff.
- (5) Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4-.11, and 391-3-4-.15.
- (6) Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.
- (7) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.

**315 (b) Site requirements.**

- (1) Minimum site to be 5 acres.
- (2) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (3) Facility shall not be located within the Dog River or Bear Creek ~~or Sweetwater Creek~~ Drainage Basins.
- (4) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer.

**Note—** See editor's note, § 306.

**Sec. 316 - Automobile storage yards and wrecker services.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Establishments that provide for the removal and temporary storage of vehicles as automobile towing storage yards and wrecker service yards for damaged or confiscated vehicles must meet the following requirements:

- (1) Provided any such use is located no closer than one thousand feet to any free-flowing creek, stream, or river and not located within the one hundred-year (100-year) floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- (2) Such automobiles shall not be held longer than provided by State law or 120 days, whichever is more stringent.
- (3) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility, but facility shall be located with direct access to a US Highway, Georgia State Highway or County Major Arterial Street with a minimum 100 foot right-of-way or shall be located within 500 feet of said roadway classifications with the condition that said 500 feet of road segment shall be improved to Major Arterial status ~~The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and~~

~~thoroughfare plan and truck traffic routes~~ and entrances to the facility shall be approved by the county engineer.

- (4) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- (5) Such use shall be surrounded by a solid masonry wall, polymer or composite based material opaque fence or imitation-wood vinyl fence at least eight feet tall.
- (6) No dismantling, repair, sale of parts, or any other such activity shall be conducted unless allowed as a salvage, junk or wrecking yard and complies with the requirements of Sec. 346.
- (7) Such use shall be located at least ~~forty~~ 100 feet from any residential district or use.
- (8) Comply fully with all state regulations relating to these facilities.

**Note**— See editor's note, § 306.

### **Sec. 317 - Automotive repair or maintenance.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

The provisions of this Section apply to any establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, light trucks (under 5,000 pounds gross vehicle weight) and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, provided it is conducted within a completely enclosed building that performs general automotive and small truck (under 1 ton) repairs; or specializes in automotive repairs or maintenance of exhaust systems, transmissions, glass, brakes, etc.; or provides oil change or lubrication services; any of and which may also include auto inspections or maintenance and repair of belts, hoses, fluids, and similar maintenance (including tune-ups).

- (1) Automotive repair or maintenance uses shall not be established on a lot that is either adjacent to, or directly across the street from, any residential zoning district.
- (2) The use shall comply with the requirements of Sec. 331 if gasoline or diesel fuel is dispensed on the property.
- (3) If located within an office/commercial zoning district, the following shall apply:
  - a. Outside storage of parts or non-operable vehicles must be entirely screened from view from any street or adjacent property by a solid masonry wall, imitation-wood vinyl fence or polymer or composite based material opaque fence at least eight feet tall.
  - b. The building shall not exceed 8,000 square feet in floor area.
  - c. An emission or auto inspection station may be an accessory use to an automotive repair facility, provided that it is contained within a fully enclosed structure.
  - d. Vehicles under repair or maintenance at an enclosed automotive repair shop may not remain in the property for more than 180 consecutive days.

**Note**— See editor's note, § 306.

**Sec. 318 – Traveler Accommodations- Short-Term Lodging Bed and breakfast inns, country inns.**

(Amended 08/03/2010 - TXT-2010-03, § 10)

1. Traveler Accommodation establishments provide lodging or short-term accommodations for travelers, vacationers, and others. There is a wide range of establishments in these industries. Some provide lodging only, while others provide meals, laundry services, and recreational facilities, as well as lodging. The Traveler Accommodation group includes establishments that primarily provide traditional types of lodging services. This group includes hotels, motels, motor courts, bed-and-breakfast inns, country inns, and Air B and B homes – Vacation Rental By Owner (VRBO) homes (which may or may not be a principle residence or an accessory dwelling unit (ADU)) . In addition to lodging, these establishments may provide a range of other services to their guests. The RV (Recreational Vehicle) Parks and Recreational Camps industry group includes establishments that operate lodging facilities primarily designed to accommodate outdoor enthusiasts. Included are travel trailer campsites, recreational vehicle parks, and outdoor adventure retreats. The Rooming and Boarding Houses, Dormitories, and Workers' Camps industry group includes establishments providing temporary or longer-term accommodations, that for the period of occupancy, may serve as a principal residence. Board (i.e., meals) may be provided but is not essential.

**2. Hotels and Motels**

This industry comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms, convention services, laundry services, parking, and other services.

**(a) Restrictions and Requirements**

1. Minimum lot size. Every lot containing a hotel or motel shall have an area of at least two acres.
  2. Minimum setback. A hotel or motel shall have a minimum setback of 100 feet from any residential district.
  3. Public safety access. Every hotel or motel building where guests are lodged must have a 25-foot wide corridor surrounding the building for nonexclusive access by public safety vehicles. The corridor must be separated from the exterior of the building by at least 20 feet, but not more than 50 feet.
  4. Amenities for long-term stay. If any unit available for occupancy by a guest within the hotel or motel contains cooking facilities, the hotel or motel shall provide recreational amenities, such as a swimming pool, exercise equipment, dog park, or playground area.
- 3. Short-Term Rentals, Rooming and Boarding Houses, Dormitories, and Workers' Camps and Other Short Term Traveler Accommodation**

These establishments are primarily engaged in operating rooming and boarding houses and similar facilities, such as whole-house rentals or accessory dwelling unit rentals and workers' camps. These establishments provide temporary or longer-term accommodations, which, for the period of occupancy, may serve as a principal residence. These establishments also may provide complementary services or facilities, such as housekeeping, kitchen, and laundry services.

Examples:

Tourist homes: AirBnB, HomeAway, VRBO, etc.

Guest houses: Accessory dwelling units (ADUs)

Youth hostels or Dormitories

Workers' camps

Rooming / Boarding houses

**(a) Restrictions and Requirements**

1. Short-term rentals including Tourist homes/ Guest houses: AirBnB, HomeAway, VRBO, and Accessory dwelling units (ADUs) – Generally.
  - a. In all agricultural and residential zone districts, Short term rentals shall be considered a special use and shall require an Occupational License from the County.
  - b. A license placard provided by the community development department must be prominently displayed on the front facade of the structure in a location clearly visible from the street during all periods of occupancy.
  - c. Sheds, garages, tents, and similar temporary or permanent structures that have not been granted a Certificate of Occupancy for habitation are not permitted for use as a short-term rental, nor are recreational vehicles permissible as short term rentals except as provided herein under Section 318.5 below.
  - d. Only one short term rental unit is allowed per property and only one party of guests are permitted per short term rental.
  - e. Use of the short-term rental for any commercial or social events on-site is prohibited.
  - f. The short-term rental shall appear as a residential dwelling from the street.
  - g. Short term rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any neighbor's enjoyment of their property or residence.
  - h. Short term rentals shall meet all applicable zoning, building and fire codes.

- i. Non-resident employees are prohibited.
- 2. License-specific type guidelines for Tourist homes/ Guest houses: AirBnB, HomeAway, VRBO, and Accessory dwelling units (ADUs).
  - a. Accessory short-term rentals.
    - 1) The portion of the dwelling licensed as an accessory short-term rental is limited to four bedrooms, and occupancy is limited to eight guests.
    - 2) There must be at least one bedroom in the dwelling for the owner-occupant.
    - 3) The owner-occupant shall occupy the dwelling and be present during any short-term rental occupancy.
    - 4) Proof of owner-occupancy will be established by verification in the name of the applicant.
  - b. Temporary short-term rentals.
    - 1) Temporary short-term rentals must have an in-town property manager available at all times.
    - 2) Temporary short-term rental licenses allow a maximum 30 rental nights at one time; a maximum of 180-rental nights per license year.
    - 3) Occupancy is limited to two guests per bedroom or a total of ten guests, whichever is less.

#### **4. Short-Term Traveler Accommodation – Bed and Breakfast and Country Inn Establishments**

Housekeeping rooms, cabins and cottages: A private, owner-occupied residence may be operated as a bed and breakfast inn or a country inn if the use is subordinate and incidental to the primary residence and meets the following requirements:

##### **(a) Use restrictions.**

- (1) In an agricultural or residential zoning district, a bed and breakfast Inn may contain no more than 4 guest rooms. A country inn may contain from 4 to not more than 10 rooms. In an office/commercial zoning district, a bed and breakfast inn or a country inn may contain 19 or fewer rooms, all of which must be accessed from within the building.
- (2) A bed and breakfast Inn shall not contain restaurant facilities but may provide food service for transient guests only. A country inn may contain full-service restaurant facilities that provide meal services to guests and the general public.

- (3) No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.
- (4) Catering, parties, weddings, or special events are permitted in a country inn, but not in a bed and breakfast Inn.
- (5) The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the Board of Commissioners as a Special Use.
- (6) In an agricultural or residential zoning district, the owner of the bed and breakfast inn or country inn must reside on the property.
- (7) Maximum length of stay shall not exceed 14 days.
- (8) In all agricultural and residential zone districts, Short term rentals – Bed and Breakfast and Country Inn Establishments shall be considered a special use.

**(b) Site Restrictions.**

- (1) No bed and breakfast or country inn facility may be established in an approved subdivision.
- (2) No parking area for guests is to be located closer than 25 feet to any residential property line.

**5. Recreational and Vacation Camps including Recreational Vehicle (RV) and travel trailer parking areas.**

This comprises establishments primarily engaged in operating overnight recreational vehicle camps and parking areas, family vacation camps, hunting and fishing camps, and outdoor adventure retreats, that may or may not offer trail riding, white water rafting, hiking, and similar activities. These establishments provide accommodation facilities, such as cabins and fixed campsites along with RV and Travel Trailer parking spaces, and other amenities, such as food services, recreational facilities and equipment, and organized recreational activities.

Examples:

RV and travel trailer parking facilities and areas

Vacation or Fishing camps with RV and Trailer parking facilities and areas

Hunting camps with RV and Trailer parking facilities and areas

Outdoor adventure retreats with accommodation facilities

**(a) Use Restrictions**

- 1) For the purpose of applying these standards, two classifications of recreational vehicle park are established:
  - a. Overnight: is usually located along or near main highways, where recreational campers stop for only one night on the way to some further destination.

b. Destination: is usually located at or near a scenic, historical or outdoor recreational area where recreational campers are attracted for extended stays of several days or weeks.

2) The following standards shall apply to recreational vehicle parks, based on classification:

<u>Recreational vehicle park performance standards.</u>		
	<u>Overnight</u>	<u>Destination</u>
<u>Maximum camper stay</u>	<u>1 day</u>	<u>21 days</u>
<u>Minimum park size</u>	<u>5 acres</u>	<u>5 acres</u>
<u>Minimum recreational vehicle site area</u>	<u>1,000 sq. ft.</u>	<u>1,400 sq. ft.</u>
<u>Minimum recreational vehicle site width</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>Maximum density</u>	<u>20 sites/acre</u>	<u>15 sites/acre</u>

3) In any district where recreational vehicle parks are permitted, the applicant shall submit a layout of the park subject to the following conditions:

- (a) Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. Radii of curves and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. A sight-distance triangle shall be provided at all entrances and exits to insure no material impediment to visibility shall be created or maintained which obscures the view of an approaching driver. The Development Review Committee shall review and approve all intersection angles and radii of curves and shall establish the sight-distance-triangle requirements for each proposed recreational vehicle park, based on anticipated vehicle speeds and the site's slope and relief. No recreational vehicle or travel trailer park shall be located except with direct access to a county, state or federal highway, with minimum lot width of not less than 50 feet from the portion used for entrance and exit.
- (b) No entrance shall be through a residential district, or shall it require movement of traffic from the park through a residential district.
- (c) The minimum lot area per park shall be 3 acres.
- (d) Spaces may be used by recreational vehicles provided they meet any laws and ordinances of the county and shall be rented by the day or week only, with a maximum rental period of 30 days. Rental spaces shall not be within 50 feet of the right-of-way line of any freeway, expressway, or street. Recreational vehicles

shall be separated from each other and from other structures by at least ten (10) feet. Awnings, fold out and expandable sides, or other extensions to the vehicle are considered to be a part of the vehicle for the purpose of measurement.

- (e) A certificate of approval from Douglas County Health Department.
- (f) Adequate outdoor lighting shall be located no more than every 200 feet along interior access roads.

#### **4) Accessory Uses.**

Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided:

- (a) Accessory uses and related parking shall be a maximum of 10% of the area of the park;
- (b) Use is restricted to the occupants of the park; and
- (c) No evidence of the commercial character of the accessory use shall be visible which would attract customers other than occupants of the park.

#### **5) Year-round occupancy.**

Any recreational vehicle or travel trailer park in which 50% or more of the spaces are intended, leased or sold for occupancy of 1 year or more shall meet the requirements of Sec. 336 as a manufactured home park.

**Note—** See editor's note, § 306.

### **Sec. 319 - Boarding and breeding of animals.**

(Amended 08/03/2010 - TXT-2010-03, § 10; Amended 11/06/08, TXT2008-05, § 1)

Boarding and/or breeding kennels, non-profit animal rescue corporations and the raising of non-domestic animals (such as horses, cattle, poultry, goats and sheep) or wild and exotic animals must comply with the following requirements:

#### **319 (a) Acreage restrictions.** *(Amended 02/2005)*

- (1) The keeping of cattle, poultry and other non-domestic animals other than feedlots and hog parlors shall require not less than 10 acres in area.
- (2) Feedlots and hog parlors shall be conducted on tracts of land not less than 20 acres in area.
- (3) For a kennel, the minimum lot size shall be 10 acres and must have a 25' vegetative buffer adjacent to any adjoining residential property.
- (4) In the OI-L, OI-H and C-N zoning districts, veterinary offices and animal clinics may not have outside runs or pens.

#### **319 (b) Non-profit animal rescue corporation.** *(Amended 08/02/2011 - TXT-2011-01, § 9; Added 11/06/08, TXT2008-05, § 2)*

- (1) Non-profit animal rescue corporations, which do not exceed the conditions and restrictions set forth in Section 313(b)(6) - 313(b)(9) - Customary Accessory Uses to a Dwelling - may operate under the conditions and restrictions set forth in Section 334(b) for a Home Office.
- (2) Non-profit animal rescue corporations which exceed the conditions set forth in Section 313(b)(6) - 313(b)(9) - Customary Accessory Uses to a Dwelling - will remain under the conditions and restrictions of a kennel or of Raising Non-Domestic Animals set forth in Section 319 and the restriction and conditions of a kennel or agricultural structure set forth in Section 302 - Agricultural and Residential Use Separation.

**319 (c) Spacing requirements.** *(Amended 11/06/08, TXT2008-05, § 2)*

In addition to the provisions of Sec. 302 regarding spacing between certain agricultural structures or operations and residences, the following shall apply:

- (1) Any structure housing animals and any animal runs or pens shall be at least 200 feet from any adjacent property line and at least two hundred feet from any street right-of-way.
- (2) All animals shall be maintained at least 150 feet from any residence on adjoining property in existence when the permit is approved.

**319 (d) Provisions applying to veterinary offices.** *(Added 05/05/2015 - TXT-2015-02, § 1)*

- (1) All veterinary offices must provide adequate pet walk areas that are both grassed and screened with either a wooden, or imitation wood vinyl fencing or polymer or composite based material opaque fence and landscaping
- (2) No pet walk may be established in any required parking lot or other landscaping strip or required buffer area. Signage must be placed in the required parking lot and other landscaping strips as well as buffer area that no pet walking is allowed in those areas.

**Note—** See editor's note, § 306.

**Sec. 320 - Car, boat and recreational vehicle dealers, sales and service facility.**

*(Amended 08/02/2011 - TXT-2011-01, § 8; Amended 08/03/2010 - TXT-2010-03, § 10)*

An establishment for sales of new or used automobiles and small trucks less than one ton, boats, motorcycles and recreational vehicles shall meet the requirements of this Section.

- (1) Where such an establishment is an authorized dealer of new cars, small trucks less than one ton, boats motorcycles and recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements of a general automotive repair establishment and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.
- (2) Such establishments that deal in used vehicles only shall not have any service facility on the premises unless approved as a Special Use.
- (3) All new and used car dealers can only offer cars for sale on the lot for which the auto dealers license was issued by Douglas County Occupational Tax.

- (4) No individual shall offer for sale or advertise for sale any vehicle except in accordance with O.C.G.A. § 40-2-39.1.

**Note**— See editor's note, § 306.

**Sec. 321 - Car/automobile brokers.**

(Added 08/02/2011 - TXT-2011-01, § 9)

- (1) No automobile broker shall have any cars, trucks, or recreational vehicles on the lot of the office location.
- (2) All automobile brokers are allowed as OFFICE ONLY and no transfer of vehicles or recreational vehicles shall occur at the office location.

**Sec. 322 - Car washes.**

(Added 08/02/2011 - TXT-2011-01, § 9)

General Provisions

- (1) Purpose and intent.

The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

- (2) Applicability.

- (a) This ordinance applies to all new conveyor car washes permitted and constructed after August 2, 2011, regardless of the water source.
- (b) The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before August 2, 2011.
- (c) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

- (3) Commercial car wash recycling requirement.

All new commercial conveyor car washes, permitted and constructed after August 2, 2011, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

**Sec. 323 - Cemeteries, mausoleums and crematories.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

A cemetery allowed as a principal use on a property must meet the requirements of this Section. Cemeteries that are allowed as accessory uses to a ~~church~~ religious institution or other place of worship must comply with the provisions of Section 313 (c)(5).

**323 (a) New cemeteries.**

Cemeteries for human or animal interment are required to meet the following minimum requirements:

- (1) Minimum lot size of 10 acres.
- (2) All graves or burial lots shall be set back not less than 200 feet from any property line or street right-of-way line.
- (3) Minimum public road frontage of 100 feet.
- (4) Permanent public ingress/egress shall be provided.
- (5) Compliance must be maintained with all requirements of the State of Georgia and the County Tax Commissioner.

