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APPENDIX A. UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATION

ARTICLE A.1. GENERAL PROVISIONS

Sec. A.1.1. Title.

(1) Contents of Titles. The regulations of Appendix A, Appendix B, and Appendix C shall be known and may be cited as the "Troup County Unified Development Ordinance" or “UDO”. It consists of four (4) Appendices: Appendix A, Unified Development Ordinance Administration; Appendix B, Land Use and Zoning; Appendix C, Development and Permitting; and Appendix D, Rules of Interpretation and Definitions.

Appendix A contains regulations generally applicable to Troup County and specifically addresses administration applicable to all four (4) Appendices. Appendix B serves as the Troup County Zoning Ordinance and, together with the additional sections noted in subsection (2) below, as well as, the Official Zoning Map, is intended to constitute a Zoning Ordinance within the meaning of O.C.G.A. § 36-66-1 et seq. Appendix C regulates development and permitting activities in Troup County. Appendix D contains all rules of interpretation and definitions applicable to Appendices A, B, and C.

(2) Zoning Procedures Act Compliance. Appendixes A and B constitute Zoning Ordinances within the meaning of O.C.G.A. § 36-66-1 § (Zoning Procedures Act), as does section D.1.1 of Appendix D as well as all defined words and terms in section D.1.2 that are contained in, or referred to in, Appendixes A and B. Collectively, these sections shall be known and may be cited as “The Zoning Ordinance of the Troup County” or “Zoning Ordinance”. All other sections of the UDO do not constitute Zoning Ordinances within the meaning of The Zoning Procedures Act, including Appendix C as well as those provisions of section D.1.2 that are not contained in or referred to in Appendixes A and B. Changes to the text of the sections that constitute the Zoning Ordinance, as well as, the Official Zoning Map and amendments and other zoning decisions and actions made pursuant to the Zoning Ordinance, shall comply with the public notice and hearing procedures provided therein as well as the Zoning Procedures Act.

Sec. A.1.2. Purpose.

The purpose of the UDO is to:

(1) Promote the health, safety, order, prosperity, aesthetics, and the general welfare of the present and future residents of the County;

(2) Protect the environmental integrity of the County;

(3) Provide an aesthetically attractive environment, both built and natural, and establish regulations that protect and enhance these aesthetic considerations;

(4) Support appropriate economic development activities that provide desirable employment and enlarge the tax base;

(5) Improve the County's appearance;

(6) Enhance traffic safety and mobility;

(7) Protect property against blight and depreciation;

(8) Regulate the most appropriate use of land, buildings, and other structures throughout the County;

(9) Facilitate and regulate the adequate provision of public infrastructure necessary to accommodate appropriate growth and development; and

(10) Implement relevant elements of the County's adopted Comprehensive Plan and other adopted plans and policies.

Sec. A.1.3. Authority.

The UDO is enacted in accordance with the authority conferred by the Constitution of the State of Georgia, as well as federal, State, and local authorities applicable thereto.

Sec. A.1.4. Applicability.

(1) The provisions of the UDO shall apply throughout Troup County. The County may enter into agreements with the other regulatory agencies to carry out the purpose of the UDO. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of storm sewer systems and management programs, except as hereinafter provided, as of the date of adoption of the UDO.

(2) In interpreting and applying the provisions of the UDO, they shall be considered the minimum requirements for the promotion of the public’s safety, health, morals, and general welfare.

(3) All buildings and structures erected, all uses of land, water, buildings, or structures established, all structural alterations or relocations of existing buildings, all

enlargements of, additions to, changes in, and relocations of existing uses, and all land development are subject to all regulations of this ordinance:

(a) Development activity. Any person proposing to rezone property, secure permits, secure business licenses, undertake land disturbance activities, construct, demolish, expand, or modify a structure or a building for occupancy, develop or subdivide land within unincorporated areas of Troup County, Georgia, obtain a variance, special use permit or special administrative permit, or undertake any other development permission or activity, shall comply with all regulations outlined in the UDO, and, where required, shall make application to the Troup County Community Development Department and pay a fee according to the established fee schedule.

(b) Use. No building, structure, premises, or land shall be used or occupied, and no building or structure or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in any manner except in conformity with the regulations herein specified for the district in which it is located.

(c) Height and density. No building or structure shall be erected or altered to exceed the height limits or density regulations herein specified for the zoning district in which it is located.

(d) Lot size. No lot shall be reduced in size so that the lot width or depth, front, side, or rear yards, lot area per family, or other requirements herein specified are not maintained.

(e) Yard use. The yard or other open space required for a building to comply with the provisions herein specified shall not be used as a part of a yard or other open space required for another building, unless otherwise explicitly authorized.

(f) Number of principal buildings on a residential lot. Only one (1) principal building and its customary accessory building(s) may be erected on any lot used for a residential dwelling within the County, except for multi-family dwellings. The regulations within the code applicable to the respective zoning districts shall determine the number and size of buildings so allowed.

(g) Repairs. Nothing in the UDO shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Community Development Director, the fire chief, or any other duly authorized County official.

(h) Land in close proximity to corporate limits. When considering the setback, buffer strip and fencing requirements contained in the UDO for new construction or additions to existing buildings or structures located on land which is adjacent to or contiguous with the corporate limits of Troup County, the County may consider

and take into account the zoning and zoning requirements applicable to adjacent and contiguous land in the incorporated areas of Troup County.

Sec. A.1.5. Transitional provisions.

(1) The UDO shall take effect and shall be in force upon its adoption by the Board of Commissioners of Troup County, Georgia.

(2) Any development or building activity for which a valid and complete application for a land disturbance permit or building permit has been received prior to the adoption of the UDO may, at the developer's option, proceed to completion. Land disturbance permits and building permits may be issued under those regulations that applied at the time of tender of such applications, provided that the requested land disturbance permit or Building permit is issued within 180 days of the date of adoption of the UDO.

(3) Any development or building activity for which a valid land disturbance permit or building permit has been issued prior to the adoption of the UDO may, at the developer’s option, proceed to completion and valid land disturbance permits and building permits may be issued under those regulations that applied at the time of issuance of such permits, subject to the remaining provisions of this section.

(4) The adoption of the UDO shall not be construed to affect the validity of any land disturbance permit or building permit lawfully issued prior to the adoption of the UDO, provided:

(a) Such permit has not, by its own terms, expired prior to such effective date;

(b) Actual building construction is commenced prior to the expiration of such permit; and

(c) Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.

Sec. A.1.6. Severability.

Should any section or provision of the UDO be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the UDO as a whole, or any part thereof other than the part so declared unconstitutional or invalid. The Board of Commissioners hereby declare that it would have adopted the remaining parts of the UDO if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

Sec. A.1.7. Amendments.

(1) The Board of Commissioners may amend this UDO. Such amendments shall be effective as of their date of adoption, unless otherwise stated. If such amendments are to those portions of the UDO that constitute a Zoning Ordinance identified in section A.1.1, all procedures applicable to the Zoning Ordinance shall apply.

(2) No amendment to the UDO shall be construed to affect the validity of any unexpired building or development permit lawfully issued prior to the adoption of said amendment, consistent with section A.1.5.

Sec. A.1.8. Duties to administer, interpret, and enforce the UDO.

(1) Unless otherwise specified elsewhere within the UDO, it shall be the duty of the Community Development Director of Troup County, GA, to administer, interpret, and enforce the UDO.

(2) It shall be the duty of the Community Development Director to administer, interpret, and enforce the regulations contained within Appendix C of the UDO.

(3) It shall be the duty of the County fire marshal, or their designee, to enforce all State, County, and County fire codes. The County fire marshal shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.

Sec. A.1.9. Fees.

(1) The Board of Commissioners shall establish fees for permits and other approvals required under the UDO from time to time, and a copy of the same shall be maintained in the Community Development Department.

(2) Application and plan review fees shall be submitted with the application, and upon acceptance of said submission for review and consideration, shall not be refundable, except where otherwise specified herein. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the County.

(3) Permit fees, if any, shall be submitted as a prerequisite to issuance of a permit.

(4) Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall pay to the County such fees and performance and/or maintenance bonds as shall be required by the UDO or established by the Board of Commissioners.

Sec. A.1.10. Zoning Administration.

(1) Duties and Authority: The Community Development Director or designee shall administer the provisions of the Zoning Ordinance, and shall:

(a) Serve as administrative secretary to the Board of Zoning Appeals and Planning Commission.

(b) Maintain public records concerning the administration of the Zoning Ordinance, including all maps, amendments, special permits, conditional uses, variances, and records of public hearings.

(c) Collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Board of Zoning Appeals and Planning Commission.

(d) Receive all applications, petitions, or other requests to the Board of Zoning Appeals and Planning Commission from a citizen or an interested party in writing and signed by the applicant or agent of the applicant with supporting documentation. All information submitted by the applicant, applicant's authorized representative, or any other person in support or opposition of the proposed application shall be provided to the Community Development Director. It shall not be tendered directly to members of the Board of Zoning Appeals and Planning Commission. All information submitted will be disseminated to the Board of Zoning Appeals and Planning Commission, and the Community Development Department shall retain one (1) copy as part of the permanent record.

(e) Community Development Director Conduct all correspondence of the Board of Zoning Appeals and Planning Commission; keep a minutes' book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; keep records of examination and hearing and other official action provide public notice and prepare agendas for meetings in compliance with Georgia open meetings law; and shall carry out such other official duties as may be assigned by the Board of Zoning Appeals and Planning Commission.

(f) Undertake other relevant duties as may be delegated by the Troup County Manager.

(g) Issue certificates of zoning compliance for all permitted uses, special uses, and variances that are granted by the Board of Zoning Appeals and Planning Commission or Board of Commissioners.

(h) Maintain public records of certificates of zoning compliance.

Sec. A.1.11. Relationship to other ordinances, statutes, and resolutions.

(1) In their interpretation and application, the provisions of the UDO shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of the UDO, the more restrictive standards shall govern, unless otherwise specified.

(2) Whenever the provisions of the UDO impose standards that are more restrictive than are required in or under any other statute, ordinance, or resolution, these UDO standards shall govern, unless otherwise specified.

ARTICLE A.2. ENFORCEMENT AND PENALTIES

Sec. A.2.1. Violations of this Unified Development Ordinance.

(1) All uses of land, buildings, or structures shall be completed in accordance with approved zoning, development plans, and permits, including any conditions attached thereto. The Community Development Director or designated inspector shall make periodic field inspections as required. When a violation is found to exist while an existing development plan or permit is in effect, the building inspector shall proceed with notice as prescribed in section A.2.4. No certificate of occupancy or completion shall be issued unless all on-site improvements, landscaping, and exterior building facades are completed in accordance with the approved development plans and permits, unless a performance bond in accordance with the provision of the UDO is submitted and approved. Once development has been completed, action can be taken to secure compliance with the UDO under the provisions of this Chapter or other enforcement provisions specified elsewhere in the Code of Ordinances.

(2) The Community Development Director shall order discontinuance of illegal use of land, buildings, or structures, illegal additions, alterations, or structural changes; or shall take any other action authorized by the UDO to ensure compliance with or to prevent violation of its provisions. If it is found that any provision of the UDO is being violated, the Community Development shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the necessary action to correct it.

(3) Any person, entity, firm, or corporation violating any provision of the UDO shall be guilty of an offense and, upon conviction, shall be fined as prescribed in chapter 1, section 1-19 of the County Code. Each day such violation continues shall constitute a separate offense.

(4) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(5) Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation of the UDO.

Sec. A.2.2. Inspection and right of entry.

(2) The Community Development Director may request entry onto public or private property during reasonable business hours to perform inspections necessary to verify compliance with the provisions of the Unified Development Ordinance (UDO) during the active period of a development plan or permit. Entry shall be requested after presenting official County identification to the developer, contractor, owner, owner's agent, operator, or occupants. In cases of emergencies posing an imminent risk to life or property, entry may be sought at any time. Following the issuance of a Certificate of Occupancy, Occupational Tax Certificate, Business License, or Building Permit, the Community Development Director may request entry onto public or private property during reasonable business hours to verify ongoing compliance with the UDO, upon presentation of official County identification to the developer, contractor, owner, owner's agent, operator, or occupants. Should consent for entry be denied, the Director may seek a lawful inspection warrant in accordance with Sec. A.2.3.

(3) If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Community Development Director.

(4) Upon consent or lawful warrant, the owner or operator shall grant the Community Development Director or their authorized designee reasonable access to inspect, observe, photograph, record, and document property conditions to confirm compliance with UDO regulations. The owner or operator shall allow the Community Development Director to examine and copy any records that are required under the conditions of any permit granted under the UDO. Such inspections shall be conducted respectfully and with minimal disruption to property occupants and operations.

(5) The County shall not install monitoring or sampling equipment on private property without the voluntary and written consent of the property owner or operator, except as authorized under a lawful warrant issued by a court of competent jurisdiction. Property owners or operators may voluntarily install their monitoring equipment if requested by the County to demonstrate compliance with specific permit conditions. Such voluntary monitoring data shall be maintained by the owner or operator and made reasonably available to the County upon request. The owner shall maintain this sampling and monitoring equipment in a safe and proper operating condition at all times, or the operator shall do so at their own expense.

(6) Property owners or operators shall cooperate to ensure safe and unobstructed access to areas subject to lawful inspections. If obstructions exist, the County may request their removal, and such requests shall be accommodated promptly by the owner or operator at their own expense. Unreasonable delays in allowing access

may constitute a violation of the UDO. However, denial of consent alone shall not eliminate the County's obligation to obtain a lawful warrant. Deliberate interference with a lawful inspection constitutes a violation of the UDO. Deliberate and unreasonable interference with lawful inspections conducted pursuant to this section shall constitute a violation of the UDO

If the Community Development Director has been refused access to any part of a premises, property, or facility and the Community Development Director can demonstrate probable cause to believe that there may be a violation of the UDO, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the UDO or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Community Development Director may seek issuance of an inspection warrant from the magistrate court. The Community Development Director shall determine inspection schedules in a reasonable manner that balances regulatory compliance with the rights and privacy of property owners and occupants.

Sec. A.2.3. Inspection warrants.

(1) The Community Development Director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of the UDO or observation, measurement, sampling, or testing for the provisions of the UDO.

(2) Inspection warrants may be issued by the magistrate court when the issuing judge is satisfied that the Community Development Director or their designee has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

(3) An inspection warrant will be issued only if it meets the following requirements:

(a) The warrant is attached to the affidavit required to be made to obtain the warrant;

(b) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;

(c) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and

(d) The warrant refers, in general terms, to the code provisions sought to be enforced.

Sec. A.2.4. Notice of violation.

(1) If the Community Development Director determines that any violation of the UDO is taking place, or that a condition of rezoning, variance, or other permit or administrative approvals are not complied with, the Community Development Director or their designee shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.

(2) The notice shall at least contain the following information:

(a) The name and address of the owner or responsible person;

(b) The address or other description of the site upon which the violation is occurring;

(c) A description of the nature of the violation;

(d) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan, or the UDO;

(e) The deadline or completion date of any such remedial actions or measures shall consist of not less than 10 days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and

(f) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

(3) If the violation has not been corrected within 30 days, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this article, provided that the Community Development Director may, at their discretion, extend the time for compliance with any such notice.

(4) The Community Development Director also shall have the authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Community Development Director and shall not be required prior to the issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements outlined in section A.2.4(2). If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Community Development Director, the Community Development Director may proceed with a notice of violation or other authorized enforcement action.

(5) Appeal of Notice of Violation. Appeals from the regulations of this UDO shall be made pursuant to the process outlined in section B.12.9, unless stated otherwise.

Sec. A.2.5. Stop work orders and revocations.

The Community Development Director may issue a stop-work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

Sec. A.2.6. Other enforcement.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation (see section A.2.4), any one (1) or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Community Development Director shall first notify the applicant or other responsible person in writing of its intended action as provided in section A.2.4. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Community Development Director may take any one (1) or more of the following actions or impose any one (1) or more of the penalties provided in section A.2.7:

(1) Withhold certificate of occupancy/completion. The Community Development Director may refuse to issue a certificate of occupancy or completion for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(2) Suspension, revocation, or modification of permit. The Community Development Director may suspend, revoke, or modify the permit authorizing the project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated, upon such conditions as the Community Development Director may deem necessary, to enable the applicant or other responsible person to take the required remedial measures to cure such violations.

Sec. A.2.7. Penalties for violations.

(1) Civil penalties. Where authorized by law, in the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described by the specified deadline or completion date, the County may impose a penalty not to exceed $1,000.00 for each day the violation is not remedied after the specified deadline or completion date.

(2) Criminal penalties. The designated appointees or appropriate law enforcement agencies of Troup County may issue a citation to the applicant or other responsible person, requiring such person to appear in the magistrate court of the County to answer charges for such violation. Upon conviction, a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

APPENDIX B. LAND USE AND ZONING

ARTICLE B.1. GENERAL PROVISIONS

Sec. B.1.1. Purpose.

Appendix B of this Unified Development Ordinance (UDO) is enacted for the purposes established in section A.1.2. Together with Appendix A, referenced words and terms in Appendix D, and the official Zoning Map, it constitutes and may be referred to as the "Zoning Ordinance of Troup County".

Sec. B.1.2. Authority.

Appendix B of the UDO is enacted pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, the Zoning Procedures Act, and other federal, state, and local laws.

The regulations of Appendix B shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Sec. B.1.3. Incorporation of Official Zoning Map.

(1) Official Zoning Map.

(a) The County is hereby divided into zoning districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by this reference and declared a part of this Zoning Ordinance.

(b) The Official Zoning Map shall be adopted by the Board of Commissioners, certified by the signature of the Community Development Director, attested by the County Clerk, and bear the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in and a part of the Troup County Zoning Ordinance" together with the date of adoption of the UDO. The Official Zoning Map, together with all notations, references, data, and other information shown on the map, is adopted and incorporated into this Zoning Ordinance.

(c) The location and boundaries of the zoning districts established by the Official Zoning Map are depicted on and maintained as part of the County's geographic information system (GIS), under the direction of the Community Development Director. The latest adopted version of the Official Zoning Map will be available

for inspection at the Troup County Community Development Department offices during the County's regular business hours.

(d) Maintenance and updates. The Community Development Director is responsible for directing revisions to the Official Zoning Map to reflect its amendment following the effective date of all Zoning Map amendments. No unauthorized person may alter or modify the Official Zoning Map. No zoning designation appearing on the Official Zoning Map that is not supported and established by legislative action adopted in the manner required by State law and the procedures and requirements of the Zoning Ordinance shall be considered to have been adequately established. The Community Development Director may authorize the production of digital and printed copies of the Official Zoning Map and must maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

(2) Replacement of Official Zoning Map.