**323 (b) Mausoleums.**

Mausoleums are permitted in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

**323 (c) Existing cemeteries.**

Any cemetery or place of burial recognized by Douglas County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 et seq.). State law currently defines "burial ground" and "cemetery" as follows:

- (1) "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.
- (2) "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

**Note—** See editor's note, § 306.

Sec. 324 – Religious Institutions ~~Churches~~ and similar places of public assembly.

(Amended 11/03/2015 - TXT-2015-04, § 5; Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, §§ 9, 10; Amended 04/03/2007 - TXT2007-03)

Religious Institutions including Churches, chapels, temples, synagogues and other such places of worship, and civic and social organizations and similar places of public assembly must meet the following minimum requirements:

- (1) No parking areas or driveways shall be established within 20 feet of another lot in a residential zoning district, and all parking areas and driveways shall be paved. The location of all curb cuts must be approved by the county engineer.
- (2) Any existing religious institution with or without accessory facilities not meeting the minimum acreage standards of this section as of June 7, 1994, may erect an addition or add accessory structures or uses provided that:
  - a. All other provisions of this section including setbacks and buffers are met; and
  - b. All parking requirements for religious institutions and accessory facilities are met.

- (3) A zoning buffer at least 25 feet wide meeting the requirements of the Landscaping, Buffers and Tree Conservation Article of this Code shall be maintained along the side and rear property lines that abut a residentially zoned district.
- (4) If located in any residential zoning district, the following shall apply:
  - a. The site must contain at least 5 acres and have frontage of at least 200 feet on an arterial or collector street.
  - b. Any building or structure established in connection with these uses shall be set back not less than 75 feet from any property line.
  - c. The use shall be permitted only on a lot that abuts a major or minor thoroughfare or a collector street, from which all access to the property shall be derived.

**Note—** See editor's note, § 306.

**Sec. 325 - Convention center.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Convention centers designed for public or private assemblies are subject to the following requirements:

**325 (a) Plan approval.**

- (1) Traffic and parking plan to be approved by the County Engineer.
- (2) Hours of operation to be approved by the Board of Commissioners
- (3) Noise abatement plan to be approved by the Board of Commissioners.

**325 (b) Site requirements for a convention center or amphitheater.**

- (1) Minimum site area of 5 acres, unless a smaller site is allowed through special use approval.
- (2) A minimum of a fifty-foot wide zoning buffer of trees shall be preserved and/or established and maintained adjacent to all abutting residentially zoned property lines.
- (3) The use shall be located on minor or major arterials only.

**Note—** See editor's note, § 306.

**Sec. 326 - Community and neighborhood recreation centers.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

**326 (a) Community recreation centers.**

Noncommercial or nonprofit community centers such as YMCA, YWCA, Girls or Boys Clubs and senior centers must meet the following requirements:

- (1) Minimum site area of 5 acres; and

- (2) In the agricultural and residential zoning districts, a zoning buffer at least 25 feet wide, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be planted and maintained along all side and rear property lines.

**326 (b) Neighborhood recreation centers.**

Neighborhood recreation centers, amenities, and swimming pools are subject to the following:

- (1) Site plans must be approved by the Department of Development Services to ensure compliance with all applicable laws and provisions of this Code. The facility shall be designed to accommodate no more than those residing within the surrounding and adjoining residential developments.
- (2) Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line.
  - a. ~~Upon written consent of all owners of property residing within 100 feet of the site, the set back may be reduced to no less than 50 feet from any property line.~~
  - b. ~~The set back may be reduced to 20 feet from an interior property line if a structural zoning buffer is provided along said property line that effectively provides a visual and noise screen for adjacent property to a height of 8 feet.~~
- (3) Swimming pools must comply with all applicable ordinances and must have necessary approvals from the Health Department and Building Inspector.
- (4) Outdoor activity shall cease by 11:00 p.m. and not begin prior to 8:00 a.m.
- (5) Lighting shall be established in such a way that quiet use and enjoyment of adjacent properties are not adversely affected, and that roadways and safe use thereof are not adversely affected. No direct light shall be cast upon adjacent properties or roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.
- (6) No residence or structures shall be built upon any adjacent lot within the development within which the facility is located until construction of the recreation area has commenced to the extent that buyers of adjacent property will be aware of where the recreation area will be located.

**Note—** See editor's note, § 306.

**Sec. 327 - Community food and housing shelters.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Charitable, non-profit, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

- (1) Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.
- (2) Beds must be provided for all overnight guests excluding staff and volunteer workers.
- (3) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 9:00 A.M.
- (4) All premises shall be maintained in a clean, safe, and sanitary fashion.

- (5) Within the office/commercial zoning districts, a community food or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this Section.
- (6) No shelter shall be located closer than 500 feet to the nearest single-family property line measured from the closest corner or wall of the shelter.

**Note—** See editor's note, § 306.

**Sec. 328 - Day care.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

**328 (a) Family day care home.**

(Amended 11/01/2016 - TXT-2016-05, § 4; Amended 01/02/2007 - TXT-2007-01)

Day care for up to 8 children as an accessory use to a residence is subject to the following requirements:

- (1) A family day care home is allowed with Special Use Permit approval from the Board of Commissioners in the AG, RA and R-LD zoning districts.
- (2) A maximum of 6 children for whom compensation is received plus a maximum of two children related to the caregiver for whom compensation is not received.
- (3) For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the 6 children limitation, with the total maximum of no greater than 8 children at any one time.
- (4) The family day care home must be registered with the day care licensing division of the Georgia Department of Human Resources and proof of such registration must be submitted to, and maintained current with, the Development Services Department.
- (5) The family day care home shall comply with all provisions relating to a home business under Section 334 (c), except that there shall be no employees.
- (6) No off-street parking may be provided for child pick up and drop off, and all outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence. All play areas shall be fenced with a self-locking gate.

**328 (b) Group day care facility.**

(Amended 09/04/2018 - TXT-2018-02, § 3)

Day care for up to 18 adults or children is subject to the following conditions:

- (1) A maximum of 18 adults or children for whom compensation is received.
- (2) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a 6-foot high polymer or composite based material fence solid hedge, wall, imitation-wood vinyl fence, or dark vinyl-coated chain link fencing ~~per section 310(b)~~. All outdoor play areas shall be separated from driveways,

streets and parking areas. The fencing or vegetation used as a visual screen shall not block or obscure the required site line at driveways and intersections or diminish the site distance required for visibility at those locations.

- (3) Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.
- (4) When within or adjacent to a residential district, the facility may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
- (5) All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (6) When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.
- (7) A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility.

### **328 (c) Day care center.**

(Amended 09/04/2018 - TXT-2018-02, § 3)

Day care for nineteen or more adults or children is subject to the following:

- (1) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a 6-foot high polymer or composite based material fence ~~solid hedge, wall, imitation-wood vinyl fence, or dark vinyl-coated chain link fencing per section 310(b)~~. All outdoor play areas shall be separated from driveways, streets and parking areas. The fencing or vegetation used as a visual screen shall not block or obscure the required site line at driveways and intersections or diminish the sight distance required for visibility at those locations.
- ~~(2) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a 6-foot high solid hedge, wall, imitation-wood vinyl fence, or dark vinyl-coated chain link fencing per section 310(b). All outdoor play areas shall be separated from driveways, streets and parking areas.~~
- ~~(3)~~ (2) When within or adjacent to a residential zoning district, the day care center may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
- ~~(4)~~ (3) All day care centers shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- ~~(5)~~ (4) When operated as an accessory use, the day care center shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.
- ~~(6)~~ (5) A day care center operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of any other day care center or group day care facility.

**Note—** See editor's note, § 306.

**Sec. 329 - Drive-in theaters.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

The following restrictions apply:

- (1) The volume or concentration of traffic will not create a safety hazard or impede normal traffic flow.
- (2) The theater site is not within 500 feet of an existing residence.
- (3) The face of the screen is not visible from any expressway, freeway, arterial, or collector street located within 2,000 feet.

**Note—** See editor's note, § 306.

**Sec. 330 - Fallout shelters.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Fallout shelters are permissible as accessory uses in any district, subject to the following conditions:

- (1) If any portion of the structure extends above the ground, then the portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the building inspector.
- (2) If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
- (3) A fallout shelter may only be located in the side or rear yard when an accessory use.
- (4) Fallout shelters may be contained in a principal building or may be constructed separately as an accessory use. If constructed separately, it must be located in the side or rear yard.

**Note—** See editor's note, § 306.

**Sec. 331 – Gasoline stations, truck stops and heavy truck parking facilities, and convenience stores with fuel pumps**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this Section.

**331 (a) General requirements.**

- (1) Facilities shall not be within 100 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or

dependents.

- a. The circulation and parking area of the heavy truck parking facilities must be at least 200 feet from any residential property. Heavy truck parking and circulation areas must be at least 100 feet from any property lines and separated from adjoining residential property by a 50 foot buffer.
- (2) The site shall ~~front~~ have at least ~~120~~ 125 feet of frontage on a major collector or arterial street and have a minimum lot area of 1 acre.
  - (3) Vehicle access drives and curb cuts, including those for entrances, exits, and other similar facilities on public streets, shall be no greater than 40 feet wide, as measured at its narrowest point parallel to the street, and the driveway radius shall terminate no closer than 10 feet to an adjoining property line, no closer than 40 feet to a street intersection, and 40 feet from another driveway, or shall meet GDOT requirements, if greater, on state routes. A vehicle access drive shall be not more than 40 feet wide as measured at its narrowest point parallel to the street, and shall not be located closer than 10 feet to an adjoining property or 40 feet from a street intersection, or meet GDOT requirements if greater .
  - (4) There shall not be more than 2 driveways from the same property along a single street, which must be separated by at least 100 feet.
  - (5) All operations except for the sale of gasoline or diesel fuel, truck stops and truck parking facilities, shall be conducted in an enclosed building.
  - (6) No gasoline pump or edge of canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:
    - a. U.S. or State numbered highway: as required by the Georgia Department of Transportation.
    - b. Arterial street: 80 feet from the centerline.
    - c. Major collector street: 70 feet from the centerline.
    - d. Minor collector street: 60 feet from the centerline.
    - e. Local commercial or industrial street: 50 feet from the centerline.
    - f. Local residential street: a distance equal to the front setback required by the zoning district for a principal building.
  - (7) There shall be no rental of trucks, trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation.
  - (8) Car or truck washes on the property shall be enclosed within a building, located within a side or rear yard only, and located at least 50 feet from the property line.
  - (9) A well impact and soil survey must be approved by Environmental Health and the Board of Commissioners prior to issuance of a building permit.

### **331 (b) Requirements for full service gasoline stations.**

A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental, are subject to the following in addition to the general requirements of this Section:

- (1) No major automobile repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed.
- (2) No outside storage of parts or non-operable vehicles.
- (3) Building shall not exceed 8,000 square feet in floor area.

- (4) An emissions or auto inspection station may be an accessory use to a gasoline service station provided it is fully enclosed in a permanent building.

### **331 (c) Truck stops.**

Establishments that cater to the fueling needs of the trucking industry are subject to the following in addition to the general requirements of this Section:

- (1) All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.
- (2) No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (3) No outside storage of parts or non-operable vehicles is permitted.
- (4) Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide zoning buffer.

### **331 (d) Convenience stores with fuel pumps.**

A convenience store with fuel pumps is subject to the following in addition to the general requirements of this Section:

- (1) The convenience store shall not exceed 3,000 square feet in gross floor area unless located on a State or U.S. numbered highway or other major arterial road.
- (2) There shall be no automotive repairs done on site.
- (3) No video games shall be located in a convenience store with a gross floor area of greater than three thousand square feet.

### **331 (e) Heavy truck parking facilities without accessory uses.**

Establishments that cater solely to the parking needs of the heavy trucking industry – which excludes truck stops establishments that cater to the fueling needs of the trucking industry - are subject to the following requirements in addition to the general requirements of this Section.

- (1) Heavy truck parking facilities as a principal use without accessory uses may be permitted to provide heavy truck parking, which is defined as parking for a duration of more than twenty-four (24) hours per vehicle, for the following classes of trucks, as defined in Article 6, §602:
  - a. Heavy Truck: A heavy truck is a motor vehicle with two or more rear axles or commercial vehicles that have a gross vehicle weight of 10,001 pounds or more. For purposes of this definition, each component part of a heavy truck, such as the semi-trailer and truck tractor are considered heavy trucks, whether or not they are connected to another component or stand alone. School busses are not considered "heavy trucks."
  - b. Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.
  - c. Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.

- (2) Heavy truck parking facilities shall be located on property with a minimum of four (4) acres with direct access to a US Highway, Georgia State Highway or County Major Arterial Street with a minimum 100 foot right-of-way or shall be located within 500 feet of said roadway classifications with the condition that said 500 feet of road segment shall be improved to Major Arterial status, unless otherwise approved by the Director of Development Services.
- (3) On-street heavy truck parking is strictly prohibited.
- (4) Heavy truck parking facilities are allowed with Special Use Permit Approval in L-I and H-I zoning districts, and C-H.
- (5) Parking may be provided on permanent improved surface (including crushed stone or asphalt millings) for heavy trucks – including truck tractors and semi- trailers – weighing 10,001 pounds or more provided that:

  - a. The vehicle access drive is a minimum of 24 feet wide and has a paved driveway apron extending 100 feet into the property from the right of way.
  - b. Gates or access control features for vehicle access shall not be installed within 75 feet of the right of way
- (6) Upon establishment of a principal lot, accessory overflow satellite lots are permitted provided:

  - a. Such space lies within 400 feet of the main entrance to the site where principal use occurs.
  - b. Such lots shall be associated with the original permitted use and shall meet all requirements of the Unified Development Code for the original lot. These lots shall not thereafter be reduced or encroached upon in any manner, including accessory uses.
- (7) Parking must be screened with landscaping subject to approval of the county arborist.

  - a. A minimum 20' wide landscape strip adjacent to the street right-of-way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs.
  - b. Side and rear landscaping: Unless otherwise required in Article 8 of the Unified Development Code, all side and rear yards shall have landscaped buffers of a minimum of 15' in width. These buffers may utilize existing mature trees but must be supplemented if the natural buffer does not provide a minimum of 80% opacity between the proposed use and adjacent use, unless it abuts Interstate 20. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees, and shrubs.
  - c. Perimeter fencing is required. Fencing must be decorative metal or dark vinyl-coated chain-link. If dark vinyl-coated chain-link fence is chosen, landscaping must be external to the fencing.
- (8) Truck stop electrification equipment must be provided for a minimum of 25% of the parking spaces.
- (9) No truck or automobile repairs are allowed on site except minor emergency repairs to restore vehicle operability. No dismantling, sale, or major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (10) No long-term storage of parts, non-operable, or abandoned vehicles is permitted.
- (11) Heavy truck parking facilities must provide adequate security measures to control access and safeguard their patrons.

  - a. The facility must include a light source that provides a minimum level of security. If lighting is included in the site design, it must comply with Section 1026 Outdoor lighting of this code.

- (12) No vehicles shall be listed or advertised either directly or indirectly as being for sale while parked on the premises

**Note**— See editor's note, § 306.

### **Sec. 332 - Golf courses.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Golf courses are subject to the following requirements:

#### **332 (a) Minimum course standards.**

New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:

- (1) A golf course incorporated into a residential development or master planned development may be a regulation 9-hole course with a minimum course distance of 3,000 yards.
- (2) A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or master planned development.

#### **332 (b) Lighting restrictions.**

Lighting shall not adversely affect adjacent properties or roadways. No direct light shall be cast upon adjacent or nearby properties.

#### **332 (c) Accessory uses to a golf course.**

The following accessory uses are permitted in association with a golf course:

- (1) Country club or clubhouse, which may include:
  - a. Tennis courts and other recreational courts.
  - b. Swimming pools.
  - c. Food service with an 18-hole regulation or executive golf course only.
- (2) Pro shop with an 18-hole regulation or executive golf course only.
- (3) Putting green.
- (4) Cart rental and staging area.
- (5) A driving range is allowed as an accessory use to a golf course only with Special Use approval.
- (6) Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.

#### **332 (d) Use limitations.**

- (1) Two thousand square feet of gross floor area for pro shop.

- (2) Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.
- (3) Ten thousand square feet for a clubhouse with a 9-hole regulation golf course.
- (4) Any building, structure or automobile parking area established in connection with this use shall be set back not less than 100 feet from any property line. All automobile drives and parking areas shall be paved.
- (5) Loud speakers are not allowed if adjacent to a residential zoning district or master planned development.

**Note—** See editor's note, § 306.

**Sec. 333 - Heliports, private use.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

A private use heliport shall meet the following minimum standards:

**333 (a) Compliance with FAA guidelines.**

The development of a private use heliport shall be in accordance with the guidelines specified in the Federal Aviation Administration.

**333 (b) Takeoff and landing area.**

- (1) Private use heliports shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.
- (2) The owner of a private use heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.

**Note—** See editor's note, § 306.

**Sec. 334 - Home occupations.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

**Sec. 334 – Businesses in the Home/Home occupations.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

The purpose of this section is to provide performance standards to ensure the right of an individual to reasonably pursue an occupation on the property on which he or she resides, while keeping in mind that such a right shall not interfere with the reasonable peace and enjoyment of

those residing on adjoining parcels and in the general vicinity. A business in the home or home occupation is permitted as an accessory use in any zone district allowing principle residential dwellings units of any dwelling provided it meets subject to the restrictions of this Section.