(a) In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may, by ordinance adopted pursuant to the procedural requirements of State law and this Zoning Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chair of the Board of Commissioners attested by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____ as part of the Troup County Zoning Ordinance." The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending any property’s zoning classification or status unless the action adopting said map is an amending action following all requirements of State law and this Zoning Ordinance.

(b) Unless the previous Official Zoning Map has been lost or destroyed, the prior map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

(3) Annexation. Any land annexed to the County shall be annexed in accordance with the procedures adopted by State law and County Code. Such land shall be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles, in accordance with the rezoning procedures in this Zoning Ordinance as well as all applicable State law.

Sec. B.1.4. Division of County into districts.

For this Zoning Ordinance, the County is divided into zoning districts designated as follows:

AG, agricultural district.

AG-R, agricultural residential district.

SU-R, suburban medium-density residential district.

LR, lakeside residential district.

SU-VL, suburban medium-density residential district.

UR-VL, urban village high-density mixed-use district.

LC, limited commercial district.

HC, highway commercial district.

LI, light industrial and manufacturing district.

HI, heavy industrial and manufacturing district.

SD-MH, special district manufactured housing.

Sec. B.1.5. Interpretation of zoning district boundaries.

(1) The Community Development Director is the final authority in determining the current zoning status of land, buildings, and structures in the County.

(2) Where uncertainty exists with respect to the location of any zoning district boundaries as shown on the Official Zoning Map, the following rules apply:

   (a) Where possible, the rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on a map.

   (b) Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the centerline of a street, a County road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.

   (c) Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district in which it is classified.

   (d) Where areas appear to be unclassified on the Zoning Map, and the above rules cannot establish classification, and there is no other evidence of its existing or

past classification, such areas shall be classified AG until the Board of Commissioners takes action to amend the Zoning Map.

(3) Where uncertainties continue to exist or further interpretation is required beyond that presented in the above subsections, the question shall be presented to the Board of Commissioners to enact a clarifying ordinance, and the Board of Commissioners' action shall be recorded on the Zoning Map.

Sec. B.1.6. Relationship to Comprehensive Plan and character area map.

The Troup County Comprehensive Plan, consisting of the character area map, is hereby established as the official policy of the County concerning future land uses and shall serve as a guide regarding the appropriate manner in which property shall be zoned in the County. The most recent version of the Comprehensive Plan, as adopted by the Board of Commissioners, shall identify zoning districts authorized within each of the County's character areas, as delineated on the character area map. No rezoning of property in the County shall be done in a manner inconsistent with the character area map and related policies of the Comprehensive Plan.

Sec. B.1.7. Relationship to previous approvals.

Nothing herein shall repeal conditions of use, operation, or site development imposed by zoning approval(s), special use permits, variances, or permits issued under previous ordinances or resolutions. When such conditions conflict with zoning actions, the more restrictive provision shall prevail. All variances, exceptions, modifications, and waivers heretofore granted by the Community Development Director, County Manager, or Board of Commissioners shall remain in full force and effect. All terms, conditions, and obligations heretofore imposed by the Board of Commissioners shall remain in effect, except where otherwise provided under Article B.11 (“nonconforming situations”).

Sec. B.1.8. Zoning verification.

Upon request, the Community Development Director shall have the authority to issue written zoning verifications stating the existing zoning of a particular parcel or property. Requests to the Community Development Director shall be in writing and accurately identify the subject property.

ARTICLE B.2. BASE ZONING DISTRICTS

Sec. B.2.1. Applicability.

This article sets forth the overall purpose and intent of each of the base zoning districts in the Troup County Unified Development Ordinance (UDO). See additional standards pertinent to each property in Appendices B and C.

Sec. B.2.2. AG, agricultural district.

Purpose and intent. This zoning district is intended primarily for agricultural and related accessory uses serviced by septic sewer systems, individual wells, and/or community water systems located in undeveloped areas of the County.

Sec. B.2.3. AG-R, agricultural residential district.

Purpose and intent. This zoning district is primarily intended for single-family residences and related accessory uses, including agricultural uses serviced by septic systems, individual wells, and/or community water systems, located in largely undeveloped areas of the County.

Sec. B.2.4. SU-R, suburban medium-density residential district.

Purpose and intent. This zoning district is intended primarily for medium-density single-family residential uses, where overall densities are allowed to be serviced by septic systems, individual wells, and/or community water systems.

Sec. B.2.5. LR, lakeside residential district.

Purpose and intent. This zoning district is intended primarily for medium-density single-family residential uses, where overall densities are allowed to be serviced by septic systems, individual wells, and/or community water systems. This district is in close proximity to West Point Lake.

Sec. B.2.6. SU-VL, rural village medium-density residential district.

Purpose and intent. This zoning district is intended primarily for medium-density and smaller-lot mixed-use development, serviced by septic or sewer systems and community or public water systems in the County.

Sec. B.2.7. UR-VL, urban village high-density mixed-use district.

Purpose and intent. This zoning district is intended primarily for higher-density and smaller-lot mixed-use development, serviced by community or public water and decentralized sewer systems in the County, and located adjacent to or in close proximity to the cities of the County.

Sec. B.2.8. LC, limited commercial district.

Purpose and intent. This zoning district is intended primarily for limited and smaller-scale commercial uses located in largely undeveloped areas of the County.

Sec. B.2.9. HC, highway commercial district.

Purpose and intent. This zoning district is intended primarily for commercial uses along major highways in the County.

Sec. B.2.10. LI, light industrial and manufacturing district.

Purpose and intent. This zoning district is primarily intended for light industrial and manufacturing uses in the County that are not intended to be located in close proximity to residential areas.

Sec. B.2.11. HI, heavy industrial and manufacturing district.

Purpose and intent. This zoning district is primarily intended for heavy industrial and manufacturing uses in the County that are not intended to be located in close proximity to residential areas.

Sec. B.2.12. SD-MH, special district manufactured housing.

Purpose and intent. This zoning district is intended primarily for manufactured housing uses.

ARTICLE B.3. SPECIAL ZONING DISTRICTS

Sec. B.3.1. Interpretation and applicability of special zoning districts.

(1) This Article establishes standards that apply to the development, use, or alteration of land, buildings, and structures within the boundaries of a special zoning district.

(2) The zoning district regulations of this article contain additional standards and procedures that are supplemental to all other regulations and requirements of the UDO. Should the requirements of these special district standards and procedures conflict with the standards of different requirements of the UDO, the requirements of the special district shall apply.

(a) The provisions of the special districts shall apply to all parcels of land and rights-of-way within the boundaries of the special zoning districts.

(b) The provisions of the special districts shall apply to all applications for land disturbance permits, plan review, plat approval, sign permits, and building permits for all property within the respective special zoning district boundaries, unless expressly exempted.

(c) All special zoning districts identified as "overlays" shall also require conformance with the approved underlying zoning district regulations.

Sec. B.3.2. Airport special zoning district.

(1) This subsection shall be known and may be cited as LaGrange-Callaway Airport Zoning Ordinance. The description of airport zones is comprehensive for the LaGrange-Callaway Airport airspace requirements, but enforcement of this ordinance applies only to the unincorporated areas of Troup County.

(2) This ordinance is adopted pursuant to the authority conferred by article 9, section 2, paragraph 4 of the constitution of the state [Ga. Const. Art. IX, § II, ¶ IV]. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the LaGrange-Callaway Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of LaGrange-Callaway Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of LaGrange-Callaway Airport and the public investment therein. Accordingly, it is declared:

(a) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by LaGrange-Callaway Airport; that it is necessary in the interest of the public health, public safety, and general

welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power.

(b) It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(3) If a conflict shall exist between the provisions of this article and any law of the state or any federal law, or any rules or regulations of either, legally adopted and in force, then the more stringent limitation or requirement shall govern and prevail.

(4) It shall be the duty of the Community Development Director to administer and enforce the regulations prescribed in this ordinance. Applications for permits and variances shall be submitted to the Community Development Director on a form published for that purpose. Applications required by this ordinance to be submitted to the Community Development Director shall be promptly considered and granted or denied. Applications for action by the Board of Zoning Appeals and Planning Commission shall be transmitted forthwith by the Community Development Director.

(5) In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the LaGrange-Callaway Airport. Such zones are shown on the LaGrange-Callaway Airport Zoning Map, consisting of one (1) sheet, prepared by the Board of Zoning Appeals and Planning Commission and dated January 1979, which is, by this reference, made a part of this ordinance. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Runway larger than utility visual approach zone: The inner edge of this approach zone coincides with the width of the primary outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the runway's centerline.

(b) Runway larger than utility with a visibility minimum greater than three-fourths of a mile non-precision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the runway's centerline.

(c) Runway larger than utility with a visibility minimum as low as three-fourths of a mile non-precision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the runway's centerline.

(d) Precision instrument runway approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the runway's centerline.

(e) Transitional zones: The transitional zones refer to the areas located beneath the transitional surfaces.

(f) Horizontal zone: The horizontal zone is established by swinging arcs of 10,000 feet radius from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(g) Heliport approach zone: The inner edge of this approach zone coincides with the width of the primary surface, which corresponds in size and shape with the designated takeoff and landing area. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.

(h) Heliport transitional zones: These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.

(i) Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

(6) Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height over the applicable height limitations which are hereby established for each of the zones in question as follows:

(a) Runway larger than utility visual approach zone: Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline (Runway 3-21).

(b) Runway larger than utility with a visibility minimum greater than three (3)-fourths-mile non-precision instrument approach zone: Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline (Runway 13-31).

(c) Runway larger than utility with a visibility minimum as low as three (3)-fourths-mile non-precision instrument approach zone: Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(d) Precision instrument runway approach zone: Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline (Runway 13-31).

(e) Transitional zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 693 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(f) Horizontal zone: Established at 150 feet above the airport elevation or at a height of 843.35 feet above mean sea level.

(g) Conical zone: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(h) Heliport approach zone: Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.

(7) Use restrictions.

(a) Generally. Notwithstanding any other provisions of this Code of Ordinances, no use may be made of land or water within any zone established by this ordinance 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 other lights, result in glare in the eyes of 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.

(b) Prohibited uses. The following uses are prohibited in the first 1,700-foot segment of the approach zone beginning at the end of the primary surface for Runway 13-31 and the first 1,000-foot segment of the approach zone starting at the end of the primary surface for Runway 3-21:

(i) Churches, schools, lodges, clubs, theaters, and other places of public assembly;

(ii) Multiple-family dwellings over four (4) units per structure or in a group development;

(iii) Hospitals and institutions;

(iv) Storage of hazardous material; and

(v) Any use where a concentration of people and the presence of hazardous materials are customary.

(8) Nonconforming uses.

(a) Regulations are not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of March 17, 1992, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to March 17, 1992, and is diligently prosecuted. Additionally, nothing contained herein shall prohibit construction of additions or additional floors to existing buildings, provided that any such buildings were in use on March 17, 1992, the additions were contemplated and designed at the time of the original construction, and that additional costs were incurred at the time of the original construction to allow for those future additions or additional floors.

(b) Marking and lighting. Notwithstanding the preceding provisions of this section, the owner of any existing or extended nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Troup County Airport

Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport authority.

(9) Permits.

(a) Future uses. Except as explicitly provided in paragraphs (i), (ii), and (iii) of this subsection, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created in this ordinance unless a permit therefor shall have been applied for and granted by the Community Development Director. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. Form 7460 must be filed with the Federal Aviation Administration if any structure or tree penetrates the 100 to one (1) notification slope as delineated upon the airport runway approach and profiles plan. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with subsection (d) of this section, using the following criteria:

(i) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree would extend above the height limits prescribed for such zones.

(ii) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.

(iii) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits by this article.

(b) Existing uses. Except as provided in this subsection (8)(a), no permit shall be granted that would allow the establishment or creation of an obstruction or permit

a nonconforming use, structure or tree to become a greater hazard to air navigation that it was on March 17, 1992, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming uses abandoned or destroyed. Whenever the Community Development Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent of its original height has been torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Zoning Appeals and Planning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals and Planning Commission unless a copy of the application has been furnished to the Troup County Airport Authority for advice as to the aeronautical effects of the variance. If the Troup County Airport Authority does not respond to the application within 60 days after receipt, the Board of Zoning Appeals and Planning Commission may act on its own to grant or deny said application.

(e) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals and Planning Commission, this condition may be modified to require the owner to permit the Troup County Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

Sec. B.3.3. PUD, planned unit development overlay zoning district.

(1) Purpose. The objective of this zone is to establish procedures and standards for implementing comprehensively planned projects with environmental, topographical, or other similarly site-constrained properties. The existing Zoning Map and underlying zoning regulations governing all properties within the Planned Unit Development special zoning district shall remain in full force and effect. The regulations contained within this section shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this section shall apply. The specific purposes of the zone are:

(a) To encourage the efficient use of land by: locating employment, educational and retail uses convenient to residential areas; reducing reliance on automobile use and encouraging pedestrian and other non-vehicular circulations systems; retaining and providing usable open space and passive and active recreation areas close to employment and residential population; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, educational, commercial and employment areas, and public facilities;

(b) To provide a superior natural environment by the preservation of trees, natural topographic geologic features, wetlands, watercourses, and open space, and;

(c) To allow development only in a staged or phased fashion to ensure the adequate provision of public facilities and the concurrent implementation of community

(2) Size, Location, and Development Requirements.

(a) The PUD zoning classification and accompanying development plans may be approved upon findings that the application is proper for the comprehensive and systemic development of the County, is capable of accomplishing the purposes of this overlay zoning district, is an internally and externally compatible form of development and is consistent with any applicable planning and land use policies of the County. In order to enable the County to evaluate the conformance with the standards contained herein, specific sets of plans shall be submitted in accordance with subsection (7) herein. The County is authorized to approve said plan or plans if such plans are found sufficient to accomplish the above purposes in compliance with the standards and requirements of this overlay zoning district.

(b) Minimum Area. No land shall be classified in the PUD zone unless it contains a minimum of 100 acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing PUD zoned area and may be

harmoniously integrated into the PUD area, consistent with the objectives and purposes of this zoning district.

(c) Location. Such land shall be located adjacent to and readily accessible from existing or planned roadways, sufficient to carry the increased capacity of the development, and are in an approved construction program. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems. To this end, it is required that any PUD constructed in Troup County have, at a minimum, two (2) entrances and exits, preferably located along collector or arterial road and street systems.

(3) Signage. Signs shall be permitted in accordance with the regulations applicable to the underlying zoning districts and in accordance with the specifications and standards established in the final site plan, as approved by the Troup County Engineer and Community Development Director. In addition to the signage allowed by the underlying zoning districts, the following additional signage may be permitted:

(a) Primary monuments for the overall development at each primary entrance to the development shall not exceed 64 square feet in surface area and 20 feet in height. These signs shall not be located in the right-of-way of any road, nor shall they obstruct the view of oncoming traffic from any direction.

(b) Secondary monuments for specific phases of the development and for internal separation of uses within the development shall not exceed 24 square feet in area and four (4) feet in height.

(4) Connectivity. Parcels shall not be zoned PUD unless configured to connect to adjacent roads and streets (grid pattern) and promote the overall connectivity of pedestrians and vehicles within the development.

(5) Traditional Neighborhood Development Principles. Land developed in the PUD zone should be developed in a manner consistent with the principles of traditional neighborhood developments, which emulate the historic pattern of development in the County and will generally be more compatible with existing developed areas of the County. These principles are listed below:

(a) Walkability: Most daily needs can be satisfied within a five (5) to 10-minute walk of home and work (quarter- to half-mile radius). Pedestrian-friendly road and street design includes buildings close to the road or street, front porches, continuous tree cover, on-street parking where appropriate, hidden parking lots, garages relegated to a rear lane or alley, and narrow, slow-speed vehicular trajectories.

(b) Connectivity: An interconnected road or street grid network disperses traffic and increases walkability by allowing most roads and streets to be narrow. A high-quality pedestrian network and public realm make walking a comfortable, pleasant, and engaging experience.

(c) Diverse Housing: A range of architectural types, sizes, and prices, preferably interspersed but minimally located in close proximity.

(d) High-Quality Architecture and Urban Design: Emphasis on aesthetics, human comfort, and creating a sense of place and special placement of civic buildings and sites within the community. Architectural styles and exteriors shall vary and provide an aesthetically pleasing facade to the public road or street.

(e) Increased Density: More buildings, residences, shops, and services closer together, to encourage walking and to enable a more efficient use of resources and time.

(f) Smart Transportation: A transportation network connecting neighborhoods, business districts, cities, and towns together. Pedestrian-friendly design encourages a greater use of walking, bicycles, carts, and scooters as daily transportation.

(g) Sustainable: Minimal environmental impact of development and its operations. It has less use of finite land and fuel resources and more local production.

(h) Quality of Life: Taken together, all of the above contribute to an improved quality of life for community residents and for the human community as a whole.

(6) Density and Intensity of Development.

(a) Residential. The total number of dwelling units and the corresponding density, as well as the approximate location of such units, shall be established at the time of concept plan approval pursuant to subsection (15) provided that the approximate location of specific units may be modified after approval of the plan if such modification does not affect the total density of the development and does not affect the total number of units of a particular type by more than 15 percent. Any modifications that meet the density and type requirements may be approved by the Community Development Director upon receipt of a revised plat. Any modifications that exceed the density and type requirements shall be resubmitted to the Board of Zoning Appeals and Planning Commission for approval. The Community Development Director shall have 15 business days to review any modified plans.

(b) Lot size. Supporting commercial facilities and use facilities may be authorized up to 100 percent lot coverage, provided a parking plan identifying parking alternatives in the immediate vicinity of the building, acceptable to the Board of

Zoning Appeals and Planning Commission, is developed for the proposed building. Modifications may be made to the landscape plan if the modifications do not alter the intent of this ordinance and enhance the project as determined by the Community Development Director and approved by the Board of Zoning Appeals and Planning Commission.

(7) Minimum Open space, landscaping, and amenity requirements.

(a) The amount of open space, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed/multi-use development shall not be less than 25 percent of the net acreage shown for residential use. The minimum open space requirement, which shall include designated parks, private open space, active and passive recreational areas, for the commercial portion of a mixed/multi use development shall be 10 percent or less of the total net acreage devoted to commercial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the Board of Zoning Appeals and Planning Commission determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific open space requirement.