**334 (a) Home occupations; defined.**

A home occupation is any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

- (1) *Home Office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) *Home Business:* A home occupation that is limited to the use of a practicing professional or artist, to a family day care home, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.
- (3) *Cottage Industry/Maker Business:* A cottage industry/maker business is a more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry / maker business, like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose.

**334 (b) Home office.**

- (1) Permitted activities.
  - a. The principal residence of the owner/operator of every home-based office shall be the dwelling unit on the premises in which the business operates. A home office shall be limited to the personal conduct of a business within one's that place of residence, subject to the provisions of this Subsection.
  - b. A home office is allowed by right as an accessory use to a residential dwelling.
- (2) Limitations on size and location.
  - a. The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
  - b. There shall be no activity or display associated with the home office outside of any building or structure.
  - c. The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
  - d. The building in which that the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.
- (3) Activity controls.

- a. Sales.  
There shall be no exchange of merchandise between seller and buyer on the premises.
- b. Transfer of goods.  
There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers. *(Amended 11/06/2007 - TXT2007-08)*
- c. Personal services.  
There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.
- d. Manufacturing.  
There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.
- e. Employees.
  - 1. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
  - 2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.
- f. Outsiders and nonresidents on the premises.  
There shall be no nonresident persons on the premises in conjunction with the home office.
- g. Parking and storage.
  - 1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
  - 2. There shall be no parking spaces provided or designated specifically for the home office.
- h. Lights and nuisances.  
There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

(4) Access for Inspection. Upon the receipt of a complaint, an employee of Douglas County may request to enter a structure housing a home occupation to determine whether or not the home occupation complies with the conditions of this section.

**334 (c) Home business.**

(1) Permitted activities.

- a. The principal residence of the owner/operator of every home-based business shall be the dwelling unit on the premises in which the business operates. A home business shall be limited to the personal conduct of a business within one's that place of residence, subject to the provisions of this Subsection..
- b. A home business is allowed as an accessory use to a residential dwelling upon approval as a Special Use.
- c. The applicant must be the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the applicant is a tenant.

(2) Limitations on size and location.

- a. The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 500 750 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
- b. There shall be no activity or display associated with the home office outside of any building or structure.
- c. The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
- d. The building in which that the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.

(3) Activity controls.

a. Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home.

b. Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.

c. Personal services.

Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, family day care, and personal grooming such as a barber shop, beauty shop or hairdresser. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.

d. Manufacturing.

1. There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.

2. No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.
- e. Employees.
  1. Only persons living in the dwelling unit plus one nonresident employee shall be located on the premises.
  2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.
- f. Outsiders and nonresidents on the premises.  
 Outsiders and nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and one employee.
- g. Parking and storage.
  1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
  2. No more than one vehicle of any business customer or client may park at the location of the home occupation at any time.
- h. Lights and nuisances.
  1. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
  2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

(4) Access for Inspection. Upon the receipt of a complaint, an employee of Douglas County may request to enter a structure housing a home business to determine whether or not the home occupation complies with the conditions of this section.

### **334 (d) Cottage Industry/Maker Microbusiness**

#### (1) Permitted activities.

- a. Cottage Industries/Maker Microbusinesses shall be allowed in the AG, RA, PRD, and PUD District(s) only upon issuance of a Special Permit subject to the provisions of this Subsection:
- b. Cottage Industry activities shall take place within a principal dwelling unit, accessory building, or private recreation or venue area(e.g., swimming pool, tennis court, riding arena, animal enclosure or event space) subject to the provisions of this Subsection. Private recreation areas may only be used when conducting a home business clearly related to the recreation area being used.

- c. A Cottage Industry/Maker Microbusiness is allowed as an accessory use to a residential dwelling upon approval as a Special Use.
- d. All Special Use Permits for a cottage industry/maker microbusiness use are non-transferable and issued to a specific applicant for a specific cottage industry/maker microbusiness on a specific parcel.
- e. The applicant must be the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- f. Special Use Permits for a Cottage Industry/Maker Microbusiness may be revoked by the Board of Commissioners for cause after reasonable notice to the holder of the permit and following a public hearing held in accordance with this Development Code.

(2) Limitations on size and location.

- a. The floor area devoted to the Cottage Industry/Maker Microbusiness must not exceed 33 percent of the gross floor area of the dwelling unit or 1000 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the business, whether located within the dwelling or in an accessory structure. A cottage industry may be conducted wholly within the residential dwelling or accessory structures on the parcel such as sheds, detached garages, and barns which may be used for conditioned or unconditioned space for conducting the business or storage of materials for the business.
- b. The Cottage Industry/Maker Microbusiness shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence. Required zoning setbacks may be increased for a cottage industry subject to the review of the Special Use for any activity that could potentially detract from the agricultural-residential area but that is not deemed incompatible with the neighborhood. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required by the Special Use to shield these accessory uses from abutting residential lots.

(3) Activity controls.

a. Sales.

There shall be no exchange of merchandise between seller and buyer on the premises except for items produced by the Cottage Industry/Maker Microbusiness.

b. Transfer of goods.

There shall be no finished goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service or off-premise delivery.

c. Personal services.

Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, family day care, and personal grooming such as a barber shop, beauty shop or hairdresser. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.

d. Manufacturing/making.

1. Manufacturing, assembly or fabrication of products on the premises shall be limited to items of artistic value or items normally produced in a home, including, but not limited to baked goods, dressmaking, knitting, the manufacture of crafts, woodworking, drawing, painting, and sculpting or the creation of products utilizing 3D-printing technology. Makers are potters, jewelers, metalsmiths, woodworkers, seamstresses, fabric artists, designers, cooks, chefs, artists, doodlers, printers, painters, candlestick makers and more.

e. Employees.

1. Only persons living in the dwelling unit plus no more than five (5) employees who do not live on the premises shall be permitted to work on the premises at any one time for a Cottage Industry use.

f. Outsiders and nonresidents on the premises.

Nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and permitted employees.

g. Parking and storage.

1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat-bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.

h. Lights and nuisances.

1. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

- (4) Access for Inspection. Upon the receipt of a complaint, an employee of Pueblo County may request to enter a structure housing a home occupation to determine whether or not the home occupation complies with the conditions of this section.

**334 (e) Expiration of Special Use approval.**

Special Use approval for a home business or Cottage Business/Maker Microbusiness shall expire under the following conditions:

1. Whenever the applicant ceases to occupy the premises for which the home business was issued, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new Special Use approval.

2. Whenever the holder of such permit fails to exercise the same for a period of 6 consecutive months.

**334 (f) Prohibited Home Occupations, Businesses and Cottage Industries.**

1. Any occupation requiring the use of hazardous materials of a type or quantity not normally associated with residential uses;

2. Motor vehicle repair and auto body work;

3. Machine shops;

4. Equipment and machinery rental;

5. Boat repair.

**Note**— See editor's note, § 306.

**Sec. 335 - Horse and riding stables, private.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

A building for the shelter and feeding of horses as an accessory use to a residential use is subject to the following:

**335 (a) Personal horse stable.**

- (1) A personal horse stable shall not contain more than 4 stalls.
- (2) Such stable shall be established on a lot having an area of not less than 4 acres for 1 horse, and an additional 2 full acres for each additional horse kept on the property.
- (3) The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.
- (4) All animals shall be maintained within a fully fenced area.

**335 (b) Private riding stables.**

- (1) Horse stables with 5 or more stalls are allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.
- (2) Private riding stables must meet the lot size requirements above for a personal horse stable.
- (3) Private riding stables must meet the separation requirements of Sec. 302 of this Article.

**Note**— See editor's note, § 306.

**Sec. 336 - Manufactured home parks.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

A manufactured home park is subject to the following provisions of this Section.

**336 (a) General.**

- (1) Site planning shall adapt to individual site conditions and the type of market to be served, reflect advances in site planning techniques, and be adaptable to the trends in design of the manufactured home itself. Site planning shall utilize terrain, existing trees and shrubs and rock formations. A stylized pattern shall be avoided.
- (2) Objective: Site planning improvements shall provide for facilities and amenities appropriate to the needs of the occupants.
- (3) Arrangement of structures and facilities: The site, including manufactured home stand, patios, structures, and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures and common facilities. Full attention shall be paid to use, appearance and livability. Special attention shall be given to new manufactured home designs and to common appurtenances that are available.
- (4) Adaptation to site assets: The manufactured home unit shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features shall be preserved to the extent practical. Favorable views or outlooks shall be emphasized by the plan.
- (5) Protection from adverse influences: Adequate protection shall be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.
- (6) Suitability of site improvements: All site improvements shall be appropriate to the type of development and durable under the use and maintenance contemplated.

**336 (b) Restrictions.**

- (1) Maximum residential density: There shall be a maximum density of not more than 6 manufactured home dwelling units per acre.
- (2) Each manufactured home lot shall be provided with water, electrical, sewer and refuse collecting facilities approved by the Douglas County Health Department, Douglas County Building Inspector, and the Water and Sewer Authority. Utility lines shall be underground.
- (3) Minimum site: 20 acres.
- (4) The minimum road frontage is 50 feet.
- (5) No space or manufactured home shall be rented for a period of less than 30 days.
- (6) Zoning buffer and shade trees: An undisturbed zoning buffer at least 25 feet deep along all exterior property lines will be required, meeting zoning buffer standards in the Landscaping, Buffers and Tree Conservation Article of this Code. In addition, a chain link or better fence at least 6 feet in height shall be required along every exterior property line. Each park shall be landscaped with shade trees, preferably with suitable mature trees which were established on the site prior to development.
- (7) All primary conservation resource areas, as defined in this code, shall be set aside under a natural resource or conservation easement drawn in accordance with the Environmental Protection Article of this Development Code.
- (8) All streets within the park shall be lighted with a minimum spacing of 200 feet each.

- (9) All off-street parking areas or spaces shall be paved and shall have direct access to an interior street; no direct driveway access shall be permitted between manufactured home spaces and any exterior street.
- (10) Minimum driveway width is 10 feet and must be paved. All manufactured home spaces must have direct access to streets within the park.
- (11) A copy of the park management rules and regulations must be submitted to the Development Services Department for approval. The park operator will be responsible for compliance with these regulations by all tenants. Failure to abide by these regulations or any of Douglas County Manufactured Home Park Requirements will be considered a valid reason for revoking the manufactured home park permit required to operate a manufactured home park in Douglas County.
- (12) Manufactured housing placed within the park must meet all requirements regarding manufactured housing as outlined within this Code, including but not limited to the provisions of Sec. 307.
- (13) All exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.
- (14) In addition to the customary accessory uses to a dwelling allowed under Section 313 (a)(2), the following shall apply:
  - a. A manufactured home may not be used as an accessory building in the manufactured home park.
  - b. Convenience retail sales space may be provided within a building in the park, limited to no more than 25 square feet of gross floor area per manufactured home space. Outdoor display or storage of merchandise and gasoline pumps are specifically prohibited.

**336 (c) Manufactured home stand (pad).**

- (1) Objective: The stand shall provide for practical placement on and removal from the lot of the manufactured home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings.
- (2) Size: The size of a development will be acceptable to HUD-FHA if it is suitable for the general market to be served by the individual proposal and fits the dimensions of manufactured homes anticipated.
- (3) Location: The location of each manufactured home stand shall be at such elevation, distance, and angle in relation to the access street and the manufactured home accessway that placement and removal of the manufactured home is practical.
- (4) Gradient: There shall be a longitudinal gradient of zero degrees to five degrees and an adequate crown or gross-gradient for surface drainage.
- (5) Construction: Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used.
- (6) Special facilities: Special manufactured home stand facilities shall be provided as necessary to properly serve new units. Special situations may require special facilities such as hurricane anchors in some locations.

- (7) Distances between stands and structures: These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access to the units; and to provide for circulation around the unit for such outdoor uses as are considered essential to the manufactured home.
- a. Open space depth: Open space depth is the clear open space that lies in any direction away from a manufactured home stand at any point on the manufactured home stand. It is measured in a line that is perpendicular (at right angles) to the stand line. This depth shall equal, at any point measured, no less than 4 feet plus 10 percent of the length of the stand. For purposes of design the outline of the actual manufactured home proposed and the outline, of the manufactured home stand are considered the same.
  - b. Distances between manufactured homes: Every manufactured home shall be at least twenty feet from every other manufactured home and from every building.
  - c. Distance across streets: The distance from the line or corner of any manufactured home stand to any stand on the opposite side of a street shall be thirty-six feet minimum.
  - d. Distance to common areas: The distance from the line or corner of the manufactured home stand to a street pavement, a common parking area, a common walk or other common area shall be ten feet minimum.
- (8) Distance to development boundaries: The distance from the line or corner of any manufactured home stand to every boundary line of the manufactured home park shall be no less than forty feet.

**336 (d) Streets.**

- (1) General: Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the manufactured home stands and other important facilities on the property.
- (2) Recognition of existing facilities: The street system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
- (3) Circulation: The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead end streets shall be provided either with an adequate paved vehicular turning circle at least eighty feet in diameter, or with another adequate turning facility.
- (4) Pavement widths: Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street.
  - a. All entrance streets and other collector streets with guest parking, both sides—36 feet minimum.\*
  - b. Collector street with no parking—30 feet minimum.\*
  - c. Minor street with parking on one side—28 feet minimum.\*
  - d. Minor, cul-de-sac, or one-way streets with no parking—26 feet minimum.\*

\*Reduce by two feet if adjacent sidewalk is provided.

- (5) Alignment and gradient: Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems. In no case shall the gradient be flatter than two percent or steeper than twelve percent.
- (6) Intersections: Street intersections shall generally be at right angles. Offsets at intersections of more than two streets at one point shall be avoided.
- (7) Extent of improvements: The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the manufactured home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.
- (8) Grading: Streets shall be graded for their full width to provide suitable finish grades or pavement and any sidewalks with:
  - a. adequate surface drainage; and,
  - b. convenient access to the manufactured home stands and other important facilities on the property .
- (9) Curbing: All streets, drives, and parking areas shall be curbed and guttered to the specifications of Douglas County.
- (10) Subgrade: The subgrade shall be well drained, uniformly graded, and compacted.
  - a. The pavement base shall be a minimum of four inches thick and composed of crushed stone or gravel compacted to the maximum practical density.
  - b. The wearing surface shall be of bituminous concrete a minimum of one and one-half inches thick compacted to the maximum practical density.
- (11) Rigid pavement: Where Portland cement concrete is used, it shall not be less than five inches thick on a prepared subgrade constructed in accordance with accepted practices, with expansion joints where driveways and walks abut each other or the curb.
- (12) Other surfacing: Appropriate local road material properly placed and compacted so as to be impervious and durable under the use and maintenance contemplated shall be used.
- (13) Seasonal limits: Streets shall be laid during favorable weather conditions; subgrade and base shall be frost-free.
- (14) All manufactured home lots shall have access to an interior paved drive not less than 26 feet in width.
- (15) Three feet hard surface walkways shall be provided from manufactured home spaces to service buildings.
- (16) All interior drives and walkways shall be lighted at night.

**336 (e) Accessway to manufactured home stand.**

- (1) Objective: Convenient access shall be provided to each manufactured home stand for maneuvering the manufactured home into position. The access shall be kept free from trees and other immovable obstructions.

- (2) Width: The width of the accessway shall be a minimum of sixteen feet or the width required by current manufactured home models plus extra width necessary for maneuvering a manufactured home on a curve.
- (3) Alignment and gradient: The accessway shall have safe alignment and gradients adequate to prevent contact of the under carriage of the manufactured home. In no case shall the gradient be steeper than twelve percent.
- (4) Surface: Pavement of the reserved accessway is not required; use of planks, steel mats, or other means during the placement of a manufactured home is considered satisfactory for the infrequent moves occurring with non-transient occupancy.

**336 (f) Recreation facilities.**

- (1) Extent: Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the tenants the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.
- (2) Location: Recreation facilities generally shall be provided in a central location and shall be convenient to the project community center. A location adjacent to the community center is preferable for efficient construction, use, and maintenance of all facilities. In larger parks, however, recreation facilities can be decentralized.
- (3) Recreation area:
  - a. Size: Not less than eight percent of the gross site area shall be devoted to recreation facilities.
  - b. Design: The area shall be designed appropriately for its intended use and location.
- (4) Equipment:
  - a. Design: Appropriate for intended use and location.
  - b. Construction: Durable to withstand weather and use; firmly fixed in place where possible.

**336 (g) Management office and other common facilities.**

Location: The structure or structures containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation, management, and other common facilities in a single building and location is acceptable if the single location will adequately serve all manufactured home lots.

**336 (h) Grading design.**

- (1) Objectives:
  - a. To preserve desirable site features where practicable.
  - b. To provide diversion of water away from buildings, patios, and manufactured home stands.
  - c. To prevent standing water and soil saturation detrimental to structures and to lot use.
  - d. To provide disposal of water from each lot or other site, except as necessary for controlled irrigation.