(b) All recreation areas, facilities, and amenities, and all open space and landscaped areas, shall be reflected on the application for PUD zone at the concept plan approval stage, approved by the Board of Zoning Appeals and Planning Commission. With respect to such areas, facilities, and amenities, the concept plan or accompanying documents shall reflect:

(i) That such areas, facilities, or amenities shall not be constructed, converted, or used for any purposes other than reflected and designated on the approved preliminary plan unless said plan is amended by prior written consent of the Board of Zoning Appeals and Planning Commission.

(ii) A staging or construction timetable specifying the construction of all recreational areas, facilities, and amenities. The staging or construction timetable may be related to the number of residential units under construction or completed, population levels, or other appropriate standards. Amendments to the timetable may be made after approval by the Board of Zoning Appeals and Planning Commission. The adherence to the performance of such timetable may, at the discretion of the Board of Commissioners, be secured by the withholding and suspension of all permits for any project lying within the designated PUD zone.

(iii) Copies of proposed supporting covenants to be filed among the land records prior to the issuance of building permits, which shall enumerate the property

owner's and all successors' obligations for perpetual maintenance of all common areas, green space, recreation areas, facilities and amenities, and all common landscaped areas.

(8) Public Facilities and Utilities. Roads must conform to standards set and adopted by the County as defined in Article C.14 of this UDO and as approved on the preliminary plan. In the event that proposed roads are to be narrower than County specifications or require other changes in order to meet the objectives of the PUD ordinance, the change in conformance to Article C.14 may be approved by the County engineer during the preliminary plat approval stage. Each development must have on-site water and sewer capabilities. All developers are required to have sewer systems operated and maintained by a governmental body qualified to do so. All utilities shall be underground for PUD developments. Utility and road departments are urged to work with the developer to place utilities, sidewalks, and trees in a place that is functional for all and that allows for street trees.

(9) Parking Requirements.

In addition to any other requirements of this section, off-street parking shall be provided as follows:

(a) Parking spaces shall be determined by the off-street parking regulations of this ordinance. The Board of Zoning Appeals and Planning Commission may reduce or increase the number of spaces required for any use allowed in the PUD zone when such reduction or increase will meet the purposes of the PUD zone.

(b) Street Trees. Developers are encouraged to provide for street trees that, at some point in the future, may provide a canopy of trees lining the roads or streets and neighborhoods of the mixed/multi-use districts. All mixed-use developments are required to submit a landscape plan to be approved by the County arborist. In order to ensure that development options are as flexible as possible, the landscape plan may be amended as needed to properly serve the development. However, the approved preliminary plat and landscape plan shall be what is required to be built. The preliminary may be modified until construction drawings are submitted to the County engineer for approval.

(10) Application and Processing Procedures. All planned unit developments are subject to Troup County Subdivision Regulations. A traffic impact study for the proposed site is required at the time of zoning of the property and concept plan approval. Procedures for governing the application for the PUD zone and approvals necessary to seek building permits shall be subject to the following multiple-step process:

(a) Concept plan approval does not ensure future approval of the preliminary plan or an indication that the project will be approved in future phases of review.

(b) An applicant shall file, together with the prescribed application fee, a concept plan and rezoning application. The concept plan shall include at a minimum the following:

(i) The boundaries of the entire tract or parcel.

(ii) The location size, capacity of roads located on all adjacent lands.

(iii) Generalized location of existing and proposed external roads and adjacent land use and development.

(iv) Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of development.

(v) Generalized location, description, and timing of proposed roads, proposed dedicated public lands, and perimeter setback or buffer areas.

(vi) Proposed phasing or staging plan of development, public facilities, and information pertaining to the provision of public facilities as required by the County.

(vii) Generalized areas of woodlands, streams, watercourses, and other areas intended for natural preservation.

(viii) An illustrative plan providing for the physical layout of the entire development, including all roads, streets, lots, parcels, parks, and open spaces.

(11) Proposals. During the concept plan approval phase, ~~the Board of Zoning Appeals~~, the Development Review Committee, the Planning Commission, and the developer will engage in meetings and planning sessions before submitting proposals for consideration by the Board of Zoning Appeals and the Planning Commission.

(12) Concept Plan Findings. The Board of Zoning Appeals and Planning Commission may approve the accompanying concept plan upon finding that:

(a) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and

(b) The application and concept plan will be internally and externally compatible and harmonious with existing and planned uses in the PUD zoned areas and adjacent areas.

(13) A preliminary development plan shall be filed for approval, rejection, or modification by the Board of Zoning Appeals and Planning Commission of all or portions of the area zoned PUD and reflected within the approved concept plan,

together with the required filing fee. The preliminary development plan shall be scaled at one (1) inch equals 50 feet and shall contain, at a minimum, the following:

(a) Boundary survey and identification plat or survey plat.

(b) The use(s) of all buildings and structures within the preliminary development plan area, as well as existing uses of adjacent property external to the PUD zoned area.

(c) The location, height, and approximate dimensions and conceptual architectural elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof.

(d) The location of points of access to the site and all public and private roads, pedestrian and bike paths, in accordance with the applicable thoroughfare design standards.

(e) The location and setbacks of all parking areas.

(f) Existing topography, including:

(i) Contour intervals of not more than two (2) feet;

(ii) 100-year floodplains and floodways, including base flood elevations.

(iii) Other natural features, such as rock outcroppings and scenic views;

(g) Historic buildings, structures, or areas.

(h) Drainage easements.

(i) All landscaped areas, proposed conceptual screen planting, open spaces, recreation, and amenity areas.

(j) Proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities.

(k) A proposed (draft) covenant or other form of agreement indicating how the area will be included in any homeowners association or other legal organization, and how any open space, community space, or amenities located within the area subject to review will be perpetually maintained.

(l) Five (5) copies of the preliminary plan/plat are required for submittal to the review process, 24 inches by 36 inches or of a size acceptable to the Community Development Director. All plats and supporting information shall also be submitted in digital format as may be required by the Community Development Director.

(m) Two (2) drawings that inventory all wetlands, all watercourses and impoundments, and floodplain limits;

(n) Two (2) copies of the stormwater management plan;

(o) A typical section view for a typical utility plan;

(p) A transportation plan showing the interconnection to the residential and commercial areas and their relationship to all adjoining properties;

(q) Required fees;

(r) Project narrative to include description of the type of project and who it will serve, developer information, contractor information, engineer information, contact information, anticipated start dates, completion dates, phasing description (if applicable), impact statement describing projects effects on surrounding transportation including traffic counts and flows from proposed project and existing counts, a narrative description of how traffic will be managed and controlled (and calmed) as appropriate for the development (the traffic impact study may be substituted for this part of the narrative) description of greenspace and public/community space proposed for the project; and

(s) Application must be signed by the owner, developer, and engineer or land surveyor (licensed in Georgia with stamp affixed).

(14) Preliminary Plan Findings. The PUD preliminary plan submittal may be approved upon finding that:

(a) The plan is substantially in accord with the approved concept plan; and

(b) The plan meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and

(c) The plan will be internally and externally compatible and harmonious with existing and planned uses in the PUD zoned areas and adjacent areas; and

(d) The existing or planned public facilities are adequate to serve the proposed development contained in the plan; and

(e) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development.

(15) Final Site Plan Review. Following rezoning and approval of a preliminary development plan, approval of construction drawings to include two (2) copies of the erosion and sedimentation control plan and full utility plan; construction of roads and any other required documentation an applicant shall be submitted to Troup County Roads and Engineering Department for review and approval to the Board of Commissioners a final site plan for approval for dedication of the roads, which shall be in accord with the approved preliminary development plan and shall include the following:

(a) All information required pursuant to the requirements of the preliminary plan;

(b) Proposed covenants, suitable for filing in the deed records of Troup County, which shall indicate in specific language that the property is restricted in its use and/or development standards to the preliminary development plan and any accompanying or qualifying text material submitted with such plan, such plan shall be approved by the Troup County attorney at the time of final site plan review. Additional requirements for the covenants are as follows:

(i) Building/structure setbacks and lot coverage;

(ii) The location and type of accessory buildings and structures;

(iii) Type and nature of accessory uses; and

(iv) The appearance of buildings and structures, configuration of building elements, and type of building materials. Provided, however, no such rules, regulations, and standards shall exceed any maximum development standard or be less than any minimum development standard or permit any use otherwise prohibited in the PUD zone. All owners of property subject to the final site plan and their assigns shall be notified (by the developer) of such rules, regulations, and standards at the time of taking title to property located within the final site plan area.

(16) The Board of Commissioners shall approve a final site plan upon consideration, determination, and the powers set forth in this article. The Board of Commissioners shall, as a condition of approval, require the posting of all necessary bonds or other security instruments and the recording of covenants.

(17) No person, firm, or corporation may violate any requirement of this article, including but not limited to deviation from the requirements of the final site plan, and any such violation shall be enforceable by the County and subject to such enforcement and penalties provided by the Zoning Ordinance.

(18) The homeowner's association or developer shall commission an architect as a method of ensuring compliance with the architectural code. Said architect shall be retained by the developer and/or homeowner's association until such time as the last lot in the PUD zone at issue is developed.

Sec. B.3.4. Historic overlay districts.

(1) The purpose of this article is to recognize, help protect, and plan for Troup County's historic areas. The County finds that its historic areas and their scenic surroundings are important cultural, recreational, and economic assets, critical to the public's long-term interest. Zoning standards and regulations should protect these areas while

advancing community development goals and furthering and protecting the public's health, safety, and welfare. New construction in these areas should complement rather than interrupt, obscure, or otherwise damage or destroy the historic character of the area.

(2) Description of District. Historic Areas shall be those areas listed and described herein and further delineated on the Official Zoning Map, which is incorporated and made a part of this ordinance.

(3) Applicability. Historic areas shall function as overlay districts. They may include, be contiguous with, or later become, local historic districts (adopted in accordance with the Georgia Historic Preservation Act of 1980), designated National Register properties or districts, or portions thereof. The regulations of such underlying districts and of the underlying zoning districts shall be maintained and not affected, except in the event of conflict or discrepancy between the historic area and the underlying district or districts. In that case, the more stringent requirements shall be observed, unless noted otherwise in this article.

(4) Local Government Policy Directives. Because Troup County finds that its historic areas are of special interest, deemed desirable and necessary to conserve for present and future owners, the County shall:

(a) Incorporate into the Troup County Comprehensive Plan updates and short-term work plans, specific goals for the historic areas relative to land use, housing, community facilities, economic development, and natural and historic resources;

(b) As part of such planning, have special regard for and give special attention to the design, construction and maintenance needs of public thoroughfares, pedestrian ways, open spaces, landscape elements (including trees), recreation areas and comparable amenities of the area, and prepare plans, designs, sketches and/or models proposing public improvement of these facilities and areas;

(c) Prepare special and detailed recommendations with respect to improved housing, education, employment, health, protection, and other human resource requirements of the historic areas;

(d) Ensure appropriate communication among interested public agencies, and provide for the active participation by residents of the historic areas in the preparation of plan elements and program elements noted above;

(e) Designate a responsible local government official to coordinate these activities;

(f) Recommend to the Board of Commissioners, by a certain date, ways and means by which the County should improve its maintenance and operating programs within the designated historic areas, if applicable; and

(g) Monitor and mitigate, when and as possible, adverse impacts of other County programs upon designated historic areas.

(5) Visual Compatibility Standards.

(a) Buffer Zones. Any land lot proposed to be subdivided or otherwise developed that is contiguous to a designated historic area shall include a vegetative buffer between the lot to be developed and the adjacent historic area. The buffer shall be provided by the owner of the property proposed to be developed.

(b) If the lot proposed to be developed is located within the historic area itself, then the buffer shall be between the lot to be developed and other adjacent lots in the historic area.

(c) If the proposed development and adjacent historic area fall within different zoning districts, then the buffer shall be as specified in sec. C.9.8 of this UDO.

(d) If the two (2) lots are both within the same zoning district, then the minimum buffer area of 50 feet shall apply. The Board of Commissioners may waive this requirement, however, if it is found that:

(i) The proposed new construction will be visually compatible with the Historic Area,

(ii) The historic area already has sufficient buffer area to protect it from visual intrusions, and/or

(iii) This buffer would adversely affect the character of the historic area by isolating it from its larger compatible surroundings, for example.

(e) Other Visual Compatibility Standards. In addition to any other provisions of this article, Zoning Ordinance or other applicable law, anyone who lives in, or owns property within, an existing or proposed historic area may request additional visual compatibility standards for that historic area, relating to new construction within that historic area, landscaping, sign placement, demolition protocols, or other. Any such proposal must originate from a person living in or owning property in the affected historic area.

Such requests shall be submitted to the Troup County Historic Preservation Commission on forms available at the Troup County Community Development Department. The historic preservation commission will review each request and forward the request (with comments) to the Board of Zoning Appeals and Planning Commission. The Board of Zoning Appeals and Planning Commission will then review the request, schedule a public hearing before the Board of Commissioners, and provide a recommendation at that hearing, prior to decision by the Board of Commissioners.

(6) Administration of this section.

(a) Provisions of the Overlay District shall be administered by the Community Development Director.

(b) Proposals to designate historic rural areas may be submitted by the Troup County Historic Preservation Commission, Board of Zoning Appeals and Planning Commission, Board of Commissioners, Troup County residents, or owners of property in Troup County.

(c) Proposals to establish special visual compatibility standards for proposed or designated historic areas may be submitted only by persons living in or owning property within those historic areas, other provisions of the Troup County Code notwithstanding..

(d) All proposals to designate historic rural areas and/or establish visual compatibility standards for those areas must be submitted to the Troup County Historic Preservation Commission on forms available at the Troup County Planning and Zoning office.

(e) Proposals to designate historic rural areas and/or establish visual compatibility standards shall be reviewed by the Troup County Historic Preservation Commission, Board of Zoning Appeals, and Planning Commission and approved or disapproved by the Board of Commissioners after a public hearing per the requirements of Section. B.12.4. Notice of the public hearing on the proposed designation of the historic area shall be mailed to all owners of property within the proposed area, as well as to the owners of property adjacent to the proposed area. The originator of the proposal to designate historic rural areas shall be responsible for providing a list of all property owners to be notified.

(f) The Board of Commissioners, after consultation with the Troup County Historic Preservation Commission and Board of Zoning Appeals and Planning Commission, may revoke the designation of any historic area that subsequently loses its historic character or visual integrity.

(g) Decisions by the Board of Commissioners may be appealed in the manner described in this Zoning Ordinance.

Sec. B.3.5. Commercial recreational vehicle parks overlay districts

(a) Commercial recreational vehicle parks (CRV Parks). The CRV Park zoning district shall encompass CRV Parks, campgrounds, and rental cabins. CRV Parks have been established for the convenience of tourists and transient visitors to Troup County. CRV Parks are not intended to provide permanent housing for

citizens of the County. Therefore, no recreational vehicle shall be utilized as a residence for occupancy on a permanent basis. Campsites may be a part of a commercial recreational vehicle park, or a campground may be developed separately from a CRV Park. The camp sites and campground as a whole shall adhere to the same standards as those for a CRV Park.

(b) See sec. B.7.6 for supplemental regulations for vehicle uses.

ARTICLE B.4. ZONING PROVISIONS FOR ALL DISTRICTS

Sec. B.4.1. Zoning Space Dimensions.

The following Space Dimensions Table states the space dimensions required for each zoning district, except that the dimensional requirements for SD-MH zoning districts shall be established by the provisions of Section. B.7.9:

Space Dimensions Table

SPACE DIMENSIONS	AG	AG-R	SU-R	LR	SU-VL [5]	UR-VL [3,5]	LC	HC	LI	HI
Maximum Building Coverage (% of individual lot area)	N/A	N/A	N/A	N/A	N/A	60%	60%	70%	70%	70%
Maximum Impervious Coverage	N/A	N/A	N/A	N/A	N/A	70%	70%	80%	80%	80%
District area (min) [1]	5 acres	2 acres	1.5 acres	2 acres	25 acres	50 acres	1 acre	5 acres	25 acres	25 acres
Individual lot area (min) [1]	5 acres [2]	2 acres [2]	1.5 acres [2]	2 acres [2]	1 acre	5,000 sq ft	1 acre	1 acre	1 acre	1 acre
Public water requirement [4] (Well or Public Water)	Well	Well	Well	Well	Public Water	Public Water	Well	Public Water	Public Water	Public Water
Public sewer requirement [4] (Septic or Decentralized Sewer)	Septic	Septic	Septic	Septic	Septic	Dec. Sewer	Septic	Dec. Sewer	Dec. Sewer	Dec. Sewer
Lot width at setback line (minimum, feet) [7]	220	150	150	175	100	60	100	100	100	100
Building height (maximum, feet) [7]	40	40	40	40	40	85	40	40	40	40
Side yard (minimum, feet) [7,8]	50	30	20	20	20	5	20	20	20	20
Road/Street side yard (minimum, feet) [7,8]	50	40	40	50	20	10	40	40	40	40
Rear yard (minimum, feet) [6,7,8]	50	40	40	50	40	30	40	40	40	40
Front yard, Arterial (minimum, feet) [7]	145	125	120	130	120	100	100	200	125	120
Front yard, Collector (minimum, feet) [7]	125	100	100	120	100	50	80	150	100	100
Front yard, Local (minimum, feet) [7]	100	90	90	100	90	25	80	150	100	100

(1) District area and individual lot size. District area is the minimum land area required to establish the zoning district in an area. Individual lot size is the minimum lot area required for individual lots within the zoning district.

(2) Non-residential uses in UR-VL zoning districts. Non-residential uses in the UR-VL zoning district shall be limited as follows:

(a) Non-residential uses shall be limited to a total of 20 percent of all of the floor area provided within the individual zoning district.

(3) Public Water and Sewer. See article C.14 for additional regulations regarding subdivision of land and water and sewer infrastructure requirements.

(4) Sewer and Water Requirements. For portions of properties that do not have public water or public sewer systems but are located in zoning districts that allow higher densities based on the presence of public water and public sewer systems within that zoning district, such areas shall only be developed to the dimensional standards provided for in those zoning districts for uses serviced by community water and septic sewer systems.

(5) No rear yard is required for parcels abutting Army Corps property.

(6) Context-sensitive dimensions. Designated dimensional requirements shall not apply to a property where the average space dimension located within 5,000 feet of the subject property does not comply with the corresponding dimensional requirement of the Space Dimensions Table. In such a case, the Director may adjust the dimensional requirement to a dimension that is no greater than the greatest and no less than the least dimension that is located within 5,000 feet of the subject property.