- e. To provide appropriate finish grades for safe and convenient access around structures for their maintenance.
- (2) Protective slopes of unpaved areas around buildings, stands, and patios:
- a. Grades shall slope downward from patios and stands, from all walls and foundations of structures, and from water supply wells to adequate outfalls or to drainage swales discharging to adequate outfalls.
  - b. The vertical fall of grades generally shall be a minimum of six inches.
  - c. The horizontal length of grades generally shall be not less than ten feet except when restricted by lot lines or property lines and when necessary for controlled irrigation.
  - d. The gradient shall be a minimum of one-fourth inch per foot (two percent).
- (3) Acceptable slopes of other unpaved areas:
- a. Areas subject to ground frost generally shall have a slope of not less than one-fourth inch per foot (two percent).
  - b. Areas not subject to ground frost generally shall have a slope of not less than one-eighth inch per foot (one percent).
  - c. In areas where controlled ponding is permitted for irrigation on lots, emergency overflows shall be provided to an adequate outfall to protect structures, stands and patios.
  - d. Useable yard areas shall be a maximum of two and one-half inches per foot (twenty-one percent) away from structures, patios and stands for a minimum four foot distance, except as limited by lot lines.
  - e. All other areas shall have slopes with a maximum ratio of two feet horizontal to one foot vertical unless held by satisfactory existing cover or rock outcropping.
  - f. The top and bottom of banks shall be rounded for convenient maintenance.
- (4) Stormwater disposal:
- a. All areas shall slope to lower elevations off the site or to drainage structures on the site.
  - b. Unpaved drainage swales formed by intersecting slopes shall be of adequate depth and width. Their longitudinal gradient shall be not less than required for other unpaved areas. Permanence and maintenance of off-site drainageways shall be assured by public right-of-way, by easements, or by other means. No unpaved swales shall be formed in fill embankments.
  - c. Emergency surface drainage overflow for drain inlets or catch basins shall be provided to prevent flooding against structures and wells in the event of failure of the underground drainage structures.
- (5) Construction: Rough and finish grading shall comply with current instruction.
- a. A complete set of construction drawings for the proposed manufactured home park is to be submitted to the engineering department for approval before construction begins. No clearing or grading will start until a grading permit is issued by the engineering department.

- (6) Prior to occupancy, all of the above must be completed and approved by the governing authority of Douglas County.

**336 (i) Tenant storage.**

- (1) Objective: Adequate storage facilities on or conveniently stored in the typical manufactured home.
- (2) Design, location and size of storage facilities: Unless provided in current manufactured home models, storage facilities shall be provided on the lot, or in compounds located within a reasonable distance, generally not more than one hundred feet from each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the development and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated. They shall provide a minimum of ninety cubic feet of space.
- (3) Fuel oil storage: In areas where oil heating of a manufactured home is customary, a fifty gallon fuel storage facility shall be provided in each manufactured home lot. The storage facility will be placed underground.
- (4) Accessory buildings and uses such as recreation, laundry, maintenance and office facilities necessary for management of a manufactured home park will be allowed. However, no permanent addition will be built onto or become apart of any manufactured home unit.

**336 (j) Lot sales.**

Individual manufactured home lots cannot be sold to individuals by the manufactured home park owner or owners. The manufactured home lots are to be leased to manufactured home lessees only.

**336 (k) Anchor required.**

Each manufactured home must be secured by an anchoring device approved by the Building Official.

**336 (l) Flood hazard areas.**

No manufactured home park shall be built in any area identified by the Federal Insurance Administration as having special flood hazards designated by zones A 1-30, AO, and unnumbered A zones on Douglas County's flood insurance rate map or in any other area where recent flooding is known to occur.

**336 (m) Exterior steps.**

- (1) Objective: Steps must provide safe and convenient ascent and descent for pedestrian use. They are to be durable and convenient to maintain.
- (2) Step design:
  - a. The width shall be not less than the width of the walk served.
  - b. Flights of steps shall rise no steeper than at the rate of five feet vertical in ten feet horizontal; they shall not contain more than ten steps between landings.

- c. Landings generally shall be at least 3 feet square. The gradient shall be not more than one-fourth inch per foot (two percent) no less than one-eighth inch per foot (one percent).
  - d. The riser shall be not more than 6 inches. There shall be a one- eighth inch pitch for surface drainage that is uniform throughout the flight.
  - e. The tread shall be not less than 12 inches. There shall be a one- eighth inch pitch for surface drainage that is uniform throughout the flight.
  - f. The setback from any intersecting walk or drive shall be the following widths:
    - 1. Abutting as retaining wall: width of tread.
    - 2. Abutting a slope: not less than two (2) feet.
  - g. Where a single flight exceeds 30 inches total rise and is steeper than one foot in three feet, there shall be a substantial, durable handrail.
- (3) Construction:
- a. The subgrade shall be well drained, uniformly graded, and compacted.
  - b. Portland cement concrete or other appropriate materials shall be used.

**336 (n) Laundry facilities.**

- (1) Objective: Laundry facilities acceptable to the building official office shall be provided. They shall be located in a centralized common facility, in decentralized common facilities, or in a combination of these to suit local preferences and the availability of washers and dryers supplied in current manufactured home models.
- (2) Location: Where centralized washers, dryers, or common drying yards are provided, they shall be located convenient to the manufactured home spaces, and shall be suitably screened.
- (3) Drying yard size: The outdoor drying yard shall be adequate for the number of living units served, usually approximately two thousand five hundred square feet per one hundred living units.

**336 (o) Animals.**

The following conditions will be allowed pertaining to animals only as set forth:

- (1) Dogs and cats raised outside for personal pleasure not to exceed two per dwelling.
- (2) All other animals raised outside are prohibited due to the small size of the lots in this district.

**336 (p) Emergency Storm Shelters**

All new and any addition to an existing manufactured home park shall be required to provide an emergency storm shelter or shelters to provide temporary safety to residents in the event of an extreme wind-storm emergency. Said storm shelter shall be constructed in accordance with the most current International Construction Code (ICC) 500, as may amended, and the Federal Emergency Management (FEMA) Design and Construction Guidance for Community Shelters P-361, or as may be amended.

**Note**— See editor's note, § 306.

**Sec. 337 - Manufactured home lots or subdivisions.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

**337 (a) Manufactured home on individual lot.**

A manufactured home located on a lot in the AG or R-A zoning districts must comply with the following standards:

- (1) The manufactured home shall be located on a lot or tract of land of at least 10 acres;
- (2) The manufactured home shall be at least 200 feet from every street right-of-way and at least 150 feet from any adjoining property;
- (3) The manufactured home shall have a minimum living space as required by the zoning district;
- (4) The manufactured home shall comply with standards applying to all single-family and two-family dwellings under Sec. 307; and
- (5) No part of the lot may be used for another manufactured home or for any other principal use, nor may the lot be reduced in width, depth, or area.

**337 (b) Manufactured home subdivision.**

A manufactured home subdivision is subject to the following provisions of this Section.

- (1) The minimum site area for a manufactured home subdivision is 50 acres.
- (2) All manufactured homes placed in the subdivision shall comply with the provisions of Sec. 307, Standards for single-family and two-family dwellings. Pre-owned manufactured homes placed in the subdivision must also comply with Sec. 307.

**337 (c) Emergency Storm Shelters**

All new and any addition to an existing manufactured home subdivision shall be required to provide an emergency storm shelter or shelters to provide temporary safety to residents in the event of an extreme wind-storm emergency. Said storm shelter shall be constructed in accordance with the most current International Construction Code (ICC) 500, as may amended, and the Federal Emergency Management (FEMA) Design and Construction Guidance for Community Shelters P-361, or as may be amended.

**Note**— See editor's note, § 306.

**Sec. 338 - Mini-warehouses and self service storage.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Mini-warehouses and other self-storage facilities must meet the following requirements:

**338 (a) General regulations.**

- (1) No wholesale or retail sales shall be permitted within a storage bay. A self-service storage facility included within a commercial or industrial development shall have a minimum of 1 acre and a maximum of 5 acres devoted exclusively for such use.
- (2) As a principal use, a self-storage facility shall not occupy a site larger than 10 acres.
- (3) The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.
- (4) Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.
  - a. Residential quarters for security purposes may be established on the site (see the Night Watchman Section of this Article).
  - b. An eight-foot high privacy fence, chain link fence with ~~visual-blocking slats or similar screening material or device installed, or polymer or composite material opaque fencing~~ is required on all rear property lines, and side property lines behind the front edge of warehouse buildings. Property lines adjacent to industrial zones are exempt from this requirement.
  - c. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
  - d. Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.

**338 (b) Access.**

A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

**338 (c) Outside storage.**

Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met.

- (1) Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the County.
- (2) The storage area shall not exceed 25 percent of the total buildable area of the site.
- (3) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a 6-foot high opaque wall, or imitation-wood vinyl fence, polymer or composite material opaque fencing. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.
- (4) Vehicles shall not be stored within the area set aside for minimum building setbacks.

- (5) No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

**338 (d) Development regulations.**

- (1) Separation between storage buildings.
  - a. If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.
  - b. Buildings shall be situated or screened so that overhead access doors do not face public roads or residentially zoned property.

- (2) Maximum bay size.

The maximum size of a storage bay shall be 450 square feet.

- (3) Maximum building height.
  - a. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall 1 story unless the Board of Commissioners approves additional stories.
  - b. The height of the building shall not exceed 12 feet. Roof-mounted air conditioning and other equipment if utilized shall be screened from view if visible from a public right-of-way or adjoining residentially zoned property. The combined height of the building and the parapet wall shall not exceed 15 feet.
  - c. All self-service storage facilities shall utilize gable roofs with not less than a 2:12 slope.

- (4) Parking requirements.

- a. Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.
- b. Interior parking. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aiseways shall be as follows.
  1. If aiseways permit two-way traffic, minimum width shall be 24 feet.
  2. If aiseways permit only one-way traffic, minimum width shall be 20 feet.
- c. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aiseways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the Fire Department shall approve the turning radii of the aiseways.

- (5) All exterior lighting shall be directed toward the interior of the site and away from adjoining residential property.

- (6) All exterior building paint colors shall be neutral or earth tones.

**338 (e) Landscape requirements.**

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the Landscaping, Buffer and Tree Conservation Plans required for a development permit, the following shall apply:

- (1) Security fencing along the road frontage and on side property lines in front of warehouse buildings shall be ornamental and constructed with masonry posts and decorative ironwork. Chain link fencing is not allowed in these areas.
- (2) There shall be a 20-foot landscape strip along the frontage of the site that shall comply with the requirements of the Landscaping, Buffers and Tree Conservation Article of this Code.
- (3) There are no aiseways or other vehicular access ways located in the area between the building and adjacent residentially-zoned property lines or rights-of-way.

**338 (f) Dumpsters and trash receptacles.**

Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets by structures, walls or fencing.

**Note**— See editor's note, § 306.

**Sec. 339 - Night watchman residence.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Shall be a Special Use G-R in the CH, LI, and HI Zone Districts

A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:

**339 (a) Need.**

The principal use must be deemed by the Development Services Director as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.

**339 (b) Development restrictions.**

- (1) The night watchman residence may consist of only one dwelling unit.
- (2) The occupant of the manufactured home must be an employee of the enterprise on the premises, hired for the purpose of security.
- (3) The residence shall be a minimum of 600 square feet in floor area, and may be a manufactured home but must comply with all other standards of Sec. 307 relating to single-family and two-family residences.
- (4) The residence may be a portion of a building primarily devoted to non-residential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.

- (5) Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

**Note**— See editor's note, § 306.

**Sec. 340 - Personal care homes.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

**340 (a) General restrictions.**

- (1) A personal care home of any type (family, group or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.
- (2) A personal care home shall not function as a work release facility for convicts or ex-convicts, function as a drug rehabilitation center, or function as a facility serving as an alternative to incarceration, in a residential zoning district.

**340 (b) Categories of personal care homes.**

- (1) Family personal care home.  
A family personal care home is limited to no more than 6 persons under care.
- (2) Group personal care home.  
A group personal care home is limited no more than 15 persons under care.
- (3) Congregate personal care home.  
A congregate personal care home may provide care to more than 15 persons.

**340 (c) Resident managers.**

- (1) The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.
- (2) The managing caregiver of a group personal care home must be a full-time resident of the facility.

**Note**— See editor's note, § 306.

**Sec. 341 - Petroleum or bulk storage facilities.**

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

Petroleum and other bulk storage facilities for flammable liquids or gas are subject to the following requirements:

- (1) Compliance with all applicable state and federal laws including but not limited to O.C.G.A. Sections 12-8-20 through 12-8-42 inclusive and 12-8- 60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of

Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4 inclusive and 391-3- 11 inclusive.

- (2) All necessary state and federal permits be obtained prior to application.
- (3) Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Section 12-8-60 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-4-.11, and 391-3-4-.15. A four foot high parapet wall shall encircle the storage facilities to further ensure spill containment.
- (4) Minimum acreage to be 15 acres.
- (5) No use shall be located closer than 1,000 feet from any residentially zoned land or school property line.
- (6) Noise abatement and air pollution abatement plans to be approved by County staff.
- (7) Fire prevention, evacuation, and safety plan to be approved by the fire safety inspector.
- (8) Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- (9) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer.
- (10) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.

**Note—** See editor's note, § 306.

### **Sec. 342 - Quarries or mining operations.**

(Amended 08/02/2011 - TXT-2011-01, § 9; amended 08/03/2010 - TXT-2010-03, § 10; amended 02/05/2019 - TXT-2019-01; amended 08/06/2019 - TXT-2019-02, § 2)

Quarries or mining operations, including the removal or extraction of dirt, sand and soil, are subject to the following requirements:

#### **342 (a) Purpose and intent.**

Special Use approval for quarries or mining operations is specifically established to allow for the mining, extraction, crushing, and quarrying, as appropriate, of sand, rock, precious metals, and other minerals or elements removed from the earth. Special Use approval for quarries or mining operations allows for a range of other uses that may be accessory to mining operations or economically linked to such uses.

Extensive building and operation setbacks and generous buffers are required to ensure the previously listed activities do not pose physical hazards or nuisances (e.g., dust, noise, vibration, etc.) to neighboring dwellings, schools, parks, places of worship, hospitals, commercial buildings, and public buildings and roads.

This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes.

**342 (b) Application requirements.**

All applications seeking Special Use approval shall include the following in addition to the requirements for Special Uses under the Procedures and Permits Article 12 of this Code:

- (1) An operation plan must be a part of such application. Operations plans, if approved, must be considered conditions of development approval, unless otherwise specified. The operation plan must contain, at a minimum, the following:
  - a. Proposed locations and phases of all operations associated with the mining extraction activity.
  - b. Date of commencement of the operation and its expected duration.
  - c. Proposed hours and days of operation.
  - d. The description of the method of operation, including the proposed locations or disposition of topsoil, overburden, and by-products, on- or off-site.
  - e. A description of the nature of mining operations, method(s) of extraction, and equipment and materials (e.g., explosives) to be used.
- (2) The applicant must submit copies of all documents submitted to the Georgia Department of Natural Resources or any other state agency/department for the purpose of obtaining a state mining permit. It will be the responsibility of the applicant to update all information during the state application process, including the final disposition of the state permit process.
- (3) A reclamation plan must be included with the Special Use Permit application. The reclamation plan must include, at a minimum, a description of how the excavated land will be restored, statement of intended future use of the land, and phasing and timing estimates of reclamation and rehabilitation activities. Reclamation plans, if approved, will be considered conditions of development approval, unless otherwise specified by the Board of Commissioners.
- (4) The applicant must submit written evidence by a geologist, or other competent professional qualified to make such a judgement, that the site to be used for mining contains a mineral resource area or other valuable surface or subsurface substances that can be economically mined.
- (5) The applicant must submit a study that identifies any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
  - a. Traffic Study Required

The applicant must prepare and submit a formal traffic study with written report for the specified property prepared and stamped by a professional engineer including the following:

    1. A vicinity map showing location of the proposed development in relation to the transportation system;

2. A description of proposed development including size and nature of the entire proposed development and proposed site access points;
  3. A proposed site plan;
  4. A description of adjacent land uses and roadway network including road names, classifications, lane configurations, traffic control and pedestrian, bicycle and transit facilities;
  5. Traffic volumes on existing roads at proposed access point measured within the last 12 months;
  6. Operational analysis including average delay, level of service, volumes/capacity ratios, and queue length analysis of intersection of site access and main road and any additional study intersection(s);
  7. Accident data summary and analysis (data may be obtained from the City);
  8. Safety analysis of proposed site access including stopping sight distance, intersection sight distance, and operational characteristics;
  9. Growth factor based on historical count data in the area;
  10. Future no build base year volumes and performance evaluation;
  11. Future no build horizon year (5 years beyond base year) volumes and performance evaluation;
  12. Any assumptions including pass-by and internal capture;
  13. Trip generation from ITE latest edition;
  14. Trip distribution to show distribution percentages and volumes;
  15. Access location and spacing;
  16. Turn lane warrants and analysis;
  17. Driveway analysis including lane configuration, queue lengths, throat length and channelization;
  18. Future build base year volumes and performance evaluation;
  19. Future build conditions horizon year (5 years beyond base year) volumes and performance evaluation;
  20. Parking needs, required and provided spaces;
  21. Description and analysis of mitigation measures; and
  22. Appendix to include applicable raw count data, calculation sheets, computer software output of performance evaluation, and warrant worksheets.
- b. Road Maintenance Bond Required
1. A road maintenance and damage bond, in a form and value consistent with County Department of Transportation standards, must be prepared for use by the County as guarantee against the event the operation damages any public roads adjoining the operational property. Said bond must remain in force until such time as the operations have ceased and all reclamation operations have been completed and accepted by the State Department of Natural Resources.

- (6) The applicant must submit a statement regarding the intended use of explosives or other hazardous materials and the methods and procedures proposed for handling, use, storage, and disposal of the materials.
- (7) A well study must be completed as a part of such application. The well study must consist of baseline testing of up to three wells located within 1,500 feet of the proposed perimeter of the mining area. If there are no existing wells within 1,500 feet, baseline testing must be required of the nearest located wells. Preference will be given to wells located on adjacent land where the property owners have requested testing, in writing, and granted permission for access to their property. Baseline must establish, at a minimum, bacteria and turbidity levels, potential groundwater drawdown due to pumping at the proposed mining area and establish the seasonal high and low water levels for future reference. All tests must be performed by a "qualified ground water scientist." "Qualified" means a professional engineer or geologist registered to practice in Georgia who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.
- (8) In the event the applicant is not required to obtain a bond in connection with the state mining permit issued by the Georgia Department of Natural Resources, the Board of Commissioners may at its discretion require a bond calculated on a specific amount per acre for the purposes of ensuring proper reclamation. The Board of Commissioners shall not require a bond if the applicant is required to obtain a bond in connection with its state mining permit.
- (9) The applicant must submit an impact statement prepared by a qualified professional that addresses the impact of the proposed mining operation on abutting and nearby buildings, uses, and properties, nearby shall include all properties within 1,000 feet of the mining property boundaries. The impact statement shall address those external effects likely to exist if said use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement must recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement must be considered conditions of approval, unless otherwise specified by action of the Board of Commissioners.
- (10) The applicant must submit documentation that it has obtained a state mining permit from the Georgia Department of Natural Resources, and if applicable, any bond required in conjunction with the state mining permit.

### **342 (c) Restrictions.**

- (1) Hours of Operation: No operation may be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation may be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation may be permitted on Sundays, New Year's, Independence Day, Thanksgiving or Christmas Day. These restrictions will not apply to routine maintenance and may be varied for special projects, including Department of Transportation projects and large commercial projects, with the mutual concurrence of the Director of Development Services and the County Manager.

- (2) Barrier: Any area being excavated for mining must be entirely enclosed within a barrier fence of at least 6 feet in height located at least 10 feet back from the edge of any excavation but also must be constructed of such material and at such height as to be demonstrably able to exclude children and animals from the quarry area.
- (3) Gates: Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.
- (4) Illumination: All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and the stated hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.
- (5) Noise: Strict compliance with the Douglas County Noise Ordinance, Sections 11-71 through 11-81, must be observed.
- (6) Maximum Depth: The maximum depth of excavation must not be below existing seasonal high groundwater level, as determined in Section 342(b)7 above, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation may be allowed to lower the water table of the surrounding inhabited properties.
- (7) Notices: Notices must be posted at regular intervals along the outer limits of the property, which must warn against trespassing and must contain a statement pertaining to the use of explosives, if applicable.
- (8) Electromagnetic Interference: There must be no electromagnetic interference that adversely affects the operation of any equipment beyond the property boundary other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.
- (9) Glare and Heat: Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located.
- (10) Odor: No continuous, frequent, or repetitive emission of odors or odor-causing substances which would be offensive beyond any property line of any mining operation will be permitted. An odor emitted no more than 15 minutes in any one day shall not be deemed as continuous, frequent, or repetitive. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process which may involve the creation or emission of any odors shall be provided with a primary and a secondary safeguard system, the secondary safeguard system is required so that control will be maintained if the primary safeguard system fails.
- (11) Smoke and Particulate Matter: Emissions shall not exceed applicable state standards as adopted in Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-1, Air Quality Control, as may be amended from time to time.
- (12) Groundwater Monitoring: Drawdown tests on the original baseline wells first tested as part of the well study in Section 342(b)(7) must be conducted when the mining operator receives a written request from a well owner who demonstrates the quantity of water in their well has been impacted by mining operations.

### **342 (d) Blasting and vibration.**

- (1) Blasting generally.
  - a. The mining operation and activities must comply with all local, state, and federal laws, rules or regulations pertaining to blasting activities.
  - b. Upon request by the Board of Commissioners, the operator must provide access to the blasting logs and seismographic records to the County.
  - c. Blasting may occur only during the Hours of Operation, as enumerated in Section 342(c)(1).
  - d. Blasting must be conducted in a manner designed to prevent injury to persons or damage to property outside the permit area.
  - e. An accurate blasting log must be prepared and maintained for each blast fired. Each blasting log must include, but not be restricted to the following information:
    1. Name of the individual in charge of the blasting event.
    2. Blast location reference (latitude/longitude).
    3. Date and time of blasting event.
    4. Weather conditions at time of blasting event.
    5. Diagram of blast hole configuration and layout.
    6. Number of blast holes for the blasting event.
    7. Blast hole depth and diameter.
    8. Drilled spacing and burden for blast holes.
    9. Maximum holes per delay or maximum number of delays per hole.
    10. Maximum pounds of explosives per hole and per delay.
    11. Depth of and type of blasting stemming used.
    12. Total pounds of explosives used, including primers and initiating cord.
    13. Distance to nearest habitable structure not owned by the mine operator or owner.
    14. Seismographic record of the blasting event including the instrument, sensitivity and calibration signal of the gain setting and certification of annual calibration and the following:
      - a). Peak particle velocities in the three orthogonal components and peak air overpressure;
      - b). Time history of the 3 components of the ground motion and air overpressure produced by the blasting event;
      - c). Latitude and longitude of the seismograph during the recording event;
      - d). Distance from the blasting event;
      - e). Name of the property;
      - f). Name of the individual and firm taking the seismographic readings; and
      - g). Name of the individual and firm analyzing the seismographic record.

(2) Preblast survey.

- a. The owner or resident of any property within ½ mile of any property used for mining, as measured from the boundary of any property used for mining, must be contacted by the mining operator via letter at least 30 days before the start of any blasting activity, notifying the property owner or resident as to how they may request a pre-blast survey.
- b. If requested in writing by a property owner or resident, the mining operator is required to carry out an inspection of any dwelling or structure within ½ mile of any property used for mining, as measured from the boundary of any property used for mining.
- c. After the inspection, a final written inspection report must be created. The final written inspection report must be signed by the person making the report. Copies of the written inspection report must be provided to the Board of Commissioners and to the property owner or resident who requested the inspection.
- d. The written inspection report must determine and photographically define the condition of the dwelling or structure and must document any pre-existing cracks and defects and other physical factors that could reasonably be affected by the blasting event. Structures such as pipelines, cables and transmission lines, cisterns, and other water systems must also be inspected. The assessment of these structures may be limited to visible surface conditions and other readily available information.

(3) Ground vibration.

- a. Vibration as measured at the boundary of any property used for mining may not exceed 1.0 inch per second peak velocity, steady state, or 2.0 inches per second, impact state.
- b. Exemptions: These provisions shall not apply to:
  1. Vibration resulting from the operation of any road vehicle.
  2. Vibration resulting from construction activities and equipment.
  3. Vibration resulting from roadway maintenance and repair equipment.
- c. Method of measurement: Vibration measurement procedures must conform to the following:
  1. Instrumentation must be capable of measuring RMS (Root Mean Square) value of the vibration velocity over the frequency range of 2 to 250 Hz.
  2. Measurement values must be recorded for a sufficient period of observation to provide a representative sample.
  3. Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of 9 inches in length, driven to a depth of 3 inches to 1 foot in the ground. The mass of the transducer should closely match the density of the ground or other material it displaces.

(4) Air overpressure.

- a. Air overpressure as measured at the boundary of any property used for mining must not exceed the maximum limit of 133 dB.

- b. Air overpressure must be monitored with blasting seismographs that meet the guidelines established by the international Society of Explosives Engineer's (ISEE) document "Performance Specifications for Blasting Seismographs" (2000) developed by the ISEE Standards Committee.
  - c. Higher air overpressure limits may be independently established based on technical justifications presented by a qualified person, such as an engineer or other certified expert in blasting related projects, to the Board of Commissioners. The Board of Commissioners must approve the higher air overpressure limits by a majority vote.
- (5) Flyrock.
- a. Flyrock travelling in the air or along the ground must not be cast from the blast site in an uncontrolled manner that could result in injury to personnel or damage to property.
  - b. Flyrock must not be propelled from the blast site onto other property, unless the mining operator has received a written waiver from the property owner upon which the flyrock may be propelled upon.

**342 (e) Distance requirements.**

- (1) Soil or sand removal or extraction operations.

Such uses must not be established within 500 feet of the lot line of a property with a residential use or 200 feet of the lot line of a property with any other use.

- (2) Quarries and open pit mines.

The operational and removal area of such uses must not be established within 4,000 feet of the lot line of a property with a residential use and within 2,000 feet of the lot line of a property with any other use.

**342 (f) Modification of restrictions.**

Modification of restrictions is permitted in accordance with Section 1303, Special Exception Variances.

**342 (g) State permits.**

A copy of the Georgia Department of Natural Resources permit approval shall be maintained on file with the Development Services Department.

**Note**— See editor's note, § 306.

**Sec. 343 - Radio, television and telecommunications.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

**343 (a) Purposes.**

- (1) The provisions of this Section are designed and intended to balance the interests of the residents of Douglas County, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within

unincorporated Douglas County so as to protect the health, safety and integrity of residential neighborhoods; and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services.

- (2) The provisions of this Section shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services.
- (3) The provisions of this Section are intended to promote Douglas County as a proactive County in the availability of personal wireless telecommunications service. To that end, this Section is intended to:
  - a. Provide for the appropriate location and development of telecommunications facilities within unincorporated Douglas County;
  - b. Protect Douglas County's built and natural environment by promoting compatible design standards for telecommunications facilities;
  - c. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
  - d. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae;
  - e. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County;
  - f. Maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single-use towers; and
  - g. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

**343 (b) Definitions related to telecommunications RESERVED. [MOVED DEFINITIONS TO Article 15]**

~~*Alternative tower structure:* includes man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennae or towers.~~

~~*Antenna:* Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, personal wireless or other telecommunication services. Personal wireless services include but are not limited to cellular telephone, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), Private Mobile Radio (PMR) and paging.~~

~~*Co-location:* The placement of two or more antennae, micro telecommunications facilities or macro telecommunications facilities in the same location, tower, or monopole tower.~~

~~*Commercial and industrial structures:* include warehouses, factories, retail outlets, supermarkets, banks, garages or service stations.~~

~~*Geographic antenna placement area:* The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an Applicant's cellular network or other broadcasting need. (Added 02/02/2010 - TXT-2010-10, § 1)~~

~~*High density districts:* Any district that permits multi-family units of eight units per acre or more.~~

~~*Height of telecommunication tower:* When referring to a tower, antennae or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.~~

~~*Macro telecommunications facilities:* Those facilities located on existing buildings, poles or other existing support structures and which project more than 3 feet above the top of the structure but no more than 10 feet above the roof line, parapet or top of the structure. Macro telecommunication facilities may exceed the height limitation specified for the zoning district.~~

~~*Micro telecommunications facilities:* Those facilities located on existing buildings, poles or other existing support structures where antennae do not project more than 3 feet above the top of the structure and there are no more than 6 antennae per site.~~

~~*Mixed use building:* A building containing both residential and nonresidential uses; provided however, that for purposes of this ordinance, this shall not include in-home occupations.~~

~~*Monopole tower:* A telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.~~

~~*Publicly used structures:* Structures that are owned by a governmental entity or a bona fide nonprofit organization and include, but are not limited to, facilities such as fire stations, libraries, community centers, convention centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.~~

~~*Scenic views:* those geographic areas containing visually significant or unique natural features, as identified in the Douglas County Comprehensive Plan. (Added 02/02/2010 - TXT-2010-10, § 1)~~

~~*Telecommunications facilities:* Antennae and towers, either individually or together.~~

~~*Telecommunication tower:* Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types. This term does not include Alternative Tower Structures.~~

~~*Temporary Wireless Communication Facility:* Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell-on-Wheels (COW).~~

~~*Visual quality:* the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences. (Added 02/02/2010 - TXT-2010-10, § 1)~~

### **343 (c) Exemptions.**

- (1) Any telecommunications facilities located on property owned, leased or otherwise controlled by Douglas County, provided that a license or lease authorizing the telecommunications facility has been approved by the Board of Commissioners.
- (2) Wireless communications facilities for which a permit was issued prior to the effective date of this Code are not required to meet the standards contained herein.
- (3) Any device designed for over-the-air reception of radio or television broadcast signals, multi-channel multipoint distribution service or direct broadcast satellite service is exempt from the requirements of this Section.
- (4) Any cable television headend or hub towers and antennae used solely for cable television services are exempt from the requirements of this Section.
- (5) Any tower and antenna under 70 feet in total height that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission is exempt from the requirements of this Section.
- (6) Personal over-the-air devices for audio or video programming and wireless internet services are not subject to the requirements of this Section.
- (7) Satellite ground relay station facilities are not subject to the requirements of this Section.

**343 (d) Permitted uses.** *(Amended 05-02-2017 - TXT-2017-02, § 1; 05/06/2014 - TXT-2014-02, § 1; 02/02/2010 - TXT-2010-01, § 2; 04/03/2007 - TXT-2007-03)*

- (1) Principal or accessory use.

Antennae, towers and alternative tower structures may be either a principal use or an accessory use and may be located on a non-conforming lot or on a lot containing a non-conforming use. The construction of a tower or alternative tower structure in compliance with this Section shall not be considered an expansion of a non-conforming use.

- (2) Use by right.

Telecommunication facilities are allowed as a use by right as shown on Table 2.5, following approval of a complete application and design review by the Director of Development Services and issuance of a building permit.

- (3) Special Uses.

Telecommunication facilities may be allowed as a Special Use as shown on Table 2.5, following approval of a complete application, design review, Special Use approval by the Board of Commissioners, and issuance of a building permit.

- (4) Temporary wireless communication facility.

A Temporary Wireless Communication Facility may be approved administratively in any zoning district for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.

- (5) Additional tower height requests.

Any new tower otherwise permitted but proposed for a height greater than 150 feet may be considered through a Special Use approval.

(6) Prohibited Locations.

- a. Towers and alternative tower structures shall not be permitted in any approved residential subdivision, unless the lot in the subdivision is greater than 5 acres and is occupied by an institutional use as identified by the Douglas County Planning Department.
- b. Micro and macro telecommunication facilities are not allowed on any single-family, two-family or manufactured home. In the residential zoning districts (as established on Table 2.1 of the Use of Land and Structures Article of this Development Code), micro and macro telecommunication facilities may only be located on a nonresidential use allowed in such residential zoning district.

(7) The Douglas County Department of Planning & Zoning shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in Douglas County. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the Planning & Zoning Department.

**343 (e) Preferred and Disfavored Location Sites.** *(Amended 02/02/2010 - TXT-2010-01, § 3)*

(1) Preferred Location Sites.

- a. No new tower, except amateur radio towers, shall be permitted unless the Applicant demonstrates with substantial evidence to the Planning & Zoning Department and the Board of Commissioners that no existing tower or existing alternative tower structure can accommodate the Applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:
  1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the Applicant's engineering requirements.
  2. That existing towers or structures do not have sufficient structural strength to support the Applicant's antenna and related equipment.
  3. That the Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures, would cause interference with the Applicant's proposed antenna.
  4. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  5. That the Applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  6. For each of the above, the Applicant must submit an affidavit listing the existing towers which were considered, and ultimately rejected, by the

Applicant and provide a detailed explanation of why the existing towers are not usable.

- b. Co-Location Sites. Any existing telecommunication towers currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred co-location site regardless of the underlying zoning designation of the site, or the legally non-conforming height of the tower; provided, however, that locations meeting this criteria shall be subject to all physically possible design and siting requirements of this Section. Co-location sites shall not become "antenna farms" or otherwise be deemed by the Director of Development Services or the Board of Commissioners to be visually obtrusive.
- c. Publicly-used structures.
- d. Commercial and Industrial Structures. Wholly commercial and industrial structures shall be preferred location sites particularly where existing visual obstructions or clutter on the roof or along a roofline can and will be removed as part of the installation of the telecommunications facility.
- e. Mixed Use Buildings in High Density Districts.

(2) Disfavored Location Sites.

Any single-family, two-family or multi-family residential structure or site shall be a disfavored site for the location of telecommunications facilities.

**343 (f) Design criteria.** *(Amended 05-06-2014 - TXT-2014-02, § 1; 02/02/2010 - TXT-2010-01, §§ 4, 5)*

(1) Capacity.

All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 150 feet shall accommodate at least 3 users. Towers over 150 feet shall accommodate at least 5 users.

(2) Setbacks.

The following setback requirements shall apply to all telecommunications facilities, provided however, that the Director of Development Services and/or Board of Commissioners may reduce the standard setback requirements of this Section if the goals of this Code would be better served thereby.

a. Telecommunications towers must:

- 1. Be set back a distance of 50 from any property line and a distance equal to the full height of the tower from any off-site residential structure and public local or collector road right-of-ways, whichever is greater;
- 2. Be placed no closer than 1,500 from an existing tower 90 in height or greater unless otherwise technologically required or visually preferable as determined by the Director of Development Services or Board of Commissioners.

b. All towers shall be located no less than a distance equal to the height of the tower from any property zoned or used for single-family residential purposes.

c. All towers shall be located at least one-third of its height from any public right-of-way.

- d. Setbacks shall be based on the entire lot on which the tower is located and shall not be applied to any lease area within the host parcel.
  - e. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
  - f. For antennae attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio shall be maintained unless an alternative placement is approved by the Director of Development Services or Board of Commissioners.
  - g. Placement of more than one tower on a lot shall be permitted provided that all other requirements may be met as to each tower. Structures may be located as close to each other as technically feasible provided that tower failure characteristics of the towers will not lead to multiple failures.
  - h. Towers shall not be located in the principal building setback area in any district
- (3) Landscaping, screening and visual impact.

- a. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and zoning district to the extent possible.
- b. Towers, buildings and related structures shall be integrated through location, design, materials, colors, textures, screening and landscaping to blend with the existing characteristics of the site to the extent possible.
- c. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the F AA 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.
- d. Where feasible, telecommunications facilities shall be placed directly above, below or incorporated with vertical design elements of a building to assist further camouflage.
- e. Any equipment shelter or cabinet supporting telecommunications facilities shall be concealed from public view, made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet shall be regularly maintained.
- f. The Director of Development Services or Board of Commissioners may waive or modify the landscaping requirements where lesser requirements are desirable: for visibility or security purposes; for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms; other remote agricultural or rural locations; for placement of an antenna on an existing structure; or for developed heavy industrial areas.
- g. Landscaping shall effectively screen the view of telecommunications facilities, equipment, equipment shelters or cabinets, associated buildings and fencing, where required, from adjacent public right-of-ways, public property and residential property. A minimum 10-foot wide area meeting zoning buffer standards of this Code shall surround towers and related equipment. Landscaping and zoning buffer areas must be under the ownership or long-term lease of the tower owner. The required zoning buffer area may be reduced or waived by the Director of Development Services if existing natural vegetation provides sufficient screening from adjacent properties and public rights-of-way. Native vegetation and existing topography on the site shall be preserved or improved to the greatest practical

extent. Disturbance of the existing topography shall only be permitted when, in the opinion of the Director of Development Services, it would result in less visual impact of the site to the surrounding area.