(7) Side and rear yard setbacks for accessory buildings and structures shall be one-half (1/2) of the requirement provided within the Space Dimensions Table.

Sec. B.4.2. Access to public and private roads and streets.

(1) Every building hereafter erected or moved shall be on a lot adjacent to, or with easement-access to, an approved public or private road, street, and all structures shall have safe and convenient access for servicing, fire protection, and required off-street parking.

(2) In the event a land-locked lot exists that has been legally subdivided through the applicable subdivision process as of the effective date of this Zoning Ordinance, the property owner shall be entitled to building permits, provided:

(a) All other zoning and development standards are met or appropriate variances are approved to allow the lot to be developed or altered as proposed; and

(b) The property owner has acquired an access easement to a publicly maintained road or street. Said easement shall be duly recorded and made part of the property deed.

Sec. B.4.3. Encroachments into required yards.

(1) The following setback encroachments are permitted:

(a) Architectural features, such as: Cornices, eaves, chimneys, canopies, landings, bay windows, energy generation devices, affixed or stand-alone air conditioners, fencing, retaining walls or other similar features may encroach into the required front, side, and rear yard setbacks, provided such encroachments do not exceed three (3) feet, and provided such features are no closer than three (3) feet to the side or rear yard property line.

(b) Unenclosed decks, inclusive of staircases, may encroach into required rear yard setbacks up to 10 feet.

(c) Patios, driveways, walkways, unenclosed staircases, and similar surfaces may encroach into all setbacks.

(d) Unenclosed porches and stoops, inclusive of staircases, may encroach into required front yard setbacks up to 10 feet. For townhomes, such features may encroach up to the property line or the edge of an access easement in the case of a private road or street.

(e) Non-functioning appliances shall be stored in an enclosed accessory or principal building and not in required yards. Any non-functioning appliances, such as refrigerators, freezers, stoves, etc., shall have doors removed prior to storage.

Sec. B.4.4. Building height exceptions.

The height limitations of this Zoning Ordinance shall not apply to unoccupied portions of buildings such as spires, belfries, cupolas, domes, chimneys, mechanical and electrical equipment, and associated screening, smokestacks, derricks, conveyors, flagpoles, or aerials. The maximum height allowed for these elements shall be the maximum height allowed in the designated zoning district plus an additional 15 percent.

Sec. B.4.5. Fences and retaining walls.

(1) This section regulates fences, walls, and fences and walls in combination.

(2) Regulations applying to all zoning districts.

(a) Fences and walls shall be maintained in good repair.

(b) Fences and walls may step down a slope; however, supports shall be vertical and plumb.

(c) Supports shall face inward to the property.

(d) The following materials are prohibited as approved fencing materials: fabric, metal roofing, tarps, pallets, salvaged, scrap, dilapidated materials, sheet metal, roofing materials, cladding, and plywood. Razor wire, barbed tape, or ribbon wire is prohibited as a fencing material unless located in a commercial or industrially zoned location.

(3) Fences in SU-R, SU-VL, and UR-VL zoning districts.

(a) Fences in the front yard:

(i) Maximum height: Fences shall not exceed four (4) feet in height and shall not extend into the public right-of-way. See section B.4.6 for corner lot restrictions. Properties with agricultural and industrial uses are allowed fences up to eight (8) feet. Fence posts and pillars shall be permitted to be located an additional one (1) foot higher than the maximum height allowed for the remaining fencing elements.

(ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property of an agricultural or industrial use. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk, or other discarded material shall be prohibited as fence materials.

(b) Fences in side and rear yards shall not exceed eight (8) feet in height.

(c) Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone, brick, or textured cement masonry.

(d) Heights of fences and retaining walls shall be measured from the grade plane.

(e) Temporary chain link security fences up to six (6) feet in height may be erected to surround the property up to 30 days prior to and 30 days following completion of demolition, rehabilitation, or new construction.

(4) Fences in all other zoning districts.

(a) The following fencing materials shall be permitted:

(i) Barbed wire on metal or wooden posts; Hog wire, crossbuck, and horse wire on metal posts.

(ii) Hog wire, crossbuck, and horse wire on wooden posts.

(iii) Chain link fence (silver, brown, or dark green).

(iv) 3 or 4 rail wood or split timber.

(v) Picket fence.

(vi) Wood vehicle gate.

(vii) Metal vehicle gate, metal horse gate.

(viii) Vertical slat wood privacy fence on wooden posts

(ix) Decorative walls.

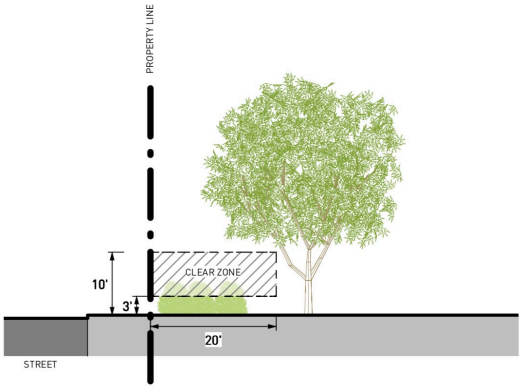
(b) Fences and walls shall not exceed 12 feet in side and rear yards and shall not exceed six (6) feet in front yards.

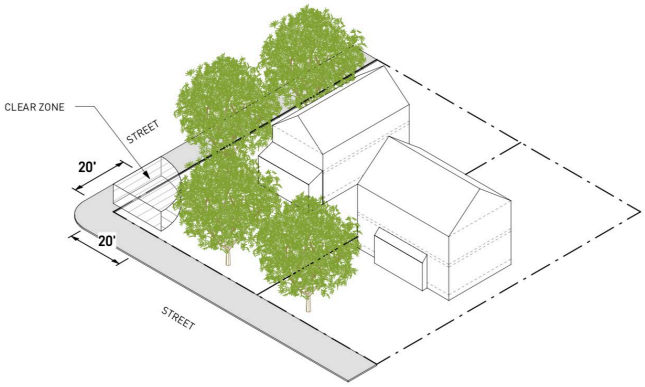
(5) Commercial and industrial corridors. Walls within or along the roadway buffer shall not be allowed, except for low-lying decorative walls for enhancement of the commercial and industrial corridor, or walls that are needed for slope stabilization. Privacy fences shall be permitted within the roadway buffer or development setback area. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of those colors that blend with the vegetation or abutting landscape features.

Sec. B.4.6. Corner visibility.

On corner lots within all zoning districts, no fence, shrubbery, sign or other obstruction to traffic line of sight vision shall exceed a height of three (3) feet within the triangular area formed by the intersection of right-of-way lines at two (2) points measured 20 feet along the property line from the intersection. Within said triangle, there shall be no sight-obscuring wall, fence, or foliage higher than 30 inches above grade or, in the case of trees, foliage lower than 10 feet. Vertical measurement shall be made at the top of the curb on the road, street, or alley adjacent to the nearest side of the triangle, or if no curb exists, from the edge of the nearest traveled way.

Corner Visibility Illustrations





Sec. B.4.7. Accessory Structures.

(1) General provisions for accessory structures. All accessory buildings and structures, including accessory dwellings, shall be subject to the following additional requirements:

(a) An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects on lots less than five (5) acres.

(b) An accessory building or structure shall be located behind the front yard facing façade of the primary structure on lots less than five (5) acres.

(c) Dimensional standards

i. Dimensional standards for accessory buildings and structures shall be the same as those for principal structures and for zoning districts in sections B.4.1 and B.4.8.

ii. For properties less than five (5) acres in size, a maximum of three (3) accessory structures shall be permitted per lot.

iii. Accessory structures not containing area meeting the definition of floor area shall be limited to the following maximum lot coverage: no limit for agricultural and industrial uses; and 25 percent for all other uses.

iv. Accessory structures may be located within the front yard if located on a parcel five (5) acres or greater, being placed a minimum of 200 feet from all property lines, subject to Community Development Director review, and a determination can be made that the placement will not have a detrimental effect on the adjacent properties.

(d) No accessory structure shall be constructed upon a lot until construction of the principal building has commenced for all uses with the exception of agricultural uses, industrial uses, lakeside recreation uses, and rural recreation uses (see Permitted Uses Table).

Sec. B.4.8. Lots and Yards.

(1) Lot Area. Except when a portion of a lot is acquired for a public purpose or family homestead as provided in section B.4.1, no lot shall be reduced in size in violation of the lot width, size of yards, or lot area per requirements of this ordinance.

(2) Yards, general.

(a) Required yards shall be provided as an area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward.

(b) Whenever a lot abuts upon an approved alley, 1/2 of the alley width may be considered as a portion of the required yard.
(c) Where a lot or parcel abuts U.S. Army Corps of Engineers property, yard requirements do not apply on that portion of the parcel.
(d) For SU-VL and UR-VL zoning districts, driveway curb cuts within front yards shall not exceed a width equal to 1/2 of the width of the lot frontage.
(e) For SU-VL and UR-VL zoning districts, driveways within front yards shall not exceed a width equal to 1/2 of the width of the front yard.

(3) Front yards in SU-VL and UR-VL zoning districts.

(a) Where an official line has been established for the future widening or opening of a collector or arterial thoroughfare upon which a lot abuts (the right-of-way line), the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
(b) On through lots, the required front yard shall be provided on each road or street.
(c) Within the same block and zoning district, when 25 percent or more of the existing buildings that are located within 200 feet on each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.
(d) For residential dwelling uses in SU-VL and UR-VL zoning districts, excluding multi-family residential dwelling uses:
(i) The front yard shall be landscaped with the exception of driveways, terraces, and walkways, which may occupy a maximum of 1/2 of the front yard.
(ii) Automobile parking is only permitted in front yards when located on the permitted access driveway on an asphalt or gravel surface.
(e) For multi-family residential dwelling uses and all other non-residential uses:
(i) Buildings shall provide a primary pedestrian entrance adjacent to and oriented towards the front yards.
(ii) The primary pedestrian entrance required in subsection (a) above shall include a pedestrian walkway that provides a safe and unobstructed connection from parking areas and adjacent public sidewalks to the primary pedestrian entrance.
(iii) The following elements shall be permitted in front yards when such elements are located on private property: benches, trash receptacles, pet stations, bicycle parking racks, outdoor dining, display of public art, other street furniture, or other similar elements.

(4) Rear yards. Where a structure is erected abutting U.S. Army Corps of Engineers' property, the rear yard may be considered that part of the parcel that faces the public road or street, and the front yard may be considered that part of the parcel that faces the U.S. Army Corps of Engineers' property.

(5) Side yards. For the purposes of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one (1) building occupying one (1) lot.

Sec. B.4.9. Unified development plans – properties under common ownership.

(1) Unified development plans are permitted in the following zoning districts: SU-VL, UR-VL, LC, HC, LI, and HI.
(2) Unified development plans are permitted when one (1) or more parcels of land are under common control and either directly adjoining each other or directly across from each other along a public or private thoroughfare.
(3) Unified development plans shall be used to establish conformance with on-site parking and loading, and open space requirements, utilizing the entire area under common control.
(4) Unified development plans are permitted to include parcels with different zoning district designations, with the exception of parcels listed in subsection (1) of this section that are prohibited from utilizing unified development plans.
(5) Properties developed pursuant to an initial approved unified development plan may be subdivided into different ownerships that can be acknowledged as separate parcels, even if any of the subdivided parcels would not meet all the on-site parking, loading, and open space requirements after the subdivision is completed.
(6) Any changes from the approved unified development plan shall require a new or amended unified development plan, which shall be based on the same area of land as the initial approval. Where a single property owner no longer owns all parcels, the applicant shall obtain authorization from all property owners prior to permit submittal, with the exception of public roads and streets deeded to Troup County.

ARTICLE B.5. CIVIC DESIGN

Sec. B.5.1. Application.

The following standards shall apply to all zoning districts. When the requirements of these standards are more restrictive than other portions of the UDO, these standards shall prevail, unless expressly exempted.

Sec. B.5.2. Building typology.

(1) This section provides standards for a variety of building types. Building types provide many key dimensional standards for each zoning district. Not all accessory building types are listed in this section, but may be approved if in compliance with the use and dimensional requirements provided elsewhere in the UDO.

(2) Building types are applied to help reinforce the existing character and scale of the County. Note that these building types are for zoning purposes only and are not linked to the Building Code.

(3) The following building types are permitted in the zoning districts delineated in the following chart. Allowable building types are indicated with a “P”.

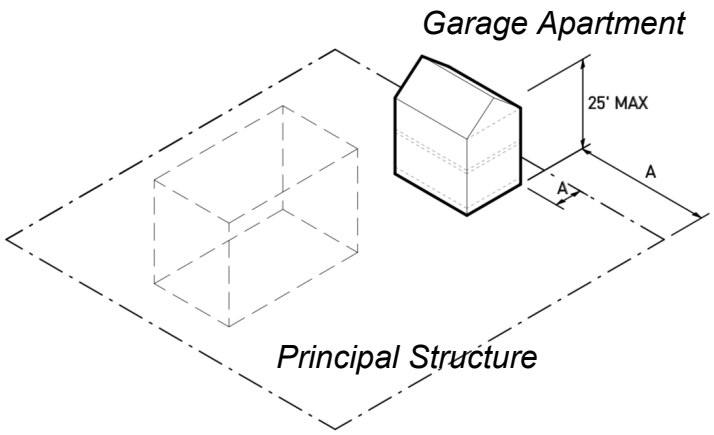
(4) Building types are prohibited in zoning districts that are not indicated with a “P”.

(5) The illustrative drawings provided in this Chapter do not represent required architectural elements, styles, or regulations and are intended to be informational only. Each building typology includes an illustration and additional building design regulations provided in charts for each building type. Notations provided on the corresponding illustrations in the form of letter designations such as “A” through “D” are further defined in each building typology chart.

Building Typology Table

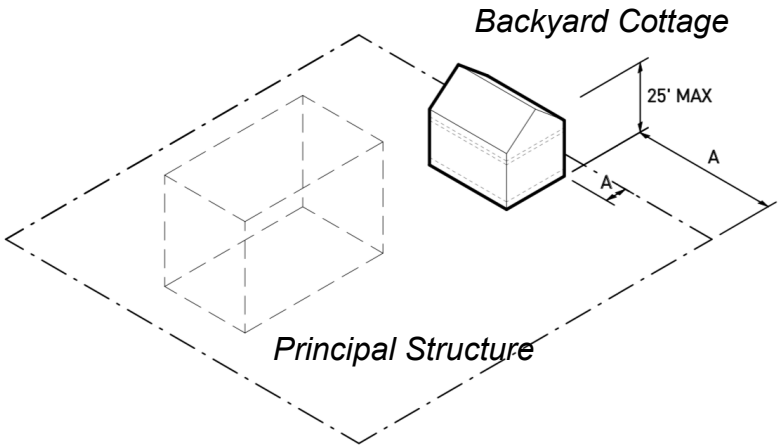
Building Type by Zoning District	AG	AG-R	LR	SU-R	SU-VL	UR-VL	LC	HC	LI	HI	SD-MH
Manufactured home	P										P
Garage apartment	P	P	P	P	P	P					
Backyard cottage	P	P	P	P	P	P					
Cottage house	P	P	P	P	P	P					
Detached house	P	P	P	P	P	P					
Cottage court						P					
Two-family dwelling						P					
Attached house						P					
Townhouse						P					
Walk-up flat						P					
Stacked flat						P					
Single-story shopfront						P	P	P	P	P	
Mixed-use shopfront						P	P	P			
General building	P	P	P	P	P	P	P	P	P	P	
Civic building	P	P	P	P	P	P	P	P	P	P	

Garage Apartment



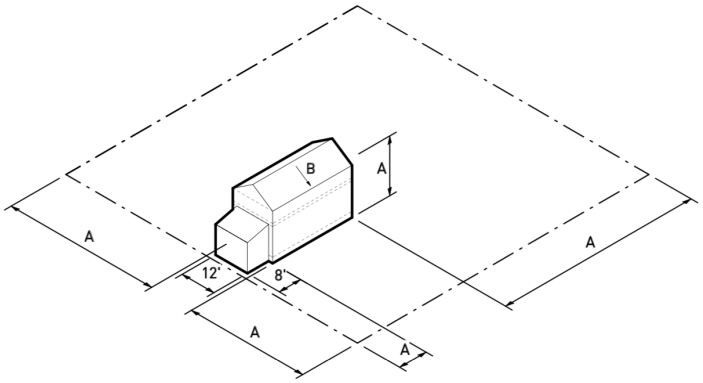
Garage Apartment	
A building type designed to accommodate a small self-contained accessory dwelling unit located above a garage on the same lot as a principal structure.	
Uses allowed in this building type: Accessory Dwellings.	
See section B.5.4 for additional architectural regulations.	
See article B.7, Supplemental Use for supplementary regulations for accessory dwellings.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, side yard, street side yard, rear yard, and front yard requirements.
B	Maximum height: 35 feet.
C	Maximum floor area: 1,200 square feet.

Backyard Cottage



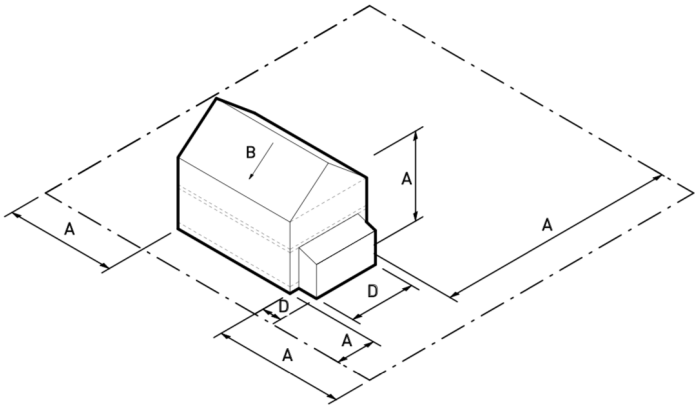
Backyard Cottage	
A building type designed to accommodate a small self-contained accessory dwelling unit located on the same lot as a principal structure.	
Uses allowed in this building type: Accessory Dwellings.	
See section B.5.4 for additional architectural regulations.	
See article B.7, Supplemental Use for supplementary regulations for accessory dwellings.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, side yard, road/street side yard, rear yard, and front yard requirements.
B	Maximum height: 35 feet.
C	Maximum floor area: 1,500 square feet.