- h. If an antenna is installed on a structure other than a tower, or an alternative tower structure, the antenna, associated electrical and mechanical equipment, equipment shelter or cabinet, must be of a neutral color identical to, or closely compatible with, the color of the supporting or surrounding structure(s) so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennae shall be made visually unobtrusive by screening which may include matching them with existing air conditioning units, stairs, elevator towers or other background.
- i. Telecommunications facilities shall not be placed in any historic district or in any scenic corridors as designated by the Board of Commissioners or by any state or federal law or agency. Antennae and related equipment attached to historically or architecturally significant structures or within Significant View Corridors, as established by Douglas County or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.
- j. Alternative tower structures and their components (flags, tree limbs, bells, clocks, etc.) shall be kept in a state of good repair and shall have all related equipment screened from view by one of the following methods:

Alternative tower structures shall have all related equipment screened from view by one of the following methods:

- 1. Locating all equipment in an existing building;
- 2. Locating all equipment in an underground vault; or
- 3. Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment.

(4) Lighting.

Towers shall not be lighted beyond that required by the FAA. Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. If lighting is required on a tower, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. In the event the tower requires lighting by virtue of its height, the County may require the construction of the tower at a lower height in order to avoid lighting requirements.

(5) Maintenance.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Access for maintenance vehicles shall be exclusively by means of a local street abutting the site or otherwise is accessible to the site.

(6) Principal, Accessory and Joint Uses.

- a. Accessory structures used in direct support of a telecommunications facility shall be allowed but not be 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.

- b. Telecommunications facilities may be located on sites containing another principal use in the same buildable area, (towers are not permitted in required setbacks).

(7) Security.

- a. All towers shall be enclosed by decay resistant security fencing not less than six feet in height.
- b. All telecommunications facilities shall be equipped with appropriate anti-climbing devices or other similar protective devices to prevent unauthorized access to the telecommunications facility.

(8) Signage.

No advertising is permitted on telecommunications facilities. However, a whip antenna or panel antenna up to 12 square feet in size with appropriate shrouding may be allowed on any legally permitted permanent sign provided that all other requirements of this ordinance are met.

(9) Change of Ownership.

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Planning & Zoning Department of the transaction in writing within thirty (30) days.

(10) Compliance.

- a. **Building Codes and Safety Standards.** All telecommunications facilities shall be maintained in compliance with applicable building codes and the applicable standards for such telecommunications facilities, as may be amended. Owners shall cause inspections of each facility to be made every three (3) years to ensure structural integrity by qualified, independent engineers licensed to practice in Georgia. The results of such inspection shall be provided to the Director of Development Services.
- b. **Regulatory Compliance.** All telecommunications facilities shall meet or exceed standards and regulations as may be amended of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. Owners shall provide certification to the Director of Development Services that each telecommunications facility is in compliance with all applicable federal and state requirements when any new users are added or building permit is sought.

**343 (g) Application requirements.** *(Amended 05-06-2014 - TXT-2014-02, § 1; 02/02/2010 - TXT-2010-01, § 6; 04/01/2008 - TXT2008-01; 04/03/2007 - TXT2007-03)*

(1) General application requirements.

The owner and operator of any proposed telecommunications facility, regardless of whether seeking approval from the Director of Development Services as a use by right or from the Board of Commissioners as a Special Use, must submit a complete application, undergo design review, and receive a building permit. Applications will not be considered until complete. The following information must be submitted for an application to be considered complete when applying for any building permit, Special Use approval or other permit or variance included in this Code:

- a. Basic information.

1. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.
2. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a latitude/longitude location in a format compatible with the GIS software utilized by the Douglas County Geographic Information Systems Department.
3. Landscape plan to scale indicating size, spacing and type of plantings. The plan shall indicate significant vegetation to be removed and vegetation to be replanted to replace any vegetation lost.
4. Description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance or scenic corridors.
5. 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.
6. Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:
  - a) Telecommunications facility height and design, including technical, engineering and other pertinent factors governing selection of the proposed design.
  - b) Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated.
  - c) Evidence of structural integrity of the tower structure.
7. Definition of the area to be served by the antenna or tower and explanation of whether such antenna or tower is needed for coverage or capacity. Identification of the geographic service area for the subject installation, including:
  - a) A county map showing the proposed site and the applicants other existing telecommunications facility sites within Douglas County.
  - b) A description of how this service area fits into and is necessary for the service network.
  - c) Evidence that the proposed facility provides the needed coverage or capacity.
8. Identification 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. Identification should include name, address, telephone number, facsimile number, pager number and electronic mail address, if applicable.
9. Designation of which location preference, identified in subsection 343 (e), the proposed facility meets. If the proposed location is not a preferred location or is a disfavored location, an explanation of how and why the proposed site is

essential to meet service demands for the geographic service area and countywide network.

b. Site inventory.

Each application shall include a site inventory including: 24 packages containing a list and a map showing all the applicants existing telecommunications facility sites within Douglas County and within one mile of the county's boundaries. The list must include the following information for each site:

1. Street address.
2. Landlot, section, district and parcel number.
3. Zoning district.
4. Type of building (commercial, residential, mixed use) and number of stories.
5. The location and type of tower/antenna installation (stand alone rooftop, building facade, etc.).
6. The location of the base transceiver station installation(s).
7. The height from grade to the top of the antenna installation.
8. The radio frequency range in megahertz.
9. All other telecommunication facility sites within 2000 feet of the proposed location.

c. Additional information requirements for towers:

1. If the proposed site is zoned Rural Agricultural (AG), Residential Agricultural (R-A), Residential Low Density (R-LD), Residential Medium Density (R-MD), Residential Duplex (R-D), Residential Townhome/Condominium (R-TC), Multi-family Residential (R-MF), Residential-High Density (R-HD), Manufactured Home Residential (R-MH), Low Density Office and Institutional (O-I) ~~(O-L)~~, High Density office ~~(O-H)~~ and there are alternative sites in the relevant service area zoned Neighborhood Commercial (C-N), Community Commercial (C-C), Heavy Commercial (C-H), General Commercial (C-G), Regional Commercial ~~(C-R)~~, Restricted Light Industrial (LI-R), Light Industrial (LI), or Heavy Industrial (HI), applicants must justify why those alternate sites have not been proposed. The Director of Development Services and/or Board of Commissioners shall review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Director of Development Services and/or Board of Commissioners shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
2. Applicants shall provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites for the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, applicants shall justify why such co-location is not being proposed. The Director of Development Services and/or Board of Commissioners shall review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Director of Development Services and/or Board of Commissioners shall carefully weigh

such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.

3. The applicant shall provide a utilities inventory showing the locations of all water, sewage, drainage and power easements impacting the proposed tower site.
4. The applicant shall additionally provide the following information: the results of an FAA study to determine if the proposed construction will be a hazard to air navigation, a Phase 1 environmental report, NEPA report, and Section 106 checklist detailing any possible latent environmental or historic property proximity issues.
5. The applicant shall provide any other information requested by the Director of Development Services to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

(2) Special Use.

- a. A request for a Special Use approval shall be initiated by application to the Director of Development Services and handled in accordance with the Special Use provisions of the Procedures and Permits Article of this Code.
- b. In granting a Special Use approval, the Board of Commissioners may impose additional conditions to the extent determined necessary to screen or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties, including limiting the height of proposed towers in residential areas. In no event shall a new alternative tower/structure to be placed on residentially-zoned property exceed 100 feet in height.
- c. Following receipt of a Special Use application, the Director of Development Services will ensure an expedited review of the building permit application for the same site utilizing information provided in the Special Use application.
- d. All applicants for Special Use approval shall submit the following in addition to all documentation required by the Procedures and Permits Article for Special Use applications. All information of an engineering nature that the Applicant submits, whether civil, mechanical or electrical shall be certified by a licensed professional engineer or qualified industry expert:
  1. Height of the proposed tower.
  2. Proximity of residential uses.
  3. Topography of the surrounding area.
  4. Surrounding tree cover and existing vegetation.
  5. Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  6. Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
    - a.) That existing towers or tall structures are not located within the necessary geographic area.

- b.) That existing towers or tall structures are not of sufficient height to meet system engineering requirements.
  - c.) That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.
  - d.) That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.
  - e.) *That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.*
7. Photo simulation of the proposed tower/alternative structure appearance from multiple angles on the subject site.

**343 (h) Considerations in Approval or Denial of a Telecommunications tower Special Use Permit.** (Amended 02/02/2010 - TXT-2010-10, § 7)

The governing authority shall consider, but is not limited to, the following factors in action upon a Telecommunications Tower Special Use Permit under the provisions of this code:

- (1) The height and setbacks of the proposed tower.
- (2) The proximity of the tower to residential structures and residential district boundaries.
- (3) The nature of uses, as well as the height of existing structures, on adjacent and nearby properties.
- (4) The surrounding topography.
- (5) The surrounding tree coverage and foliage.
- (6) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (7) The proposed ingress and egress.
- (8) The availability of suitable existing towers or other structures for antenna co-location.
- (9) The impact of the proposed tower upon scenic views and the visual quality of the surrounding area.
- (10) The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials.
- (11) The portion of the tower that will be visible from adjacent and nearby residential properties.
- (12) The number of required trips to the tower site on a monthly basis.
- (13) The tower's effect on property values of adjacent and nearby residential properties.
- (14) The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby structure.
- (15) Safety concerns associated with the proposed tower or antenna.
- (16) The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property.

- (17) The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

**343 (i) Review of Application by a Radio-Frequency Engineer.** *(Amended 02/02/2010 - TXT-2010-10, § 7)*

- (1) Within five (5) business days of accepting the Special Use Permit Application, the Planning & Zoning Department shall refer the Special Use Permit Application to a Radio-Frequency Engineer for review and recommendation. Within thirty (30) business days after receiving the Special Use Permit Application for review, the Radio-Frequency Engineer shall submit a detailed report and findings regarding the Application to the Planning & Zoning Department, including but not limited to the need for the tower in the proposed location, whether or not the height of the tower should be lower than the height requested by the Applicant, and possible alternatives for the location of the tower. These findings shall be submitted to the Douglas County Planning & Zoning Board, Board of Commissioners and the Applicant for review within ten (10) business days of receipt by the Planning & Zoning Department, along with any staff report or recommendations prepared for the Board of Commissioner's consideration.
- (2) The Applicant shall have ten (10) business days after receiving the Radio-Frequency Engineer's findings and staff report to withdraw the Special Use Permit Application without prejudice. If the Application is not withdrawn by the Applicant within such time period, it shall be placed on the next available agenda for a public hearing by the Planning & Zoning Board and Board of Commissioners, consistent with the notice requirements in Article 12 of this code.

**343 (j) Co-location.** *(Amended 02/02/2010 - TXT-2010-10, §§ 7, 8)*

Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. Applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co-location. An exception to co-location shall only be made if the Applicant adequately demonstrates with substantial evidence that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the Planning & Zoning Department, and that no suitable alternative tower structure is available as set forth in Section 343(f)(1) contained herein. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.

**343 (k) Decisions.** *(Amended 02/02/2010 - TXT-2010-10, § 7)*

Any decisions by the Board of Commissioners or the Director of Development Services denying or approving a request to place, construct, modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

**343 (l) Removal of antennae and towers.** *(Amended 02/02/2010 - TXT-2010-10, §§ 7, 9)*

- (1) Any telecommunications facility not operated for a continuous period of six (6) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of

the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility within sixty (60) days. If such antenna and/or tower is not removed within 60 days of receipt of notice from the County, the County may, in the manner provided in the Official Code of Georgia Sections 41-2-7 through 41-2-17, remove such tower and/or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower. The County may pursue any and all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

- (2) If the owner of an abandoned tower or antenna wishes to recommence such use, the owner first must submit a new application for a use by right or Special Use approval.
- (3) Prior to the issuance of a permit for the construction of a tower or antenna, the owner of the tower or antenna facility shall procure a bond or a letter of credit from a surety with an office located in Douglas County, Georgia, in an amount not less than \$25,000.00 conditioned upon the removal of the tower and/or antenna, should it be deemed abandoned under the provisions set forth in paragraph (1) of this section. Such bond or letter of credit must be renewed at least every two (2) years during the life of the tower or antenna.

**343 (m) Pre-existing towers/Non-conforming uses.** *(Amended 02/02/2010 - TXT-2010-10, § 7)*

- (1) All existing nonconforming telecommunications facilities shall be governed as nonconformities under the Adoption, Purpose and Applicability Article of this Code, except that routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance.
- (2) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure, however, all physically possible siting and placement requirements shall be met as determined by the Director of Development Services.

**343 (n) Coordination with federal law.** *(Amended 02/02/2010 - TXT-2010-10, § 7)*

Whenever the Board of Commissioners finds that the application of this Section would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, a Special Use approval waiving any or all of the provisions of this Section may be granted.

**Note—** See editor's note, § 306.

**Sec. 344 - Mobile Food Vendors.**

*(Added 08/01/2017 - TXT-2017-04, § 3)*

**351.1 (a) Definitions.**

- (1) Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.
- (2) Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- (3) Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.
- (4) Temporary food establishment shall mean a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.
- (5) Ice cream truck shall mean a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.

#### **351.1 (b) License Required.**

- (1) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a license first having been granted under this section.
- (2) An application for a license or a permit hereunder shall be submitted to the Occupational Tax Department setting forth all information required hereunder and in compliance with this section.
- (3) The following information shall be provided with each application for a mobile food vendor permit:
  - a. Name of the mobile food vendor;
  - b. Make, model, and license plate number of vending unit;
  - c. Owner's contact information;
  - d. Operator's contact information;
  - e. Type of vendor (street vending unit or sidewalk vending unit);
  - f. Copy of approved permit from the local Environmental Health Department;
  - g. List of operating locations and times;
  - h. Signatures from property owners indicating consent for the use of their property;
  - i. Signature of applicant indicating agreement to the listed requirements;
  - j. Location of commissary.

#### **351.1 (c) Prohibited Conduct and Requirements.**

- (1) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.

- (2) A mobile food vendor shall not operate on any private property without the prior consent of the owner.
- (3) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the county from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the 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.
- (4) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary.
- (5) The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.
- (6) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (7) Except for ice cream trucks, mobile food vendors are allowed only in commercial and industrial zoning districts.
- (8) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.
- (9) No sale or offer for sale shall be made by any mobile food vendor between 9:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a county-approved special event or film production permit.
- (10) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation. Vending structures shall be housed at their commissary location when not vending and overnight. Commissary locations are allowed in the C-G, C-H and LI zoning districts.
- (11) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least 3 inches in height, with the name and address of the mobile food vendor licensee.
- (12) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.
- (13) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

  - a. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
  - b. Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.
- (14) The mobile food vendor may sell food and non-alcoholic beverage items only.

(15) Mobile food vendors are responsible for all waste disposal according to county ordinances.

(16) Mobile food vendors shall not occupy any parking space reserved for persons with disabilities.

### **351.1 (d) Indemnity.**

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Douglas County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

- Recreational vehicle and travel trailer parks.

*(Amended 08/02/2011 – TXT-2011-01, § 9; Amended 08/03/2010 – TXT-2010-03, § 10)*

### **344 (a) Restrictions**

In any district where recreational vehicle parks are permitted, the applicant shall submit a layout of the park subject to the following conditions:

- ~~(1) No recreational vehicle or travel trailer park shall be located except with direct access to a county, state or federal highway, with minimum lot width of not less than 50 feet from the portion used for entrance and exit.~~
- ~~(2) No entrance shall be through a residential district, or shall it require movement of traffic from the park through a residential district.~~
- ~~(3) The minimum lot area per park shall be 3 acres.~~
- ~~(4) Spaces may be used by recreational vehicles provided they meet any laws and ordinances of the county and shall be rented by the day or week only, with a maximum rental period of 30 days. Rental spaces shall not be within 50 feet of the right-of-way line of any freeway, expressway, or street.~~
- ~~(5) A certificate of approval from Douglas County Health Department.~~
- ~~(6) Adequate outdoor lighting shall be located no more than every 200 feet along interior access roads.~~

### **344 (b) Accessory Uses.**

~~Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided:~~

- ~~(1) Accessory uses and related parking shall be a maximum of 10% of the area of the park;~~
- ~~(2) Use is restricted to the occupants of the park; and~~
- ~~(3) No evidence of the commercial character of the accessory use shall be visible which would attract customers other than occupants of the park.~~

### **344 (c) Year-round occupancy.**

~~Any recreational vehicle or travel trailer park in which 50% or more of the spaces are intended, leased or sold for occupancy of 1 year or more shall meet the requirements of Sec. 336 as a manufactured home park.~~

**Note**— See editor's note, § 306.

### **Sec. 345 - Schools, private.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

Private elementary and secondary schools, colleges and technical schools are subject to following minimum requirements:

#### **345 (a) Private elementary and secondary schools.**

Private, parochial, or other elementary, middle, junior high, or high schools not part of the public school system must meet the following standards.

- (1) The private school must provide a curriculum recognized by the state Board of Education as being equivalent to that offered in the public school system under state standards.
- (2) Minimum lot size of 5 acres.
- (3) Minimum public road frontage of 100 feet on a minor or major collector or arterial road.
- (4) Temporary mobile classrooms require Special Use approval.

#### **345 (b) Private colleges, universities and technical schools.**

Private colleges, junior colleges, universities, and technical schools are allowed by Special Use approval in any zoning district when located on a site of at least 20 acres which has at least 400 feet of frontage on a major or minor thoroughfare or on a collector street, and provided that no building or structure be located nearer than 75 feet to any lot line and provided that no parking area or driveway be located nearer than 20 feet to another lot in a residential zoning district.

- (1) The private school must be eligible for accreditation by a national educational organization recognized by the state.
- (2) The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the state Board of Regents.

**Note**— See editor's note, § 306.

### **Sec. 346 - Scrap yards and junkyards.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

Scrap yards and junkyards must comply with the following:

- (1) Such use must be located no closer than 1,000 feet to any state or federally funded street or highway right-of-way, no closer than 1,000 feet from any free-flowing creek, stream, or river and not located within the one-hundred-year floodplain and that any such use shall have no direct discharge or spillover into any free-flowing creek, stream, or river.
- (2) Comply fully with all state regulations relating to these facilities including but not limited to O.C.G.A. Section 32-6-241.
- (3) Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the Department of Transportation Director.
- (4) Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- (5) Such use shall be surrounded by a polymer or composite based solid material opaque fence or solid masonry wall at least 8 feet tall.
- (6) No such activity may be conducted within 100 feet of any property line or within 300 feet of any property zoned or used for residential purposes.
- (7) All burning shall be in conformance with the State of Georgia Air and Water Pollution Act.
- (8) There shall be adequate drainage with no slope less than 5 percent in grade and shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination.
- (9) Junk vehicles shall not be stacked or layered as to endanger public health and welfare.
- (10) The minimum areas for a junkyard shall be 5 acres and the maximum area shall be 25 acres.
- (11) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and thoroughfares.
- (12) The incidental sale of used parts, materials or equipment salvaged on the site shall be permitted.

**Note**— See editor's note, § 306.

**Sec. 347 - Spectator and amusement developments.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

**347 (a) Stadiums, coliseums, arenas and amphitheatres.**

Stadiums, coliseums, arenas and amphitheatres are subject to the following requirements:

- (1) Plan approval.

- a. Traffic and parking plan to be approved by the Department of Transportation Director.
  - b. Hours of operation to be approved by the Board of Commissioners
  - c. Noise abatement plan to be approved by the Board of Commissioners.
- (2) Site requirements for an amphitheater.
- a. Minimum site area of 5 acres.
  - b. A minimum of a fifty-foot wide zoning buffer, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.
  - c. The use shall be located on minor or major arterials only.
- (3) Site Requirements for a coliseum, stadium or arena.
- a. Minimum site area of 10 acres.
  - b. A minimum 1,000-foot setback from any residential district.
  - c. A minimum of a fifty-foot wide, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.
  - d. The use shall be located on minor or major arterials only.

**347 (b) Amusement and recreational developments.**

All amusement and recreational developments (including theme parks and racetracks) not included under Section 347 (a) must meet the following requirements:

- (1) Development Plan Required.
- Recreational developments, including amusement and theme parks and racetracks, are required to provide a comprehensive development plan to the Department of Development Services prior to the issuance of any permits. This plan must be on a scale of not less than 1 inch to 400 feet and shall include:
- a. The location and function of all buildings;
  - b. Modification of natural landscape;
  - c. The location and surface treatment of all roadways and parking areas;
  - d. Overall parking, pedestrian circulation and landscape plan; and
  - e. Details for drinking water and sanitary facilities approved by the County Health Department or state of Georgia Department of Natural Resources.
- (2) Site Requirements.
- a. Minimum acreage of 5 acres.
  - b. Minimum 100 foot zoning buffer, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be established and maintained adjacent to all abutting residentially zoned property lines.

- c. Such use shall not be located closer than 500 feet from any school property line.
- d. Such use shall not be located closer than 200 feet from any residential property line.

**347 (c) Nature preserve.**

A nature preserve, including but not limited to a wildlife sanctuary, conservation area or game preserve, shall provide a minimum setback for any barn, pen, corral or other structure housing animals of 200 feet from all property lines.

**Note—** See editor's note, § 306.

**Sec. 348 - Temporary events.**

*(Amended 05/07/2013 - TXT-2013-03, § 7; Amended 02/05/2013 - TXT-2013-02, § 1; 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10; 08/07/2007 - TXT-2007-06)*

**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 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.** *(Amended 11/07/2017 - TXT-2017-05, § 2)*

- (1) Retail sales of fruits and/or vegetables from roadside structure permitted from Memorial Day to Labor Day. The retail sale of any of produce outside of the time frames specified will require a temporary permit as outlined in this section and associated fee of \$100 to be administered by the Planning & Zoning Department.
- (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" 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 feet 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 feet of a property line of a residential use.
- (9) No tent, table or other temporary structure shall be located within 100 feet 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~~ Activities having a specific duration related to a holiday or special event which ~~is~~ are secondary to the primary business or group occupying the property, such as Christmas Tree Sales, Pumpkins/Gourds, Valentines Baskets, "corn" or field crop mazes, berry or fruit picking, etc. are subject to the following.

- (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" 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) Any display or sales activity shall maintain a minimum 20-foot 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-foot 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 feet of a property line of a residential use.
- (8) No tent, table or other temporary structure shall be located within 100 feet 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 1,500 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" 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.
- (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 feet from any internal drive or permitted curb cut.
- (6) Any stage or other live entertainment shall not be located within 250 feet of a property line of any residential use.
- (7) No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
- (8) No activity area, tent, table or other temporary structure shall be located within 250 feet 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 feet 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.~~
- (165) 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 occupied 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-foot setback is required from all property lines for activity areas, including parking.
- (5) All structures housing animals shall be setback a minimum of 200 feet 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 feet 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).

**Note—** See editor's note, § 306.

**Sec. 349 - Temporary offices for a development.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

In all major subdivisions, a permit may be granted for the temporary use of one of the homes, or for the parking of a manufactured home or industrialized building, to be used as a construction office or a real estate sales office for sale of the lots for new homes to be built and developed within the boundaries of the development. A temporary construction or sales office, where otherwise allowed, shall meet the following criteria:

**349 (a) Temporary construction buildings.**

Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of construction.

**349 (b) Temporary sales office; location.**

The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk to the Superior Court.

**349 (c) Temporary sales office; restrictions.**

- (1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the recorded Final Plat.
- (2) The temporary sales office may be a manufactured home or industrialized building.

**349 (d) Temporary sales office; removal.**

The temporary sales office shall be removed within 30 days after Certificates of Occupancy or connections to permanent power have been approved on 90 percent of the lots in the subdivision.

**Note—** See editor's note, § 306.

**Sec. 350 - Utility substations.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

Electric transformer stations, gas regulator stations, telephone exchanges and other public utility substations must comply with the requirements of this Section.

**350 (a) Standards applying to electrical substations in the R-A, R-LD and R-MD zoning districts.**

Electrical substations meeting the following standards are allowed in the R-A, R-LD and R-MD zoning districts:

- (1) Minimum lot size: 5 acres, having both a width and depth of no less than 400 feet;
- (2) The actual substation shall be surrounded by a protective fence at least 8 feet in height and at least 500 feet from any building used as a residence for one or more families, and said fence be at least 100 feet from every property line;
- (3) A zoning buffer at least 35 feet wide, meeting the requirements for zoning buffers in the Landscaping, Buffers and Tree Conservation Article of this Code, be planted and maintained along all side and rear property lines;
- (4) The front yard shall be heavily landscaped as defined in the Landscaping, Buffers and Tree Conservation Article of this Code; and
- (5) No vehicles or materials may be stored on the property.

**350 (b) Standards applying to all utility substations in all zoning districts.**

- (1) These uses shall be essential for service to the area in which located.
- (2) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.
- (3) Site and development plans shall be approved by the Development Services Director to insure compatibility of the facilities with the neighborhood in which they are to be located.
- (4) Any building or structure, except an enclosed fence, shall be set back not less than 40 feet from any property line and shall meet all applicable minimum building setback requirements.
- (5) These uses shall be enclosed by a fence not less than 8 feet in height.
- (6) Within an agricultural or residential zoning district, a zoning buffer at least 25 feet wide shall be provided in accordance with the provisions of the Landscaping, Buffers and Tree Conservation Article of this Code. When located in any office/commercial district, the facility shall be furnished with a planted zoning buffer not less than 10 feet wide to create an effective visual screen on all sides.
- (7) The storage of vehicles and equipment on the premises shall be prohibited.

**Note—** See editor's note, § 306.

## Sec. 351 - Waste handling or disposal.

(Amended 11/01/11 - TXT-2011-02, §§ 2, 3; Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)

### 351 (a) RESERVED Definitions related to waste handling or disposal. [Moved to Article 15]

~~*Biomedical Waste:* Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated in accordance with the rules of the Georgia Environmental Protection Division.~~

~~*Biomedical Waste Disposal or Transfer Facility:* A facility engineered and designed for the collection and/or transfer of biomedical waste products such as used gauze, syringes, needles, bandages, test tubes and surgical wastes from a collector vehicle to a transport vehicle for conveyance to another destination for incineration or disposal.~~

~~*Composting:* The controlled biological decomposition of organic matter into a stable, odor-free humus.~~

~~*Composting Center:* A site or facility in which composting activities take place under controlled conditions.~~

~~*Construction/Demolition Waste:* Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos-containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.~~

~~*Garbage:* Food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.~~

~~*Hazardous Material or Substance:* Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise potentially injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.~~

~~*Hazardous Waste:* Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.~~

~~*Hazardous or Toxic Waste Transfer Station:* A facility in which toxic or hazardous wastes are brought in to the site exclusively for transferal to another vehicle that will transport the wastes to another facility for disposal.~~

~~*Household Waste:* Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels,~~

bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

*Inert Waste Landfill:* A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

*Materials Recovery Facility:* A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Putrescible Wastes:* Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

*Recycling:* Any process by which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Recycling Center, Collecting:* Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. A drop off point for temporary storage of recyclables, no processing or reprocessing of materials is allowed. Such use may be principal or accessory to a non-residential use on non-residentially zoned property.

*Recycling Center, Reprocessing:* A facility, in which recyclables, such as newspapers, magazines, cardboard, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used in new products. This does not include the reprocessing or storage, bailing or otherwise dealing in scrap irons or other metals, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses. A recycling center is not to be considered a landfill.

*Sludge:* Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

*Solid Waste:* Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

*Solid Waste Disposal Facility:* Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~*Solid Waste Handling:* The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.~~

~~*Solid Waste Handling Facility:* Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.~~

~~*Solid Waste Transfer Station:* A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.~~

~~*Toxic Waste:* Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.~~

~~*Yard Trimmings:* Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.~~

### **351 (b) Recycling collection location.**

The following requirements apply to any recycling collection location:

- (1) There shall be no perishable or food items allowed.
- (2) The location must be maintained in a safe, clean, neat and sanitary fashion.
- (3) The location shall not encompass an area larger than two hundred eighty square feet.
- (4) Such location shall be visually screened and maintained.
- (5) Such location shall be within the building setbacks unless otherwise approved by the Director of Development Services due to topography, safety, internal traffic flow, site distance, or for other site-related circumstances not created by the property owner.

### **351 (c) Materials Recovery/Salvage/Junk Facility.**

Commercial recycling facilities shall comply with, as applicable, the rules of the Georgia Department of Natural Resources Environmental Protection Division; all applicable provisions of O.C.G.A. Section 12-8-230; and all regulations of the federal government.

Commercial recycling facilities must meet the following requirements:

- (1) Small recycling facility.

In addition to the requirements that apply to all recycling facilities under Section 351 (c)(3), the following minimum standards apply to any recycling facility containing less than 2,000 square feet of floor space:

- a. The minimum site, including land for zoning buffers and related uses, which may be conducted for a small recycling facility site shall have an area of at least 5 acres.
- b. A minimum of a 25 foot wide zoning buffer meeting the standards of this Code shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools, or churches.

(2) Large recycling facility.

In addition to the requirements that apply to all recycling facilities under Section 351 (c)(3), the following minimum standards apply to any recycling facility containing 2,000 square feet of floor space or more:

- a. The minimum site, including land for buffers and related uses, which may be conducted for a large recycling facility site shall have an area of at least 50 acres.
- b. A minimum of a 50 foot wide zoning buffer meeting the standards of this Code shall be preserved and/or established and maintained adjacent to all exterior property lines adjacent to residential properties, schools, or churches.

(3) Recycling center requirements; all facilities.

In addition to the requirements under Sections 351 (c)(1) and 351 (c)(2), as applicable, the following minimum standards apply to all recycling facilities:

- a. The operating portion of these facilities shall not be permitted within 200 feet of a residence in existence when the permit is approved.
- b. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility .The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
- c. All facilities shall have an operator in attendance at all times when the recycling facility is in use, whose qualifications meet any applicable state law requirements, and the entrance to the facility must be barricaded when closed to the public.
- d. All facilities hereafter established or operated shall be constructed to prevent road vehicles access except when the facility is in use.
- e. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders slats or similar screening material installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.
- f. Any change in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers or equivalent measures approved by the county engineer, as necessary to properly care for drainage; these storm sewers or equivalent measures shall be installed or constructed at the expense of the owner or applicant.
- g. Certificates by a registered engineer that the site meets state standards shall be submitted prior to the public hearing. A state construction permit as applicable, the county Special Use approval, and written approval of the public works department director, shall be required before any recycling operation begins.
- h. The facility shall be operated in such a manner as to prevent air, land or water pollution, public health hazards, or nuisances.

- i. Materials sent to the facility that are unused for recycling, shall be disposed of in accordance with state and county requirements.
- j. All recycling facilities shall have and keep on their premises in good working order adequate equipment to comply with the requirements established for the use.
- k. All operators of recycling facilities must operate them in a manner to prevent fires and meet all other requirements of the fire codes. Burning of any type of refuse is prohibited. Outside storage must be shown on the site plan and approved by the county engineer. The recycling facility must be operated in accordance with applicable state and county environmental requirements.
- l. Facility must comply with the Douglas County-Douglasville Solid Waste Plan.
- m. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
- n. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.
- o. The applicant shall hold harmless Douglas County in any litigation resulting from any application or from recycling or other operations.
- p. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
- q. An Environmental Impact Analysis (EIA) shall be prepared to gage the extent of negative impacts from these uses on the natural and man-made environment. Such impact statements shall include but not be limited to the following:
  - 1. Land use compatibility.
  - 2. Hydrology.
  - 3. Transportation.
  - 4. Social and economic impact.
  - 5. Geological investigations (to include test borings at ten ( 10) acre intervals to determine subsurface conditions).
  - 6. Historic, archaeological, and cultural resources.
  - 7. Flood plains.
  - 8. Air quality.
  - 9. Impact on farmlands.
  - 10. Utilities.
  - 11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
  - 12. Aesthetic and visual impacts.
  - 13. Endangered species.
  - 14. Effect on property values.

**351 (d) Wood chipping/shredding and yard trimming composting facilities.**

- (1) Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.
- (2) A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid imitation-wood vinyl fence, polymer or composite based material opaque fence or masonry wall shall be constructed around the entire perimeter of the facility.
- (3) The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

**351 (e) Solid waste disposal facilities (landfills), incinerators, or transfer stations.**

Privately operated non-inert solid waste disposal facilities, incinerators, or transfer stations shall comply with the following:

- (1) Regulations.
  - a. All rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division (EPD), relating to solid waste management including but not limited to Section 391-3-4.
  - b. All provisions of O.C.G.A. Section 12-8-20.
  - c. Rules and regulations of the Federal EPA and all other applicable federal regulations including Federal Register 40 CFR 257-258.
  - d. The facility must comply with the Douglas County Solid Waste Management Plan as may be amended.
- (2) Site requirements.
  - a. The minimum site, including land for buffers and related uses, which may be considered for a landfill site shall have an area of at least 240 acres.
  - b. Landfills, incinerators, and transfer stations shall not be permitted within 500 feet of a residence in existence when the permit is approved.
  - c. A minimum of a 200 foot wide zoning buffer meeting the standards of this Code shall be provided adjacent to all exterior property lines.
  - d. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
  - e. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
  - f. All facilities hereafter established or operated shall be enclosed with a security fence at least 8 feet high with blinders installed or some other similar fencing materials or device. Litter control fencing shall be adequate to prevent paper and similar or related refuse from blowing from the facility onto neighboring property.
  - g. Any changes in the normal drainage of the property upon which the facility is located shall be accommodated by storm sewers as necessary to properly care for

drainage; these storm sewers shall be installed at the expense of the owner or applicant.

(3) Operations.

- a. All facilities shall have a Georgia State EPD certified operator in attendance at all times when the fill is in use, and this fill must be barricaded when closed to the public.
- b. The facility shall be operated in such a manner as to prevent air, land or water pollution, public health hazards or nuisances.
- c. All sanitary landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.
- d. All operators of sanitary landfills must pack and cover every 24 hours all materials placed thereon with at least 6 inches of earth in such manner as to prevent fires and meet any and all other requirements of the fire code. All completed sanitary landfills or sections thereof, must be covered with at least 2 feet of earth and permanent erosion control measures shall be instituted. Scavenging and burning of any kind of refuse on the fill is prohibited.
- e. Recycling, composting, chipping and other processes shall be employed to minimize the volume of material buried in the landfill.
- f. Appropriate insurance and performance bonding shall be required as well as contractual liability agreements with waste generators shall be required throughout the life of the operation and for the duration of closure liability .
- g. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.

(4) Approval.