Cottage House



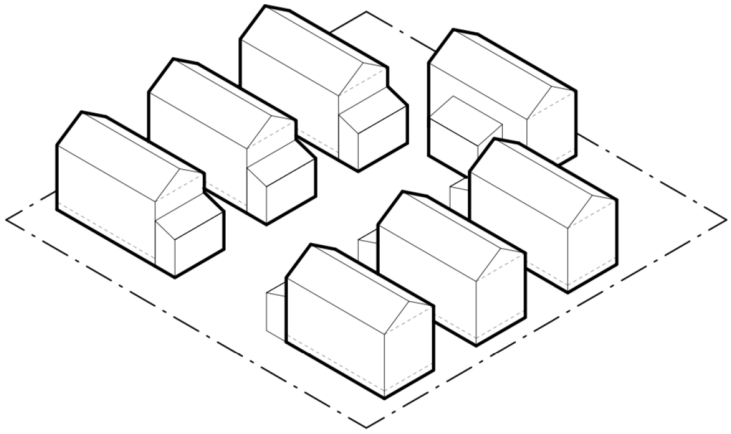
Cottage House	
A building type designed to accommodate one (1) small dwelling unit on an individual lot or with additional units on a single lot with yards on all sides of the house.	
Uses allowed in this building type: Single-Family Detached Dwellings.	
See section B.5.4 for additional architectural regulations.	
Minimum floor area shall be 750 square feet per dwelling.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.
The following regulations apply to all uses, excluding Agricultural, agritourism, and Rural Tourism uses.	
B	Roof pitch for the primary roof structure shall be a minimum of 5:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate, or standing seam metal.
	Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the dwelling unit: Dormers (functional or false); Gables; Recessed entries; Covered front porches; Pillars or posts; Arches; Quoin corners; Two (2) or more brick masonry bond treatments; Side loaded garage or carport; and Bay windows (minimum 24-inch projection).
	The minimum roof overhang shall be 12 inches, exclusive of porches and patios.

Detached House



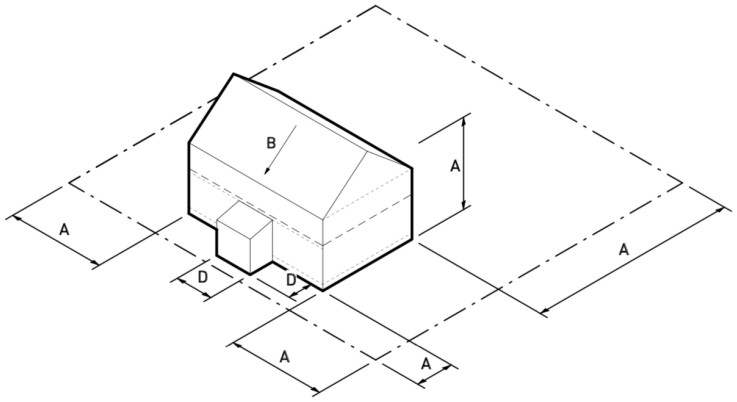
Detached House	
A building type designed to accommodate one (1) primary dwelling unit on an individual lot with yards on all sides.	
Uses allowed in this building type: Single-Family Detached Dwellings.	
See section B.5.4 for additional architectural regulations.	
Minimum floor area shall be 1,000 square feet per dwelling.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.
The following regulations apply to all uses, excluding Agricultural, agritourism, and Rural Tourism uses.	
B	Roof pitch for the primary roof structure shall be a minimum of 5:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate, or standing seam metal.
D	Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the dwelling unit: Dormers (functional or false); Gables; Recessed entries; Covered front porches; Pillars or posts; Arches; Quoin corners; Two (2) or more brick masonry bond treatments; Side loaded garage or carport; and Bay windows (minimum 24-inch projection).
	The minimum roof overhang shall be 12 inches, exclusive of porches and patios.

Cottage Court



Cottage Court	
A building type designed to accommodate 5 to 9 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed.	
Uses allowed in this building type: Single-Family Detached Dwellings.	
See section B.5.4 for additional architectural regulations.	
Individual Cottage Houses shall meet the requirements for the Cottage House building type.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.
The following regulations apply to all uses, excluding Agricultural, agritourism, and Rural Tourism uses.	
B	Cottage court development shall be designed to orient the units around a shared internal courtyard. Each unit shall have a direct entrance from the courtyard.
C	The courtyards shall be a minimum of 2,000 square feet in size. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.
D	A cottage development may be subdivided into individual lots that do not meet the minimum road/street frontage requirements and may be treated as fee-simple or condominium lots.

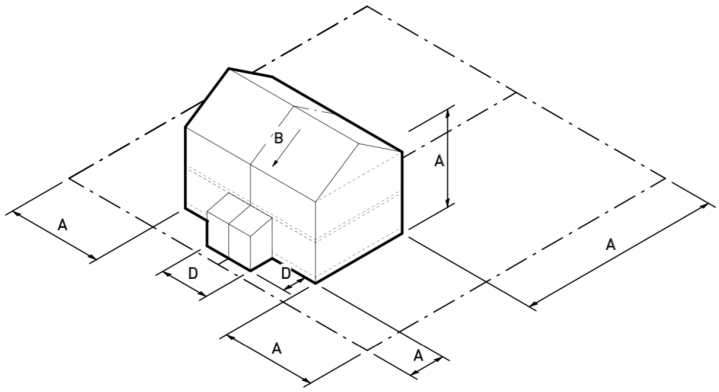
Two-Family Dwelling



Two-Family Dwelling	
A building type designed to accommodate two (2) dwelling units that share a common wall or floor/ceiling on a single individual lot.	
Uses allowed in this building type: Two-Family Dwellings.	
See section B.5.4 for additional architectural regulations.	
Minimum floor area shall be 750 square feet per dwelling.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.

The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
B	Roof pitch for the primary roof structure shall be a minimum of 5:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate, or standing seam metal.
D	Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the dwelling unit: Dormers (functional or false); Gables; Recessed entries; Covered front porches; Pillars or posts; Arches; Quoin corners; Two (2) or more brick masonry bond treatments; Side loaded garage or carport; and Bay windows (minimum 24-inch projection).
	The minimum roof overhang shall be 12 inches, exclusive of porches and patios.

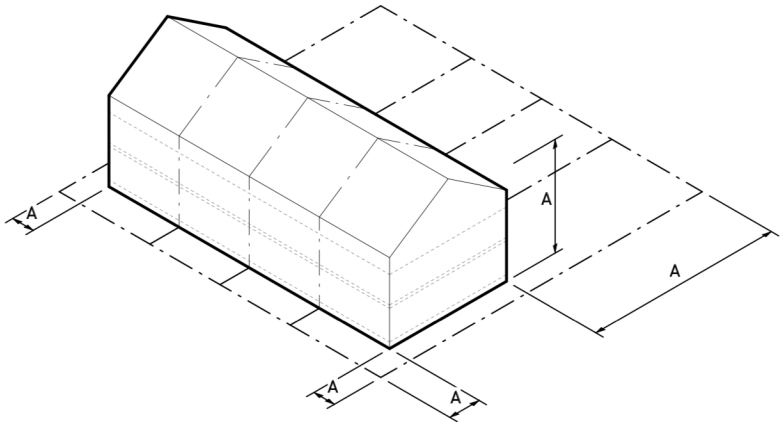
Attached House



Attached House	
A building type that accommodates two (2) dwelling units that share a common wall along the lot line between two (2) lots.	
Uses allowed in this building type: Single-Family Attached Dwellings.	
See section B.5.4 for additional architectural regulations.	
Minimum floor area shall be 1000 square feet per dwelling.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
	Roof pitch for the primary roof structure shall be a minimum of 5:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate, or standing seam metal.
D	Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the dwelling unit: Dormers (functional or false); Gables; Recessed entries; Covered front porches; Pillars or posts; Arches; Quoin corners; Two (2) or more brick masonry bond treatments; Side loaded garage or carport; and Bay windows (minimum 24-inch projection).

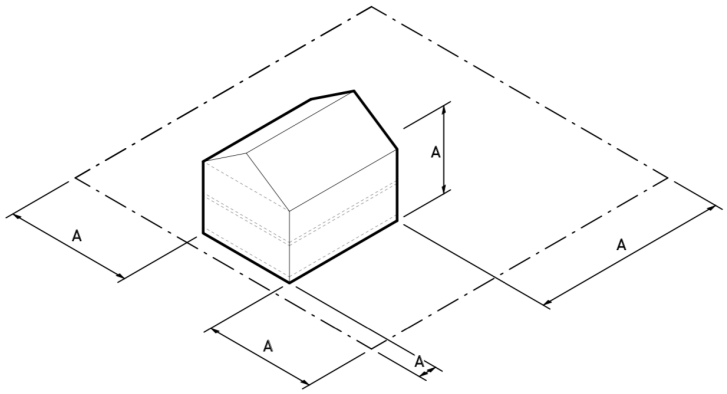
	The minimum roof overhang shall be 12 inches, exclusive of porches and patios.

Townhouse



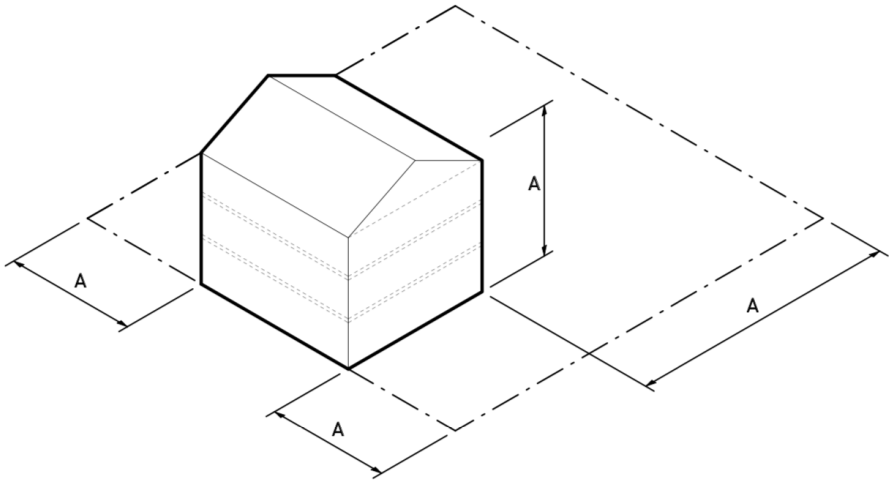
Townhouse	
A building type designed to accommodate 3 to 6 dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed.	
Uses allowed in this building type: Townhouse Dwellings.	
See section B.5.4 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
The following regulations apply to all uses excluding Agricultural and Agritourism and Rural Tourism uses.	
	Each townhouse shall have a minimum of 200 square feet of private yard space in either the front or rear, not including driveways and alleys.
	All townhouse buildings shall include a continuous sidewalk 5 feet in width connecting front entrances of all dwellings to each other.
	No individual townhouse shall have vehicular access to an existing external road or street. Alleys are permitted as the principal means of vehicular access for these units.
	ADD roof pitch angle for when roof pitches are provided

Walk-up Flat



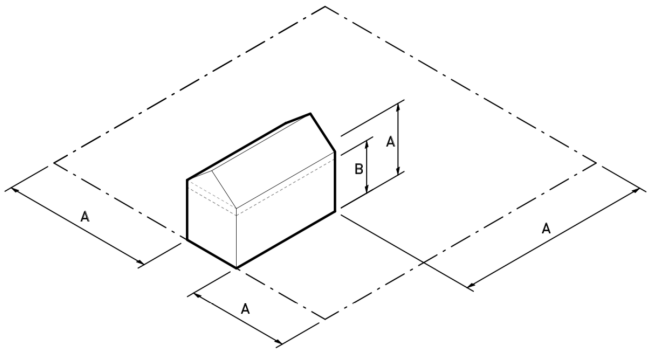
Walk-up Flat	
A building type designed to accommodate 3 to 6 dwelling units vertically and horizontally integrated.	
Uses allowed in this building type: Multi-family Dwellings.	
See section B.5.4 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
	Minimum heated and finished floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; one (1) bedroom: 600 square feet; two (2) bedrooms: 800 square feet; three (3) bedrooms: 1,000 square feet per unit.
	Multi-family units shall provide a minimum of 60 percent of units with a balcony or porch that may be occupied.

Stacked Flat



Stacked Flat	
A building type designed to accommodate 7 or more dwelling units vertically and horizontally integrated.	
Uses allowed in this building type: Multi-family Dwellings.	
Refer to Section B.5.4 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
	Minimum heated and finished floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; one (1) bedroom: 600 square feet; two (2) bedrooms: 800 square feet; three (3) bedrooms: 1,000 square feet per unit.
	Multi-family units shall provide a minimum of sixty (60) percent of units with a balcony or porch that may be occupied.

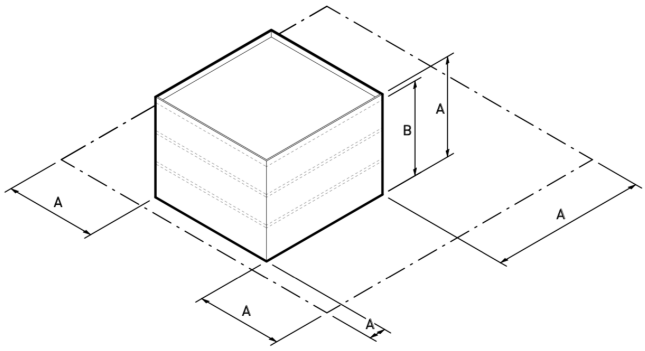
Single-Story Shopfront



Single-Story Shopfront	
A single-story building type designed to accommodate retail or commercial activity.	
Uses allowed in this building type: Commercial uses, Industrial uses, Public/Institutional uses, and Residential uses.	
Refer to Section B.5.3 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.
The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines, or similar architectural detailing.
	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private road or street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller-scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the adverse visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dentils, brick soldier courses, or similar detail.

	The length of the facade without intervening fenestration, architectural detailing, or entryway shall not exceed 20 feet.
	Fenestration treatment shall be provided for a minimum of sixty-five (65) percent of the length of all ground floor road or street frontages. Fenestration shall not utilize painted glass, reflective glass, or other similarly treated or opaque windows.

Mixed Use Building



Mixed Use Building	
A multi-story building type designed to accommodate ground floor residential, retail, office, or commercial uses with upper-story residential or office uses.	
Uses allowed in this building type: Commercial uses, Industrial uses, Public/Institutional uses, and Residential uses.	
Refer to Section B.5.3 for additional architectural regulations.	
Multi-family uses shall meet the requirements for the Stacked Flat building type.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.
The following regulations apply to all uses, excluding Agricultural and Agritourism and Rural Tourism uses.	
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines, or similar architectural detailing.
	All buildings shall have their primary façade and pedestrian entrance directly fronting and facing a public or private road or street.
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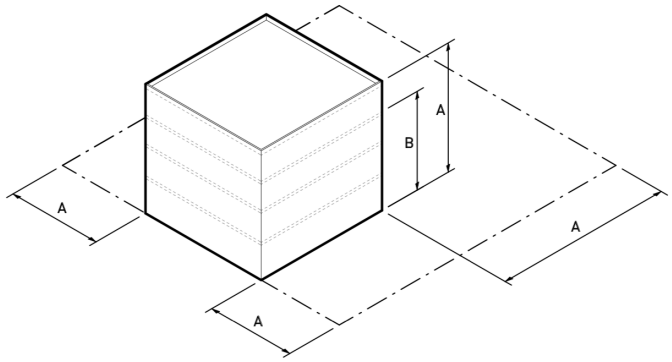
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be

	varied in height and projection and shall use decorative elements such as crown moldings, dentils, brick soldier courses, or similar detail.
	The length of the facade without intervening fenestration, architectural detailing, or entryway shall not exceed 20 feet.
	Fenestration treatment shall be provided for a minimum of sixty-five (65) percent of the length of all ground floor road/street frontages. Fenestration shall not utilize painted glass, reflective glass, or other similarly treated or opaque windows.

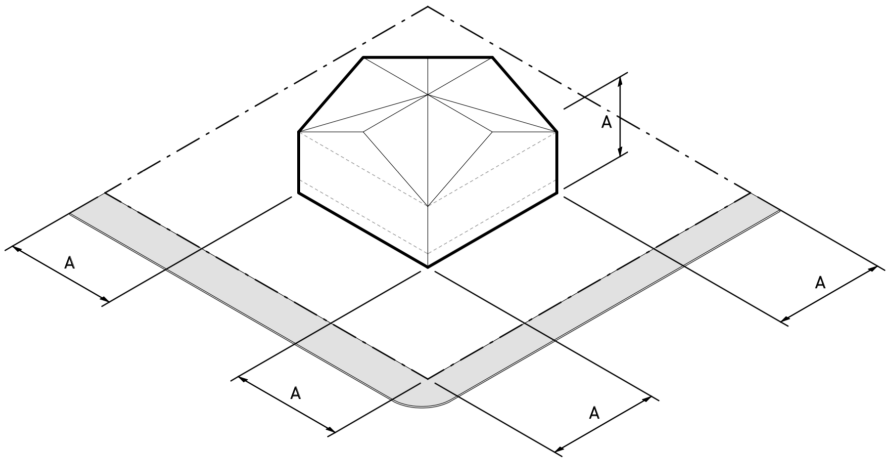
General Building



General Building	
A building type designed to accommodate agricultural, commercial, office, or industrial activity. Not intended for retail sales or personal service uses.	
Uses allowed in this building type: Agricultural uses; Agritourism and Rural Tourism uses; Commercial uses; Industrial uses; and Public/Institutional uses.	
See section B.5.3 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.