- a. Certification by a registered engineer that the site meets state standards shall be submitted prior to the public hearing. A state construction permit, a Special Use approval by the County, and written approval of the landfill operator and county engineer shall be required before any fill operation begins.
- b. All operations, whether they are landfills, transfer stations, or incinerators must be sited, constructed, and operated in accordance with county, state, and federal guidelines. Seven copies of a detailed to-scale site plan must be submitted to the County for review prior to approval. Such a site plan must contain the following:
  1. Existing land use and zoning.
  2. Existing infrastructure/utilities.
  3. Existing soil conditions.
  4. Existing geological formations.
  5. Topographical features.
  6. Existing vegetation.
  7. Transportation including ingress and egress.
  8. Existing water courses and features.
  9. Existing flood plains and wetlands.

10. Proposed improvements to the property in detail and to scale: include phasing plan if necessary.
  11. Proposed removal of vegetation.
  12. Proposed ingress and egress points.
  13. Proposed land excavation and disturbance.
- c. An environmental impact analysis (EIA) shall be prepared by the applicant to gauge the extent of negative impacts from these uses on the natural and man-made environment. The EIA shall be submitted to the County for review prior to approval. Such impact statement shall include but not be limited to the following:
1. Land use compatibility.
  2. Hydrology.
  3. Transportation.
  4. Social and economic impact.
  5. Geological investigations (to include test borings at ten (10) acre intervals to determine subsurface conditions).
  6. Historic, archaeological, and cultural resources.
  7. Floodplains.
  8. Air quality.
  9. Impact on farmlands.
  10. Utilities.
  11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
  12. Aesthetic and visual impacts.
  13. Endangered species.
  14. Effect on property values.
- d. Plans for the closure, reclamation, and future use of the entire site when the filling has been completed or active use as ceased shall be submitted and approved by the Board of Commissioners. The closing, site reclamation and reuse plan must also be approved by the Georgia Department of Natural Resources and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-4-.11. Cost of review of closure and future use plan shall be borne by the applicant.
- e. Applicant must submit a market study identifying the sources and quantities of the waste stream to be handled, expected life of the facility, lifetime-projections of the waste stream generation, comparative cost of operations and fee schedules with similar operations, letters of commitment or contracts from potential clients are required. Cost of review of market study shall be borne by the applicant.
- f. Applicant must prepare and submit a soil erosion control plan.

**351 (f) Inert waste landfills.**

- (1) A development permit may be issued in any zoning district for filling of a specific natural land depression with earth, provided that:

- a. Such fill shall not include garbage or trash, materials subject to decomposition such as tree stumps, dry waste building materials, or any materials that contain internal voids such as concrete block.
  - b. Such facilities shall be allowed only in areas incapable of development without landfill operations.
- (2) Inert landfills intended for the disposal of materials not subject to decomposition are allowed in any zoning district subject to the following:
- a. Special Use approval is granted by the Board of Commissioners.
  - b. Such facility shall not qualify as a subtitle D or construction-demolition materials landfill.
  - c. Such fill shall not include garbage or trash, or materials subject to decomposition such as tree stumps.

**351 (g) Bury pits.**

- (1) The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.
- (2) The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the County Health Department and in compliance with all applicable state and federal laws.

**351 (h) Sewage treatment plants.**

Sewage treatment plants must comply with the following requirements:

- (1) The design and operation of this facility shall be approved by the Douglasville-Douglas County Water and Sewer Authority and by the Georgia Department of Natural Resources.
- (2) Any building or structure comprising the facility shall be set back not less than one hundred feet from any property line.
- (3) A zoning buffer at least 25 feet wide meeting the standards of this Code shall be along the side and rear property lines.

**351 (i) Hazardous waste treatment and disposal facilities.**

Biomedical waste disposal facilities and hazardous or toxic waste incinerators or transfer stations are subject to the following minimum requirements:

- (1) Prohibitions.
  - a. The land or water based disposal of hazardous or toxic wastes within Douglas County is strictly prohibited.
  - b. Toxic or hazardous wastes may not be transported into Douglas County for the purpose of land- or water-based disposal.
  - c. No hazardous, toxic, or biomedical wastes generated outside of Douglas County shall be permitted to be disposed of within Douglas County.

- d. High, medium/transuranic, or low level radioactive waste materials are not permitted in Douglas County.
- (2) Regulations.
- a. All necessary state and federal permits including the requirements of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-11-.11.
  - b. Compliance with all applicable state and federal laws regulating hazardous and toxic wastes including O.C.G.A. Sections 12-8-60 through 12-8-82 and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Section 391-3-11-.01.
- (3) Site requirements.
- a. Minimum site to be 100 acres.
  - b. Transfer stations shall not be located closer than 1,500 feet from any residentially zoned land, or school or church property line. All other uses listed above shall not be located closer than 3,000 feet from any residential dwelling, school, or church.
  - c. Facility shall not be located within the Dog River, Bear Creek, or Sweetwater Creek Drainage Basins.
  - d. Facility shall not be located with 1,500 feet of any wetlands, groundwater recharge area, or flood plain.
  - e. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare plan and truck traffic routes and entrances to the facility shall be approved by the county engineer. The drive from the public street to the scale house shall be paved with asphaltic or Portland cement concrete.
  - f. A minimum of a 200 foot wide zoning buffer meeting the standards of this Code shall be provided adjacent to all exterior property lines.
  - g. Site cannot have slopes of 10 percent or greater
- (4) Operations.
- a. All incinerators and transfer station operations shall be carried on within an enclosed building, with no outside storage of any materials or biomedical waste except for vehicles used for the operation.
  - b. Comprehensive groundwater, gas, and air monitoring shall be required in accordance with approved engineering standards. All liquid effluent resulting from these operations shall be collected and transferred to a suitable site for disposal. System development and monitoring plan must also be approved by the Douglas County Water and Sewer Authority; cost of review of monitoring plan shall be borne by the applicant.
  - c. Cleaning of vehicles and containers shall be performed so that runoff shall not enter the sanitary sewer system nor shall it runoff into adjoining properties.
  - d. All facilities shall have a Georgia State EPD certified operator in attendance at all times when the fill is in use, and this fill must be barricaded when closed to the public.

- e. Background verification will be required of all applicants including but not limited to a listing of prior projects and references. Cost of review of background verification shall be borne by the applicant.
  - f. Appropriate insurance and performance bonding shall be required as well as contractual liability agreements with waste generators shall be required throughout the life of the operation and for the duration of closure liability.
  - g. The licensee shall permit at any time during business hours an inspection of the premises by officials of Douglas County or their designees.
- (5) Approval.
- a. Spill containment plan to be approved by appropriate county staff and comply with O.C.G.A. Sections 12-8-60 through 12-8-82 inclusive and comply with all rules and regulations of the Georgia Department of Natural Resources, Environmental Protection Division including but not limited to Sections 391-3-11 inclusive, 391-3-4-.11, and 391-3-4-.15.
  - b. All operations, whether they be transfer stations or incinerators must be sited, constructed, and operated in accordance with county, state, and federal guidelines. Seven copies of a detailed to-scale site plan must be submitted to the county for review. Such a site plan must contain the following:
    - 1. Existing land use and zoning.
    - 2. Existing infrastructure/utilities.
    - 3. Existing soil conditions.
    - 4. Existing geological formations.
    - 5. Topographical features.
    - 6. Existing vegetation.
    - 7. Transportation including ingress and egress.
    - 8. Existing water courses and features.
    - 9. Existing flood plains and wetlands.
    - 10. Proposed improvements to the property in detail and to scale; include phasing plan if necessary.
    - 11. Proposed removal of vegetation.
    - 12. Proposed ingress and egress points.
    - 13. Proposed land excavation and disturbance.
  - c. An environmental impact analysis (EIA) shall be prepared by the applicant to gauge the extent of negative impacts from these uses on the natural and man-made environment. The EIA shall be submitted to the County for review prior to approval. Such impact statement shall include but not be limited to the following:
    - 1. Land use compatibility .
    - 2. Hydrology.
    - 3. Transportation.
    - 4. Social and economic impact.

5. Geological investigations (to include test borings at 10-acre intervals to determine subsurface conditions).
  6. Historic, archaeological, and cultural resources.
  7. Floodplains.
  8. Air quality.
  9. Impact on farmlands.
  10. Utilities.
  11. Noise, odors, vibrations, electromagnetic fields, glare, and smoke.
  12. Aesthetic and visual impacts.
  13. Endangered species.
  14. Effect on property values.
- d. Plans for the closure, reclamation, and future use of the entire site when the filling has been completed or active use has ceased shall be submitted and approved by the Board of Commissioners. The closing, site reclamation and reuse plan must also be approved by the Georgia Department of Natural Resources. Cost of review of closure and future use plan shall be borne by the applicant.
  - e. Applicant must submit a proforma describing the financial feasibility of the project and the applicants ability to finance project. Cost of review of proforma shall be borne by the applicant.
  - f. Applicant must submit a market study identifying the sources and quantities of the waste stream to be handled, expected life of the facility, lifetime projections of the waste stream generation, comparative cost of operations and fee schedules with similar operations, letters of commitment or contracts from potential clients are required. Cost of review of market study shall be borne by the applicant.
  - g. Applicant must prepare and submit a traffic plan identifying the hauling routes and roadway improvements proposed. All facilities shall, be accessed by a major arterial with suitable turn and acceleration lanes, traffic control devices, and stacking lanes. Access and interior roadways shall be an all-weather surface maintained in good working condition. Cost of review of traffic plan shall be borne by the applicant. Local streets and streets in recorded subdivisions shall not be used as part of any truck traffic route giving access to the facility. The entrance or entrances shall be directly off a state or federal highway or a major or minor county thoroughfare as shown on the land use and thoroughfare as shown on the land use and thoroughfare plan. and truck traffic routes and entrances to the facility shall be approved by the county engineer.
  - h. Applicant must prepare and submit a soil erosion control plan.

**Note**— See editor's note, § 306.

**~~Sec. 351.1 – Mobile Food Vendors. [moved to~~**

*(Added 08/01/2017 – TXT-2017-04, § 3)*

**~~351.1 (a) Definitions.~~**

- ~~(1) Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.~~
- ~~(2) Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.~~
- ~~(3) Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.~~
- ~~(4) Temporary food establishment shall mean a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.~~
- ~~(5) Ice cream truck shall mean a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.~~

#### **351.1 (b) License Required.**

- ~~(1) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a license first having been granted under this section.~~
- ~~(2) An application for a license or a permit hereunder shall be submitted to the Occupational Tax Department setting forth all information required hereunder and in compliance with this section.~~
- ~~(3) The following information shall be provided with each application for a mobile food vendor permit:
  - a. Name of the mobile food vendor;
  - b. Make, model, and license plate number of vending unit;
  - c. Owner's contact information;
  - d. Operator's contact information;
  - e. Type of vendor (street vending unit or sidewalk vending unit);
  - f. Copy of approved permit from the local Environmental Health Department;
  - g. List of operating locations and times;
  - h. Signatures from property owners indicating consent for the use of their property;
  - i. Signature of applicant indicating agreement to the listed requirements;
  - j. Location of commissary.~~

#### **351.1 (c) Prohibited Conduct and Requirements.**

- ~~(1) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.~~

- ~~(2) A mobile food vendor shall not operate on any private property without the prior consent of the owner.~~
- ~~(3) A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the county from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the 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.~~
- ~~(4) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary.~~
- ~~(5) The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.~~
- ~~(6) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.~~
- ~~(7) Except for ice cream trucks, mobile food vendors are allowed only in commercial and industrial zoning districts.~~
- ~~(8) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.~~
- ~~(9) No sale or offer for sale shall be made by any mobile food vendor between 9:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a county-approved special event or film production permit.~~
- ~~(10) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation. Vending structures shall be housed at their commissary location when not vending and overnight. Commissary locations are allowed in the C-G, C-H and LI zoning districts.~~
- ~~(11) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least 3 inches in height, with the name and address of the mobile food vendor licensee.~~
- ~~(12) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.~~
- ~~(13) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:
  - ~~a. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.~~
  - ~~b. Every vehicle shall be equipped with two rear vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.~~~~
- ~~(14) The mobile food vendor may sell food and non-alcoholic beverage items only.~~

~~(15) Mobile food vendors are responsible for all waste disposal according to county ordinances.~~

~~(16) Mobile food vendors shall not occupy any parking space reserved for persons with disabilities.~~

### **351.1 (d) Indemnity.**

~~As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Douglas County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.~~

## **DIVISION III. - AIRPORT ZONE RESTRICTIONS.**

### **Sec. 352 - Airport hazard overlay district.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

The O-AH Airport Hazard Overlay District provides restrictions that supplement or override provisions of the underlying zoning districts beneath the airport zone, and includes all areas shown on the map labeled as such and adopted as part of the Official Zoning Map as required by Federal Aviation Regulations (FAR) Part 77.

#### **352 (a) Definitions related to airport zones.**

*Airfield:* In this section the terms "airfield" and "airport" are interchangeable and mean airfields in Douglas County.

*Approach-departure clearance surface:* This surface is symmetrical about the runway centerline extended. It begins as an inclined plane (glide angle) two hundred (200) feet beyond the end of the runway at the same elevation as the runway end, and extends for 50,000 feet. The slope of this surface is fifty to one (50:1) (glide angle) for military airports, along the runway centerline extended for 25,000 feet, at which point it reaches an elevation of 500 feet above the elevation of the runway end. It then continues horizontally at this elevation for an additional 25,000 feet. The width of this surface at the starting point (200 feet from the runway end) is 2,000 feet. It flares uniformly and the width at 2.5 miles is 2,696 feet. Glide angles for other types of airports shall be determined by consultation with the county engineer.

*Flight hazard:* Any structure or natural growth or use of land that obstructs or restricts the airspace required for the safe flight of aircraft in landing, takeoff or maneuvering areas as or in the vicinity of the airfield.

*Landing area:* That part of the airfield that is used or intended to be used for landing and takeoff of aircraft.

*Structure:* An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

#### **352 (b) Compatible use zones.**

To carry out the purposes of this section, all of the land within the boundaries of the future airfields in Douglas County and within one mile of the runway centerline extended of each

instrument runway affected, for a distance of 2.5 miles from each end of such runway, is hereby declared to be a compatible use zone (CUZ) divided into three sub zones. The sub zones are:

- (1) CUZ-1: From the end of the runway extending outward in fan-shaped fashion matching the horizontal dimension of the approach-departure clearance surface for a distance of 2,500 feet.
- (2) CUZ-2: From the end of CUZ-1 to a point 2.5 miles from the end of the runway, extending in fan-shaped fashion to match the horizontal dimension of the approach-departure clearance surface.
- (3) CUZ-3: All of the CUZ not included in CUZ-1 and CUZ-2.

**Note—** See editor's note, § 306.

### **Sec. 353 - Airport hazard district limitations.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

#### **353 (a) Height limitations.**

Except as otherwise provided in this section, no structure or natural growth shall be erected, altered, allowed to grow or maintained in the CUZ to a height in excess of the height specified below for each sub zone.

- (1) CUZ-1 and CUZ-2: Height limit is 10 feet below the approach-departure clearance surface with a maximum height of 50 feet.
- (2) CUZ-3: Height limit is 150 feet for this entire zone except for the area 2,050 feet on both sides of and parallel to the runway centerline which is governed by the seven to one (7:1) transitional slope surface.

#### **353 (b) Land use restrictions.**

No use may be made of land or water within the Airport Hazard Overlay District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### **353 (c) Regulations not retroactive.**

The limitations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural growth not conforming to the regulations of this Division as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this Division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Development Code and is diligently prosecuted and completed within two years thereof.

**Note—** See editor's note, § 306.

**Sec. 354 - Airport hazard district variances.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

**354 (a) Variance request.**

Any person desiring to erect any structure or increase the height of any structure, or permit natural growth, or use such person's property, not in accordance with the regulations prescribed in this Division, may apply for a hardship variance under the provisions of the Procedures and Permits Article of this Code. Such variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice and be in accordance with the spirit of this section.

**354 (b) Obstruction marking and lighting.**

Any variance granted under Section 354 (a), if such action is considered advisable to effectuate the purposes of this Division and reasonable in the circumstances, may be so conditioned as to require the owner of the structure or natural growth in question to permit the airport operator at the owner's expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to airport pilots the presence of a flight hazard.

**Note—** See editor's note, § 306.

**Sec. 355 - FAA approval.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

Included in any application for approval of an Airport Hazard Overlay District or for a variance under Sec. 354, there must be written approval by the Federal Aviation Administration that the property in question will be suitable for development as an airport or that the variance will not be inconsistent with FAA rules and regulations.

**Note—** See editor's note, § 306.

**DIVISION IV. - PROHIBITED USES.**

**Sec. 356 - Designated uses not allowed.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

The following specific uses are not allowed in any zoning district in Douglas County:

- (1) Mobile home (pre 1976).
- (2) Leather and hide tanning and finishing.
- (3) Sawmills and wood preservation establishments.
- (4) Paper manufacturing other than finished stationery products.
- (5) Petroleum and coal products manufacturing other than asphalt plants.

- (6) Chemical manufacturing, except pharmaceutical and medicine manufacturing.

**Note—** See editor's note, § 306.

**Sec. 357 - Noxious manufacturing or industrial activities not allowed.**

*(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10)*

**357 (a) Prohibited noxious or hazardous products.**

A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:

- (1) Caustic or corrosive acids.
- (2) Chlorine or other noxious gasses.
- (3) Explosives.
- (4) Fertilizer or glue.
- (5) Products involving hair or fur.

**357 (b) Prohibited noxious or hazardous processes.**

A manufacturing or industrial use that involves any of the following is prohibited:

- (1) Land or water based disposal of hazardous or toxic wastes.
- (2) Petroleum refining.
- (3) Processing of sauerkraut, vinegar or yeast.
- (4) Rendering or refining of fats and oils.
- (5) Tanning or finishing of leather or other hides, except taxidermy.
- (6) Wood preservation.

**Note—** See editor's note, § 306.