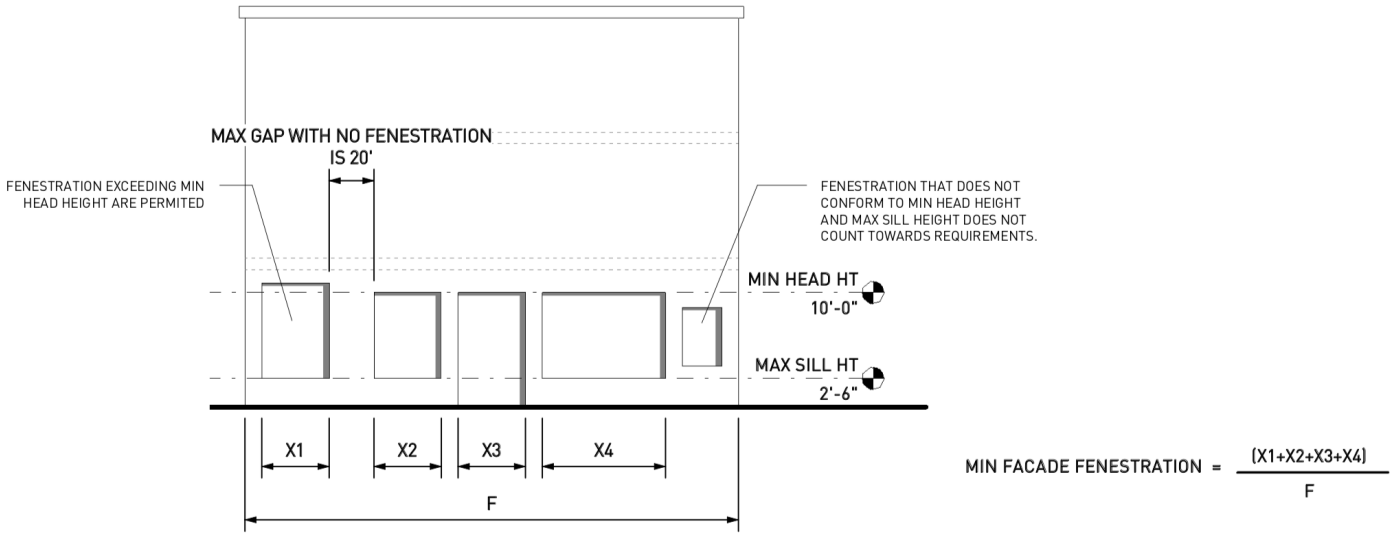
The following regulations apply to all uses, excluding Agricultural, agritourism, and Rural Tourism uses.	
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines, or similar architectural detailing.
C	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private road or street.
D	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller-scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the adverse visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dentil, brick soldier courses, or similar detail.

Civic Building

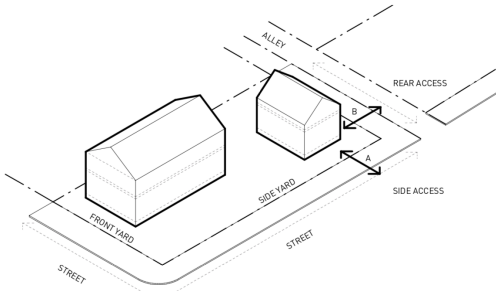


Civic Building	
A building type designed to accommodate civic, institutional, or public uses.	
Uses allowed in this building type: Public/Institutional uses.	
See section B.5.3 for additional architectural regulations.	
A	See the Space Dimensions Table in section B.4.1 for impervious surface, lot area, lot width, building height, side yard, road/street side yard, rear yard, and front yard requirements.

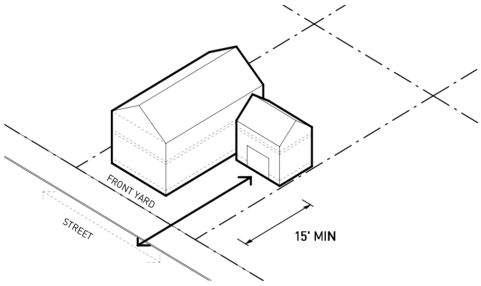
Single-Story Shopfront and Mixed-Use Building Fenestration Illustration



Garage Placement on Corner Lots or on Alleys Illustration



Garage Placement on Interior Lots Illustration



Manufactured Homes and Residential Industrialized Buildings. Residential building types.

- Uses allowed in this building type: Manufactured homes and residential industrialized buildings.
- See article B.7 Supplemental Use Standards for supplementary regulations for manufactured homes.
- Dwelling width (min. in feet):
  - Type 1: 24 feet
  - Type 2: 12 feet
- Roof pitch (min. in feet):
  - Type 1: 5/12
  - Type 2: 3/12
- Floor area (min. in square feet):
  - Type 1: 1,000
  - Type 2: 720
- Roof materials:
  - Type 1: The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, metal tiles, slate, built-up gravel materials, or other materials approved by the Community Development Department.
  - Type 2: N/A
- External siding materials:
  - Type 1: The exterior siding materials shall consist of wood, masonry, concrete lap, stucco, Masonite, metal lap, vinyl lap, or other materials of like appearance approved by the Community Development Department.
  - Type 2: N/A
- Permanent foundation:
  - Type 1: Permanent foundations shall meet the requirements of the standard building code.
  - Type 2: For manufactured homes, a masonry curtain wall, solid except for the required ventilation and access, must be installed so that it encloses the area under the manufactured home to the ground level.

- Utility meter:
  - Type 1: Mounted on structure only.
  - Type 2: Mounted on a pole or structure.
- Landing area:
  - Type 1: For all homes, a landing area is required and its width and length must be greater than or equal to the width of the entrance doorway and shall have a roof on the landing in the same material as on the roof of the dwelling.
  - Type 2: For all homes, a landing area is required, and its width and length must be greater than or equal to the width of the entrance doorway and shall have a roof on the landing in the same material as on the roof of the dwelling.
- Towing devices:
  - Type 1: Manufactured homes are required to remove all towing devices.
  - Type 2: Manufactured homes in manufactured home parks that cannot remove towing devices shall be screened by plantings, and the structure shall be skirted.

Sec. B.5.3. Building architecture for all commercial and industrial corridor areas.

(1) Commercial and industrial buildings shall be of masonry construction or its equivalent on the front and side exterior walls. Quality materials and superior construction are recommended on the rear exterior wall. In the event the rear of the building is located on a public or private road or street then the rear exterior wall shall comply with the same requirements as the front and sides.

(2) The primary exterior finish material shall be one (1) of the following: Brick, brick veneer, stone, stone veneer, cultured stone, wood, pre-cast or field poured concrete tilt panels with texture and architectural detailing, split-face concrete block, masonry units and stucco on lath with architectural detailing, or masonry units with exterior insulated finish system (EIFS) applied. Approval may be given by the Board of Zoning Appeals and Planning Commission to other high-quality materials and architectural facades that promote a specific theme.

(3) Vinyl may be incorporated around the soffit, gables, eaves, and window area for trim detailing application.

(4) Material such as asbestos siding, galvanized sheet metal, highly reflective aluminum, cinder block, and unfinished concrete is not allowed as a primary exterior finish material. Consideration may be given to products that have a masonry

appearance for use in architectural detailing, decorative trim, and other areas approved by the Board of Zoning Appeals and the Planning Commission.

(5) All structural supports (i.e., columns) for vehicular canopies shall be covered in one (1) or more of the same materials as the building facades. Colors and textures of exterior building structures must be harmonious and compatible with the colors of other buildings within the property. All other types of construction not covered in the above must have the written approval of the Board of Zoning Appeals and Planning Commission.

(6) Exposed roof materials shall be standard shingles, architectural asphalt shingles, wooden shingles, standing seam metal roof, or lap seam metal roofing panel, terra cotta, and slate shingles.

(7) Attached awnings, either metal or fabric, shall be in a complementary color to the main wall color. All trim and decorative bands shall be harmonious with the wall color, although they are selected for accent.

(8) A facade shall meet the intent of this section and shall not be in disrepair. If a facade is determined to be in disrepair, the building shall be brought up to safe and esthetically acceptable appearance as determined by the Board of Zoning Appeals and Planning Commission. If the facade is determined not to be consistent with the intent of this district, then the facade shall be required to meet the district standards for new buildings.

(9) Fees and bonds. A 12-month landscape maintenance bond in an amount equal to 100 percent of the cost of the required plant materials shall be submitted to ensure the survival of all required plantings or if no bond is submitted and plantings do not survive for the first year, the owner of the property shall be in violation of this provision and subject to penalties as stated in chapter 1, section 1-19 of the County Code.

(10) Drive-through service windows, drive-in facilities, drives, and surface parking facilities shall not be permitted in UR-VL districts when located within 200 feet of thoroughfares designated as arterial or collector streets.

Sec. B.5.4. Building architecture for all other areas and uses.

(1) Exterior building materials, excluding architectural accents or metal split seam roofing, shall be primarily brick, glass, wood, hardy plank, stucco, textured concrete masonry, cementitious fiberboard, or stone.

(2) Vinyl may be incorporated around the soffit, gables, eaves, and window area for trim.

(3) Cementitious fiberboard lap siding shall only be permitted on buildings less than four (4) stories.

(4) In order to promote environmental sustainability for residential dwellings, such units shall utilize the following features to reduce energy and water consumption:

a. Energy Star windows

b. Insulation:

i. Foundation insulation rated at R-values of 4 to 13;

ii. Wall insulation rated at R-values of 11 to 22;

iii. Ceiling insulation: Where an attic is present and there is no space limitation, insulation should have R-values of 19—50. Where space is limited or vaulted ceilings, insulation should have R-values of 19 to 30.

c. Low-flow bathroom and kitchen faucets or grey-water or rainwater conservation systems.

Sec. B.5.5. Open space.

(1) The following developments shall be required to provide the specified amount of dedicated open space as part of future development:

a. Multi-family uses within UR-VL zoning districts – open space shall be provided at a minimum of five (5) percent of the total lot area of such use.

(2) The required open space in subsection (1) above shall meet all of the following requirements:

(a) Open space provided in excess of the minimum requirements of the UDO for yards, landscape zones, and buffers shall be permitted to count towards the open space requirement of this section.

(b) Common amenities, including parks, plazas, courtyards, community greens, and town centers, shall be permitted to count towards the open spaces requirement of this section.

(c) Open space shall not include areas devoted to public or private vehicular access or parking, including required parking lot landscaping.

(d) Water features, including stormwater management that are designed and fully landscaped as an amenity, may be counted toward open space requirements.

(e) All open space shall be fully implemented prior to occupancy, and if not completed, a performance bond is required in accordance with Section. C.14.7. Maintenance bonds shall be issued in accordance with Section. C.14.7.

(3) Relocation of minimum open space requirements: At the option of the property owner, up to 50 percent of a development's required open space may be relocated to an off-site location provided:

(a) The Community Development Director has reviewed and approved the transfer request.

(b) The receiving parcel(s) is located within 1/4 mile of the donating property;

(c) The receiving parcel(s) is planned to be constructed and completed as a County park within 1/4 mile of the donating party within the next 12 months;

(d) The receiving parcel(s) contains the required amount of open space;

(e) The open space shall be visible from public or private roads or streets and sidewalks;

(f) The open space shall provide for active or passive use by the public and include amenities such as fountains, pedestrian furniture, public art, or other similar elements;

(g) Open space on the receiving parcel shall not be counted for more than one (1) project; and

(h) All other standards of open space are met.

Sec. B.5.6. Outdoor lighting.

(1) Purpose. The regulations of this division are intended to:

(a) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce;

(b) Curtail and reverse the degradation of the nighttime visual environment and the night sky;

(c) Preserve the dark night sky for astronomy;

(d) Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary;

(e) Conserve energy and resources to the greatest extent possible; and

(f) Help protect the natural environment from the damaging effects of night lighting from human-made sources.

(2) Conformance with applicable regulations. All outdoor lighting devices must comply with the provisions of this section, the building code, and the electrical code, required permits and inspections, as applicable.

(3) General regulations.

(a) Outdoor lighting fixtures must be full cutoff and placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this section (as in the case of period fixtures, cutoff fixtures may be used).

(b) Outdoor lighting fixtures must be located, aimed, or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.

(c) Flood or spot lamps must be positioned no higher than 45 degrees above straight down (halfway between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

At Property Lines Including Rights-of-Way	Maximum Foot-candles
At property line abutting a residential or an agricultural or agritourism, and rural tourism use	0.5
At the property line abutting an office or institutional use	1.0
At the property line abutting all other uses	1.5

Off-Street Parking Lots	Minimum Foot-candles	Average Foot-candles	Maximum Foot-candles
Agricultural or agritourism and Rural tourism uses	None	None	4.0
Residential uses	0.5	2.0—3.0	4.0
Office-professional uses	1.0	3.0—4.0	6.0
Industrial uses	1.0	4.0—5.0	8.0
All other uses	2.0	6.0—7.0	12.0

(d) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

(e) Lighting on sites consisting of multiple uses must conform to the standards of the respective uses.

(4) Parking areas. All lighting fixtures servicing parking lots must be directed downward and not towards buildings or other areas. Flood lights associated with buildings shall not be included in this requirement.

(5) Specific lighting regulations in the UR-VL districts:

(a) The following are expressly prohibited:

(i) Aerial lasers;

(ii) Searchlight-style lights;

(iii) Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more;

(iv) Mercury vapor lamps;

(v) Low-sodium vapor lamps;

(vi) Visually exposed neon lighting; and

(vii) LED light strips.

(b) The following luminaries and lighting systems are expressly exempt from the regulations of this division:

(i) Underwater lighting used for the illumination of swimming pools and fountains;

(ii) Temporary holiday lighting;

(iii) Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state, or local government agency;

(iv) Emergency lighting used by police, fire, or medical personnel, or at their direction;

(v) All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;

(vi) Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less; and

(6) Within the commercial and industrial corridor area.

i. Parking lot light fixtures shall have a maximum height of 35 feet.

ii. Security lighting is not required but may be used if deemed necessary by the owner or the design professional. Full cut-off luminaries shall be used.

iii. Exposed neon is prohibited.

Sec. B.5.7. Home Garages.

This section provides regulations for residential attached and detached garages for all residential dwellings, except those within AG zoning districts.

(1) Front-facing, side-facing, and rear-facing garages shall be equipped with a garage door.

(2) Front yard-facing garage doors shall provide architectural detailing with the appearance of multiple materials, textures, and hardware on the door panels.
(3) Front yard facing garage doors shall not exceed a width equal to 1/2 of the width of the primary building façade.

ARTICLE B.6. PERMITTED AND PROHIBITED USES

Sec. B.6.1. Table of permitted and prohibited uses.

(1) The following regulations shall apply to uses in all zoning districts.

(a) General use regulations. No building, structure, or land, or parts thereof, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations of the UDO.

(b) Permitted uses.

(i) The following table states the permitted principal and accessory uses authorized within each zoning district. Symbols used in the table have the following meanings:

P = Permitted as a Principal use;

A = Permitted as an Accessory Use – See sec. B.7.3;

SUP = Permitted subject to obtaining a Special Use Permit – See sec. B.12.7;

Y = Supplemental Provisions = Uses that have additional regulations in Article B.7 Supplemental.

(ii) The Community Development Director is authorized to prepare a written interpretation determining whether a proposed use not specifically listed in this table is so similar in nature to a permitted use that it is also intended to be permitted in the same zoning district(s). Such determination by the Community Development Director may consider factors such as: NAICS definitions of uses, the common usage of two (2) or more terms to describe the same land uses; the similarity in the scale and intensity of the uses; and the similarity in the impacts of comparable uses in terms of traffic, noise, light, parking requirements, customers, hours of operation, impacts on the environment, and impacts on abutting properties.

(iii) Any use not listed in the table as permitted within a district, and not determined by the Community Development Director to be similar in nature to a listed use, is prohibited within that district. The Community Development Director may also reference www.naics.com for purposes of interpreting the uses listed in the permitted use table.

Permitted Use Table

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-VL	LI	HI	SD-
ACCESSORY USES												
Accessory Dwelling, Attached		A	A	A	A			A	A			
Accessory Dwelling, Detached		A	A	A	A			A	A			
Cafeteria									A	A	A	
Car Wash						A	A		A	A	A	
Cargo Container	Y	A	A			A	A		A	A	A	
Club Houses, Commercial Recreation associated with Residential Subdivisions		A	A	A	A			A	A			
Donation Bin	Y					A	A		A			
Drive-Thru Facility						A	A		A	A		
Family Day Care Home		A	A	A	A			A	A			
Garden, Hobby		A	A	A	A	A	A	A	A	A	A	A
Greenhouse, Hobby		A	A	A	A	A	A	A	A	A	A	A
Helicopter Landing Area	Y	SUP	SUP	SUP	SUP	A	A	SUP	SUP	A	A	
Home Occupation (For lots of 2 acres or less)	Y	A	A	A	A			A	A			A
Home Occupation (For lots greater than 2 acres)	Y	A	A	SUP	SUP			P	P			P
Horse Stable, Hobby	Y	A	A	A	A			A				
Ice Vending						A	A		A	A	A	
Kennel, Hobby	Y	A	A	A	A			A				
Livestock Raising, Hobby	Y	A	A	A	A			A				
Outdoor Dining	Y					A	A		A	A		
Outdoor Display	Y					A	A		A	A	A	
Outdoor Storage	Y					A	A		A	A	A	
Parking Decks									A	A	A	

Poultry Raising, Hobby	Y	A	A	A	A			A	A			
Private Landing Strip		SUP	SUP	SUP	SUP					SUP	SUP	

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-VL	LI	HI	SD-MH
ACCESSORY USES (continued)												
Recreational Vehicle Parking		A	A	A	A			A	A			
Rural Recreation	Y	A	A	A	A			A				
Solar Energy Systems (SES) (Intermediate Scale Ground Mounted)	Y	SUP	SUP	SUP	SUP	A	A	SUP	SUP	A	A	SUP
Solar Energy Systems (SES) (Large Scale Ground Mounted)	Y	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Solar Energy Systems (SES) (Integrated, Rooftop, and Small Scale Ground Mounted)	Y	A	A	A	A	A	A	A	A	A	A	A
Swimming Pools and Tennis Courts		A	A	A	A			A	A			A
Wind Turbines, Rainwater Collection Systems	Y	A	A	A	A	A		A	A	A	A	A
AGRICULTURAL USES												
Commercial Agriculture, Farming, Forestry	Y	P	P	SUP	SUP			SUP		P	P	
Commercial Community Garden	Y	P	P	P	P			SUP	SUP			
Non-commercial Agriculture, Farming, Forestry, Fishing and Hunting		P	P	P	P			P		P	P	
Wind Turbines	Y	P	P	P	P	P		P	P	P	P	P
AGRITOURISM / RURAL TOURISM USES												
Agricultural Crafts, Gift Sales (In primary residence only)	Y	P	P	P	P	P	P					
Bed and Breakfast	Y	SUP	SUP	SUP	SUP	P	P	P	P			
Clay Bird Shoot	Y	P	P	P	P	P	P					

Farm Technical Demonstrations and Sales	Y	P	P	P	P	P	P					
Farm Technical Tours	Y	SUP	SUP	SUP	SUP	P	P					
Farm Vacations	Y	SUP	SUP	SUP	SUP	P	P					
Fishing/Hunting (Commercial)	Y	P	P	P	P	P	P					
Garden and Nursery Tours	Y	P	P	P	P	P	P					
Historical Exhibit	Y	SUP	SUP	SUP	SUP	P	P					
Horseback Riding (Commercial)	Y	P	P	P	P	P	P					
Hunting, Working Dogs Trials, Training	Y	P	P	P	P	P	P					
On-Farm Sales	Y	P	P	P	P	P	P					

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-	UR-	LI	HI	SD-
AGRITOURISM / RURAL TOURISM (continued)												
Pick Your Own	Y	P	P	P	P	P	P					
Roadside Market (Multiple Vendors)	Y	SUP	SUP	SUP	SUP	P	P					
Roadside Stand (Individual Vendor)	Y	P	P	P	P	P	P					
Rodeos/Horseshows	Y	SUP	SUP	SUP	SUP	P	P					
Rural Tourism uses including Amateur Mining, Tourist Attractions, Off-Roading Motorized Vehicle Riding, and Special Event Venues	Y	See B.7.5	See B.7.5	See B.7.5	See B.7.5	See B.7.5	See B.7.5					
School Tours (occurring over a single day)	Y	SUP	SUP	SUP	SUP	P	P					
School Tours (occurring over multiple days)	Y	SUP	SUP	SUP	SUP	P	P					
Wagon Rides	Y	P	P	P	P	P	P					
Wildlife Viewing and Photography	Y	P	P	P	P	P	P					
Historical Farm Museum or Exhibit	Y	SUP	SUP	SUP	SUP	P	P					
Winery Tastings or Tours, Farm Wineries	Y	SUP	SUP	SUP	SUP	P	P					
COMMERCIAL USES												
Adult Entertainment and Sexually Oriented Businesses	Y										P	
Alcoholic Beverages Sales	Y					P			P			
Amusement Centers, Pool or Billiard Rooms, and Entertainment Establishments	Y					P			P			
Automobile Dealers						P				P		
Building Material and Garden Equipment and Supplies Dealers						P				P		
Business Support Services									P	P		

Car Washes (Commercial)										P		
Cemeteries and Crematories (public)	Y	P	P	P	P	P	P	P		P	P	
Cemeteries (private)	Y	P	P	P	P	P	P	P	P			
Commercial Banking									P	P		
Commercial Parking Lots and Parking Decks									P	P	P	

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-VL	LI	HI	SD-
COMMERCIAL USES (continued)												
Commercial Recreational Vehicle Parks, Campgrounds and Rental Cabins	Y	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP			
Consumer Fireworks Retail Sales									SUP	P	P	
Convenience Stores						P			P	P		
Convention and Visitors Bureaus									P	P		
Credit Unions									P	P		
Data Processing, Hosting, and Related Services									P	P		
Department Stores									P	P		
Distilleries										P		
Drive-In Motion Picture Theaters									P	P		
Dry Cleaning and Laundry Services									P	P		
Eating and Drinking Establishments						P			P			
Electronics and Appliance Stores									P	P		
Exterminating and Pest Control Services									P	P		
Florists						P	P		P	P		
Funeral Homes and Funeral Services									P	P		
Furniture and Home Furnishings Stores									P	P		
Gasoline Stations	Y					P			P	P	P	
General Merchandise Stores, including Warehouse Clubs and Supercenters									P	P	P	
General Rental Centers									P	P		
Grocery Stores									P	P		

Health and Personal Care Stores									P	P		
Hotels and Motels, Extended Stay Hotels and Motels	Y								P			
Jewelry, Luggage, and Leather Goods Stores									P	P		
Kennel, Commercial	Y					P	P		P	P	P	
Libraries and Archives									P	P		
Live / Work	Y					P			P	P		
Microbreweries						P	P		P	P		
Mobile Food Vendors	Y					P	P		P	P	P	

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-VL	LI	HI	SD-
COMMERCIAL USES (continued)												
Motorized Vehicle Equipment Rental and Leasing						P			P	P		
Motorized Vehicle Repair and Maintenance	Y					P				P		
Motion Picture and Sound Recording Industries									P	P		
Motion Picture Theaters (except Drive-Ins)									P	P		
Museums, Historical Sites, and Similar Institutions									P			
Office Supplies, Stationery, and Gift Stores									P	P		
Passenger Car Rental and Leasing									P	P		
Pawn, Title Services	Y						P					
Performing Arts, Spectator Sports, and Related Industries									P			
Personal and Household Goods Repair and Maintenance									P	P		
Personal Care Services									P	P		
Pet Care and Veterinary Services	Y								SUP	SUP		
Racetracks	Y									P	P	
Short Term Rentals	Y	SUP	SUP	SUP	SUP			SUP	SUP			
Solar Energy Systems (SES) (Intermediate Scale Ground Mounted)	Y	SUP							SUP	P	P	
Solar Energy Systems (SES) (Large Scale Ground Mounted)	Y	SUP							SUP	P	P	
Solar Energy Systems (SES) (Small Scale Ground Mounted)	Y	P							SUP	P	P	
Sound Recording Studios									P	P		

Self Storage							P			P	P	
Telephone Call Centers									P	P		
Temporary Help Services									P	P		
Truck Stop										P	P	
Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing									P	P		

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-	LI	HI	SD-
INDUSTRIAL USES												
Airport Operations											P	
Heavy Manufacturing											P	
Junkyards, Junk Business, Salvage Operation, and Motor Vehicle Towing	Y									P	P	
Light Manufacturing										P	P	
Marina	Y			P	P			P	P	P		
Remediation and Other Waste Management Services											P	
Support Activities for Freight Transportation											P	
Support Activities for Rail Transportation											P	
Support Activities for Water Transportation											P	
Quarry, Mining											P	
Warehousing and Storage										P	P	
Waste Collection											P	
Waste Treatment and Disposal											P	
PUBLIC/INSTITUTIONAL USES												
Blood and Organ Banks									P	P	P	
Business Schools and Computer and Management Training									P	P		
Child and Youth Services						P			P			
Child Day Care Services	Y								P			
Colleges, Universities, and Professional Schools									P	P		

Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly									P			
Elementary and Secondary Schools	Y	P	P	P	P	P		P	P	P		
Hospitals									P	P		
Individual and Family Services									P			
Offices of Health Practitioners									P	P		
Places of Worship	Y	SUP	SUP	SUP	SUP	P	P	SUP	P	P		

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-VL	UR-VL	LI	HI	SD-
PUBLIC/INSTITUTIONAL USES (continued)												
Places of Worship (1 acre or less)	Y					P	P	P	P	P		
Places of Worship (greater than 1 acre)	Y	SUP	SUP	SUP	SUP	P	P	SUP	P	P		
Services for the Elderly and Persons with Disabilities									P			
Shelters (Short-Term)							SUP			P		
Shelters (Long-Term)							SUP			SUP		
Technical and Trade Schools									P	P		
Utilities									P	P	P	
RESIDENTIAL USES: DWELLINGS												
Dwellings, Manufactured Home	Y	P										P
Dwellings, Manufactured Home Park	Y											P
Dwellings, Multi-Family	Y								P			
Dwellings, Single-family Attached	Y								P			
Dwellings, Single-family Detached	Y	P	P	P	P	P		P	P			
Dwellings, Townhome	Y								P			
Dwellings, Two-family	Y								P			
Residential Industrialized Building	Y	P	P	P	P	P		P	P			
RESIDENTIAL USES: GROUP LIVING												
Social Service Facility, including Halfway House, Drug Rehabilitation Centers, Drug Dependency Treatment Facilities							SUP		SUP	SUP		

Assisted Living Facility, Nursing Home	Y						P		P			
Monastery, Convent									P			
Personal Care Home (2-3 residents)	Y	SUP	SUP	SUP	SUP	SUP	P	P	P	P		
Personal Care Home (4-15 residents)	Y						P		SUP	P		
Personal Care Home (16-24 residents)	Y						P		SUP	P		
Rooming house, Boarding house	Y	SUP	SUP	SUP			SUP		SUP			

PERMITTED USES BY ZONING DISTRICT	SUPP	AG	AG-R	SU-R	LR	LC	HC	SU-	UR-	LI	HI	SD-
TEMPORARY USES												
Construction Field Office	Y	P	P	P	P	P	P	P	P	P	P	P
Open Air Seasonal Sales	Y					P	P		P	P	P	
Real Estate Sales Offices and Model Homes	Y	P	P	P	P	P	P	P	P	P	P	P
Special Events (Private)	Y	P	P	P	P	P	P	P	P	P	P	P
Temporary Portable Storage Container	Y	P	P	P	P	P	P	P	P	P	P	P
Warming Center	Y						P			P		
Yard/Garage Sales	Y	P	P	P	P	P	P	P	P	P	P	P

(2) General accessory use provisions. Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or the larger community.

(a) Accessory uses provided as part of a Commercial use shall include those normally appurtenant to such development, as provided for in other sections of the UDO.

(b) Any accessory use normally appurtenant to a permitted use shall be allowed, provided that such use conforms to all performance standards set forth for that district.

(c) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.

(d) In all zoning districts, no accessory use shall be permitted in public rights-of-way.

(3) Specific accessory use provisions. Accessory uses are organized by major use category as presented in sec. B.6.1, Table of Permitted and Prohibited Uses.

ARTICLE B.7. SUPPLEMENTAL USE STANDARDS

Sec. B.7.1. Measurements.

In interpreting the distance requirements of this article, measurements shall be made according to the following standards.

(1) Measurements are measured as the shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two (2) objects.

(2) Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

(3) Measurements involving a structure. Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

Sec. B.7.2. Supplemental use provisions.

The following standards shall apply to the supplemental uses listed. Listed uses shall also meet all district requirements and other applicable UDO provisions. Should the standards of this article conflict with other standards provided in the UDO, the standards of this article shall apply. The following supplemental use standards are organized by major use category as presented in sec. B.6.1, Table of Permitted and Prohibited Uses.

Sec. B.7.3. Accessory uses.

(1) Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses are those listed in Section. B.6.1, Table of Permitted and Prohibited Uses.

(2) Accessory dwellings. All of the following regulations shall apply to an accessory dwelling:

(a) Only one (1) accessory dwelling may be created per principal dwelling unit.

(b) An accessory dwelling may be developed no closer than twenty (20) feet to the rear of either an existing or new principal dwelling. It must also comply with the

same setbacks and required development dimensions as a primary dwelling on the lot.

(c) The equipment of an accessory building or equipment of part of a principal building with one (1) or more of the following or similar items, systems or equipment shall be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located: utility services; utility meters; kitchen equipment such as sink, stove, oven, bedding, and/or cabinets.

(d) Manufactured housing is prohibited as an accessory use in all zoning districts.

(e) All accessory dwellings shall comply with the IRC building code.

(3) Cargo containers.

a. No cargo container shall be erected, placed, or otherwise located within the County except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code.

b.

(i) Cargo containers shall be allowed on a permanent basis only on lots of two (2) acres or more. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, which shall require either fencing material one (1) foot higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is one (1) foot higher than the height of the cargo container.

(ii) Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size. Any applicant requesting to place a permanent cargo container on a lot must apply for a permit under the terms of this ordinance and shall pay to the County a one (1)-time permitting fee as established by the County.

(iii) Semi-truck trailers may be used as storage units. School buses may not be used as storage units.

(iv) Cargo containers shall be allowed on a temporary basis on lots of one (1) acre or more, but not for more than 90 days. Neither permit nor screening shall be required for the placement of a temporary cargo container.

(4) Tents.

(a) The use and maintenance of canvas tents and structures made of similarly flammable materials for residential dwelling purposes are prohibited within

agricultural and residential zones in the county and within four hundred (400) feet of any occupied dwelling.

(b) Tents shall not be used as a dwelling except within a Commercial Recreational Vehicle Park..

(c) Canvas tents may be permitted for temporary use under the following conditions:

Permitted Special Events: Tents may be used for special events that require a permit, such as festivals, fairs, and public gatherings, subject to compliance with county regulations and approval from the appropriate authorities.

Private Events on Private Property: Tents may also be used for private, invitation-only events such as weddings, birthdays, or family gatherings on private property without requiring a permit, provided they are not used for residential occupancy.

(d) The duration of tent use shall be limited as follows:

On lots two (2) acres or less, tents may be erected for a maximum of forty-eight (48) hours.

On lots greater than two (2) acres, tents may be erected for a maximum of four (4) days.

(5) Donation bins.

(a) Are limited to one (1) per parcel.

(b) Shall only be permitted on a parcel that also contains a principal building that contains at least one (1) operating business.

(c) Shall be located as follows:

(i) Shall not be located within 1,000 feet of any other such use.

(ii) Shall not be located within 100 feet of any residentially zoned parcel.

(iii) Shall not be located within 20 feet of any public right-of-way.

(iv) Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, required landscape zone, sidewalk, parking space, fire lane, or loading zone.

(v) Shall not be located between a building and a road or street.

(vi) Shall only be permitted to display signage on one (1) side.

(vii) Shall be clearly visible from the principal building and be no more than 10 feet from a continually operating light source of at least one (1) foot-candle.

(viii) Shall be fabricated of durable and waterproof materials, not including wood.

(ix) Shall be placed on a surface that is paved with durable cement.

(x) Shall have a collection opening that has a tamper-resistant locking mechanism.

(xi) Shall be no more than 84 inches high, 60 inches wide, and 50 inches deep.

(xii) Shall not be electrically or hydraulically powered or otherwise mechanized.

(xiii) Shall have the following information conspicuously displayed on at least two (2)-inch type visible from the front of the Collection Container: The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the Collection Container and the parcel owner/owner agent; Address and parcel number of the site; Instructions on the process to register a complaint regarding the Collection Container to the County Code Enforcement Division; The type of material that may be deposited; A notice stating that no material shall be left outside the Collection Container; The pickup schedule for the Collection Container; If owned by a nonprofit organization, a statement describing the charitable cause that will benefit from the donations.

(6) Home Occupations.

The purpose of this ordinance is to allow residents to operate home occupations while preserving the residential character of neighborhoods. This ordinance aims to strike a balance between economic opportunities for residents and the need to maintain the integrity of residential districts. Home occupations may be permitted in residentially zoned districts, according to the standards for the zoning district of the proposed location of the business activity. Each residentially zoned district shall have home occupations permitted as listed in the following subsections. Any home occupation not listed in the following subsections must be approved by the Troup County Board of Commissioners after an application for a home occupation is received and the required fees are paid, as posted in the Troup County Community Development Department. The application shall be presented to the Board of Zoning Appeals/Planning Commission for recommendation to the Board of Commissioners for final approval.

(a) A home occupation may only be approved on a lot or parcel where a house exists or where a building permit has been submitted for the construction of a house that includes a designated space for the proposed home occupation. The building permit must clearly indicate the area within the dwelling that will be used for the home occupation. Home occupations do not run with the land and are

specific to the applicant. If a home occupation is discontinued for more than six months, the required business license is not renewed, or the property changes ownership, a new application and approval are required to continue the home occupation.

(b) A change in residence requires an approved home occupation application for each new location.

(c) Home Occupation certificates will be evaluated at each business license renewal to ensure that conditions such as the number of employees, acreage, square footage, and equipment or inventory storage remain compliant. It is the responsibility of the owner of the home occupation to notify the Troup County Community Development Department of any changes to the business information, including but not limited to location, expansions, operational modifications, or any other pertinent changes that may affect compliance with the home occupation regulations. (d) Home Occupations involving sales must provide a current Georgia Sales Tax certificate prior to a business license being issued.

(e) Home Occupations conducted in residential units in non-residential zoning districts shall comply with the regulations applicable to that district.

(f) Home occupations that require storage of equipment, where permitted, shall be in an enclosed structure not visible from the public or private street.

(g) No home occupation certificate shall be issued in a CRVP.

(h) It is the sole responsibility of the owner of the home occupation to ensure full compliance with all applicable local, state, and federal regulations, including but not limited to business licensing, taxation, health and safety requirements, and any industry-specific regulations. Failure to comply may result in revocation of the home occupation certificate and/or other enforcement actions as permitted by law.

(g) Upon finding extenuating circumstance regarding a home occupation certificate application, the Community Development Director may require board of commission consideration. In such cases, the application date shall be considered the date of the Community Development Director's review as so dated on the application.

(5.1) Residential Home Occupations (two (2) acres and under).

Home occupations located on lots of 2 acres or less shall not create adverse impacts on the surrounding community, including but not limited to increased traffic, noise, odors, or discernible alterations to the residential character of the property, including but not limited to structural modifications, signage, the

presence of commercial vehicles, outdoor storage, or any other business-related activities that would indicate a non-residential use that are inconsistent with a residential area.

The conduct of business in single-family medium density (SU-R), lakeside residential (LR), mobile home parks (SD-MH), multi-family (MFR), and unrestricted subdivision (USD). Other districts include: Agricultural/Residential District (AGR), Rural Residential (RR) or Lakeside Residential (LR), and Agricultural (AG). When subject parcels are under two acres, the provisions of this section shall apply regardless of zoning district. It is the intent of this section to ensure the following:

1. The compatibility of home occupations with other uses permitted in residential zoning districts;

2. The maintenance and preservation of the character of residential neighborhoods and the preservation of peace, quiet, and domestic tranquility within all residential neighborhoods.

(5.1-1) Residential home occupations, where permitted on lots 2 acres or less, must meet the following special requirements:

(a) A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than 25 percent of the total square feet as recorded on the property record card of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.

(b) No more than two home occupations shall be permitted within a single dwelling unit.

(c) On-site employment for the residential home occupation/business is limited to residents of the household.

(d) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perceptions outside the principal structure.

(e) No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood. No more than one parcel delivery is permitted per day.

(f) There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

(g) No business-related vehicle larger than a van, panel truck, or pickup truck is permitted to park overnight on the premises. The number of business-related vehicles is one. All business-related vehicles shall be parked in the rear of the

premises and within an enclosed area. No home occupation related vehicle shall include any of the following: contractor's equipment or other heavy equipment regardless of weight, a garbage truck, trailer, tractor or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans or any vehicle used to carry hazardous materials.

(h) A residential home occupation shall be carried on wholly within the principal dwelling. No residential home occupation shall store goods, materials, or products connected with a home occupation in accessory buildings or garages that are attached or detached.

(i) Home occupations shall not have customers or clients visit the site unless specifically permitted under Section 5.1-1(j)

(j) Permitted residential home occupations:

i. • Design services;

ii. • Art studio (where no more than one model at a time);

iii. • Consulting services;

iv. • Off-site sales (pharmaceutical, etc.);

v. • Direct sale product distribution (Amway, Avon, Mary Kay, Tupperware, etc.) provided there is no production on premises;

vi. • Drafting and graphic services;

vii. • Dressmaking, sewing, tailoring, contract sewing (one machine);

viii. • Engineering office;

ix. • Music Classes – limited to 4 students at a time

x. • Realtor or real estate appraiser office as allowed by the State of Georgia;

xi. • Writing, editing, resume services, computer programming;

xii. • Photography studio (no more than one client at a time for on-site models);

xiii. • Tutoring;

    1. limited to indoor instructional services
    2. limited to four students at a time;

xiv. Any occupation conducted solely via telecommunications technology;

xv. Cottage food operator as defined and licensed by the Georgia Department of Agriculture (for clarification, a cottage food operation does not include

any farm business/operation that is not subject to local government regulation by federal or state law);

xvi. Home Office, a home occupation that functions solely as an office for a business, and/or where all physical work occurs off-site, is permitted, provided that:

1. The home office may be used for occupations not otherwise permitted in the district, including but not limited to:
2. Professional consulting
3. Administrative work
4. Freelance or independent contracting services
5. Online business operations without on-site inventory storage
6. Small contractors whose work is performed off-site may operate from a residential property for administrative purposes, such as paperwork, phone calls, and mail. However:
7. No off-site employees, subcontractors, or customers may visit, work, assemble, or park at the residence.
8. No contractor-owned equipment may be parked, stored, assembled, repaired, or maintained on-site.
9. Business-related vehicles are strictly prohibited from being parked at the residence where the home office or home occupation is located, except for the one vehicle permitted under Section 5.1-1(g).
10. No business-related storage of materials, equipment, or inventory is allowed at the residence.
11. Proof of off-site storage and parking arrangements in a properly zoned location must be provided upon request.

xvii. Any other similar occupations not listed here that may be approved by the Community Development Director upon the finding of no adverse impacts to the surrounding neighborhood.

(j) Prohibited residential home occupations:

i. Any business involving the use of hazardous materials

ii. Vehicle repair, body work, or painting

iii. Junkyards

iv. Storage

5.2 - Residential Home Occupations (over two (2) acres).

The conduct of business in single-family medium density (SU-R), lakeside residential (LR), unrestricted subdivision (USD), Agricultural/Residential District (AGR), Rural Residential (RR) or Lakeside Residential (LR), and Agricultural (AG) when subject parcel is over two acres shall be permitted under the provisions of this section. It is the intent of the section to ensure the compatibility of rural residential home occupations with other uses permitted in lower density residential districts; maintain and preserve the character of the area and not create a nuisance for residents in the area through excessive traffic, smoke, or noise or through the creation of a fire hazard. Any residential home occupation applied for but not specifically stated in sections 5.1-1 and 5.1-2 shall be required to obtain approval from the Troup County Board of Commissioners with a recommendation from the Troup County Board of Zoning Appeals/Planning Board unless otherwise provided in this ordinance.

(a) The residential home occupation shall be clearly subordinate to the principal use of the parcel and shall not change the residential character of the area. No more than 25 percent of the heated square feet of record on the property record card in the property appraisal office of the principal dwelling shall be used in connection with the home occupation or storage purposes.

(b) The residential home occupation shall be conducted within a dwelling or within an accessory building, provided all structures are harmonious in appearance with the district in which it is located.

(c) One accessory building not exceeding 1,000 square feet may be used in connection with the rural home occupation.

(d) The business of selling stocks of merchandise, supplies, or products shall not be conducted on premises except under the following circumstances:

i. Orders previously made by telephone or at sales parties may be filled on premises; and Internet sales, off-site trade-show sales, mail order, etc.

ii. Incidental retail sales as may be necessary or in connection with the permitted home occupation that can be stored inside the residence or accessory building.

(e) The existence of the residential home occupation shall not be apparent outside the dwelling or accessory building where the residential home occupation is conducted, except that one un-lighted sign limited to nine square feet of sign area shall be permitted. The sign added to all other signs on the parcel shall not exceed the maximum signage allowed in the district. No sign shall obstruct the

view of roadway traffic. All signs must be at least 20 feet from any property line and ten feet from any right-of-way line.

(f) No out-of-doors storage of materials, products, equipment, or vehicles used in the conduct of the residential home occupation, other than trade vehicles, is permitted unless an accessory building is used to house the equipment, materials, or vehicles.

A residential home occupation-related vehicle is a passenger motor vehicle or light-duty truck with a gross vehicle weight of less than 10,000 pounds as registered by the Georgia Department of Motor Vehicles. Residential home occupation-related vehicles include any of the following: a contractor's equipment or other heavy equipment regardless of weight, a garbage truck, trailer, tractor, or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans.

(g) On-site employment (including contract employment) for the residential home occupation/business is limited to residents of the property and not more than two additional persons.

(h) Permitted residential home occupations are as follows:

i. All occupations permitted in section 5.1;

ii. Agricultural Equipment Repair: Machine and mechanical repair is permitted as a home occupation only for vehicles, equipment, and machinery used in agricultural work. Such use is only allowed on lots of 5 acres or larger. Any structure or area used for repair must be set back a minimum of 200 feet from all property lines and must be screened to ensure it is not visible from any road or adjacent property.

iii. Appliance repairs (as long as an accessory building is capable of storing all equipment and appliances);

iv. Barber shops/beauty shops (limited to two stations) provided there is sufficient room on the lot for parking of client vehicles (one space for each station, plus one handicapped space) and the operator has a Georgia State License to cut and style hair, whether a barber or beautician;

v. Carpentry;

vi. Ceramics;

vii. Contracting, masonry, plumbing, painting, electrical, general;

viii. Upholstery;

ix. Artist studio;

x. Pet grooming/boarding/kennel and operator has a Georgia State License from the Georgia Department of Agriculture;

xi. Any other business as may be approved by the Community Development Director upon finding that the proposed rural home occupation does not pose adverse impacts to the surrounding neighborhood.

b. 5.3 Prohibited residential home occupations include, but are not limited to:

i. Ambulance service;

ii. Wrecker and tow truck service;• Restaurants, food preparation for catering or distribution;

iii. Veterinary services;

iv. General automobile repair, parts sales, upholstery, or detailing, washing services.

(7) Dog Kennel / Cat Kennel, Boarding Facility, Grooming and Shelter (commercial)

(a) No business license is issued until the state license has been approved by the Georgia Department of Agriculture.

(b) All animals must be housed safely, cleanly, and humanely in accordance with Georgia Department of Agriculture kennel standards. A management plan must be submitted showing the facility's requested capacity and the proposed staff-to-animal ratio for daily operations.

(c) All grooming, boarding, and housing facilities and equipment must be located within an enclosed accessory structure, except for outdoor training equipment, including agility courses and retriever training equipment. Grooming equipment must be located in an enclosed accessory structure.

(d) Sanitary waste shall be managed using approved and permitted methods to prevent runoff into any stream, water body, or neighboring property. All waste disposal systems shall be subject to review and approval by the Georgia Department of Public Health or the appropriate local health department.

(e) All dogs and cats boarded at the facility shall be housed inside an enclosed structure between the hours of 8:00 p.m. and 7:00 a.m. each day, except during organized training activities. During any outdoor activities, the facility management shall ensure that noise levels do not create a nuisance to surrounding properties.

(f) Inside runs are required to house dogs/cats inside.

(g) The property has a minimum of five (5) acres.

(h) All structures for housing animals shall be set back 200 feet from all property lines.

(i) Site plan to scale that shows: north arrow, placement on property of any accessory structures and distances from the property line, number and design of dog runs, any cat facilities design and a narrative describing how the property owner or operator of facility will comply with the standards as stated in this subsection.

(j) All commercial dog and cat kennels, boarding, grooming, and shelter facilities shall comply with all commercial development standards unless expressly exempted.

(8) Dog Kennel / Cat Kennel (hobby).

(a) Hobby kennels shall comply with all applicable regulations outlined for commercial kennels in Subsection (7) of this Section, including but not limited to housing standards, sanitation, site plan requirements, and Department of Agriculture licensing requirements, unless specifically exempted.

(b) Dog and Cat Kennels for hobby use are limited to 10 animals.

(c) All structures and elements used for housing animals shall be located at least 200 feet from any property zoned or used for residential purposes.

(d) Outdoor kennels or runs must be at least 200 feet from the nearest property zoned or used for residential purposes.

(e) Any application for a business license involving a hobby dog or cat kennel, boarding facility, grooming facility, or shelter within a residentially zoned district shall require site plan review and recommendation by the Board of Zoning Appeals and Planning Board, with final approval by the Board of Commissioners. These uses shall not be eligible for administrative approval.

(9) Livestock raising.

(a) Setbacks. Any structure, pen, enclosure, corral, or building used for the housing, feeding, or shelter of livestock shall comply with the following minimum setbacks, based on animal type and lot size:

i. For hobby livestock including chickens, ducks, rabbits, guinea pigs, miniature potbellied pigs, and similar small animals:

1. Structures shall be located at least 30 feet from any property line and 50 feet from any residence on an adjacent lot. Structures shall be

located in the rear yard where possible and screened from view if adjacent to a residential property.

ii. For hobby livestock including goats, sheep, pigs (excluding miniature potbellied pigs), cows, horses, and other hoofed animals:

1. Structures or fenced enclosures used as corrals, catch pens, or holding pens shall be located a minimum of 100 linear feet from any property line and 200 feet from any off-site residence or occupied building. This requirement does not apply to boundary fencing or fencing intended solely to contain animals within the overall property.

iii. For commercial livestock farming, including poultry, equine, swine or dairy use, any structure, pen, corral, catch pen or other building appurtenant to the keeping and raising of livestock shall be located a minimum of 200 linear feet from any property line and 400 feet from any off-site residence or occupied building.

(g) Hobby Livestock in Residential Zoning Districts. The non-commercial keeping of livestock is permitted in residential zoning districts, subject to the following standards:

i. Lots less than one (1) acre: Up to ten (6) hens, rabbits, or other small domesticated livestock of similar size and husbandry needs may be kept. Roosters are prohibited.

ii. Lots one (1) acre to three (3) acres: Small livestock such as hens, rabbits, goats, sheep, and miniature pigs may be kept. No more than eight livestock animals total shall be permitted on property in this size range, and no more than 10 hens.

iii. No cows, horses/equine, or standard pigs permitted on less than 3 acres.

iv. Lots three (3) acres or greater. On any property that is larger than three (3) acres, there are no restrictions in this section as to the type or number of livestock that may be kept. The number and type of animals must be appropriate to the property size and conditions and must not exceed the land’s capacity to support them in a safe, sanitary, and humane manner. Other applicable provisions as to adequate shelter, humane care, health, and safety shall be followed.

All livestock keeping must comply with the rules and regulations of the Georgia Department of Agriculture.

(h) Containment and Sanitation Standards. All livestock must be securely confined within fencing or enclosures appropriate to the species. Animals shall not be allowed to roam beyond the owner's property. Housing and containment areas must be kept in a clean, secure, and sanitary condition. All animal waste must be managed to prevent odors, runoff, and pest attraction. No livestock or associated structure shall be maintained in a manner that causes a public nuisance through odor, noise, runoff, flies, unsanitary conditions, or other health or safety concerns.

(10) Outdoor dining.

(a) Outdoor dining may encroach on sidewalk areas when the following criteria are met:

(i) A minimum unobstructed sidewalk clear walking area of five (5) feet.

(ii) No permanent structure or ornamentation shall be located within the area where encroachment is permitted, and no element shall be attached to the sidewalk in any way.

(iii) At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this article.

(iv) Outdoor dining may be separated from the sidewalk only with movable planters, fencing, or similar non-fixed barriers, provided they do not exceed a height of 42 inches, including any plant material.

(11) Outdoor storage, general.

(a) An additional 40-foot setback and 30-foot landscaped buffer shall be provided interior to existing zoning setbacks adjacent to all roads, streets, open spaces, and residential uses. A 20-foot landscaped buffer shall be provided adjacent to all other uses.

(b) Interior to the landscaped buffer, the use shall be surrounded by an opaque wall or fence no less than six (6) feet tall.

(c) The landscaped buffer shall be planted with evergreen plant material to obscure the wall as much as possible. Dead plant material shall be replaced promptly to maintain the buffer.

(d) In no case shall the contents of the open yard storage be visible from property lines of any thoroughfare, residence, or open space.

(12) Poultry Raising, Hobby. See subsection (9) of this section for Livestock Raising.

(13) Rural Recreation.

a. For properties located in AG, LR, and AG-R zoning districts, private recreational uses shall be permitted without the presence of a principal

structure, which would otherwise be required, prior to enabling accessory structures. Structures associated with such use of land shall be limited to a total size not to exceed 10 percent of the total lot area. Such recreational uses shall be private and not made available to the public, with uses limited to hunting, agriculture, recreational vehicles, fishing, and boating activities.

(14) Wind turbines. Wind turbines shall be a maximum height of 40 feet and shall be located a minimum distance of 40 feet from any property line.

(15) Live/Work Uses.

(1) Purpose. The purposes of this section are to:

(i) provide for the appropriate development of units that incorporate both living and working space;

(ii) provide flexibility for the development of live/work use, particularly within existing buildings;

(iv) provide locations where appropriate new businesses can start up (e.g. existing parcels zoned commercial with mixed uses – dwelling and commercial structure); and

(v)provide opportunities for people to live in mixed-use industrial, commercial areas and mixed-use villages that are compatible with existing uses.

(2) Where Live/Work Uses Are Permitted.

(a) Live/work uses are permitted in all Limited Commercial (LC), Light Industrial (LI), and Urban Village (UR-VL) zoning districts.
(b) A live and work use may be at street level, in the rear of the building only, on upper floors, or in a separate dwelling to the rear of the commercial building.
(c) Where permitted, live/work uses located at street level are subject to the development standards for ground-floor retail or commercial establishments, and the following:
(i) Live/work uses at street level may have the entrance to the residential use at the rear of the building, which is preferred, so that from the front the use appears commercial or industrial. Any commercial or industrial structure with the entrance to a residential use at the front shall not be more than 20 percent of the total façade
(ii) A minimum of 51 percent of the portion of a structure's street front facade that contains required nonresidential use shall be at or above sidewalk grade.

(iii) In live/work uses at street level, parking for live-work units is prohibited in front of the building.

(iv) Live/work uses that exceed 2,000 square feet must have at least two exits.

(v) All live/work uses shall comply with the State of Georgia minimum standard building code, fire, and life safety codes appropriate for the mixed use.

() Where permitted, live/work uses with separate commercial and dwelling structures are subjected to the development standards for commercial and residential uses:

(a) In live/ work uses where the separate dwelling is currently located in the front of the commercial structure, a ten (10) foot buffer is to be established to delineate the uses.

(b) In live/work uses where the dwelling is separate from the commercial structure, separate parking areas will be established.

(e) All live/work uses shall comply with the State of Georgia minimum standard building code, fire, and life safety codes appropriate for the mixed use.

(3) Business License Required. At least one resident in each live/work uses shall maintain a valid business license for a business on the premises.

(4) Parking. For live/work uses of less than 2,500 square feet, one parking space is required for each unit. For live/work uses greater than 2,500 square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the Community Development Director.

Sec. B.7.4. Agricultural uses.

(1) Commercial agriculture and forestry shall provide a minimum 25-foot buffer from the property line of any adjacent residence.

(2) Community garden, commercial.

(a) A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;

(b) Only mechanical equipment designed for household use may be used.

(c) Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district.

(d) Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited.

(e) Distribution, pick-up, and delivery of product and goods and services is permitted only between the hours of 7 am and 7 pm.

(3) Forestry and logging.

(a) Such activities shall be in compliance with Chapter 66, Article IV of the County Code.

(b) Nothing in these standards shall be interpreted to prevent standard silviculture practices that promote healthy forest-keeping practices.

(4) Wind turbines. Wind turbines shall be located a minimum distance of 100 feet from any property line.

Sec. B.7.5. Agritourism and rural tourism uses.

i. Agritourism uses and facilities. All agritourism uses or facilities shall be in compliance with all state regulations as required for a particular use. Tax certificates shall be applied for, when necessary, prior to submission of a business license.

ii. Minimum lot area. All uses regulated by this section shall have a minimum lot size of five (5) acres.

iii. Parking. Areas utilized for vehicular parking shall retain a natural surface; however, "Grasscrete" or "Grasspave" parking systems may be permitted.

iv. Business License. All agritourism operations are required to have a business license. The application for a business license is filled out and submitted to the Building Inspection and Zoning Department with the required fee as posted in the Community Development Department.

v. Exemptions to Business License Requirement. The requirement for a business license is for agritourism enterprises. Normal and usual farming activities are not required to obtain a business license. These activities include, but are not limited to:

(a) Selling produce grown on the same farm (roadside stand, farmer's market, etc.);

(b) Cattle farming;

(c) Hay sold from the farm where the hay was grown; and

(d) Raising livestock associated with farming.

vi. Conservation Use. Any property that wishes to start an agritourism business and has property in Conservation Use should check with the Troup County Property Appraisal Office prior to obtaining a business license. The Property Appraisal Office

can let a property owner know if the proposed business will cause a violation of the conservation use covenant. If the Property Appraisal Office is unable to determine if the proposed use is a violation, then the property owner should get a determination from the Troup County Board of Assessors.

vii. Permits required. The uses regulated in this section are either permitted as-of-right or are permitted by special permit, according to the table of permitted and prohibited uses in Section. B.6.1. Uses that are not listed as Agritourism and Rural Tourism uses in sec. B.6.1 but are similar to such listed uses shall be permitted by the Community Development Director, where it is determined that there will be minimal impact to surrounding properties. The Community Development Director shall further decide if a similar use requires a special permit.

viii. Standards for Approval of Agritourism Uses or Facilities. In addition to the standards of the UDO for reviewing applications, the following criteria shall be utilized when reviewing applications for the uses regulated by this section:

(a) The facility or use is approved subject to maintaining a working farm.

(b) The use is compatible with existing agricultural uses in the area and does not adversely impact neighboring agricultural operations or unduly disrupt the rural character of the area.

(c) The use or facility does not require the extension of urban services (sewer and/or water service).

(d) No motorized off-road vehicles shall be used for recreational purposes, but may be used as a part of normal farming functions.

ix. Requirements for Agritourism Uses or Facilities. All agritourism uses or facilities are required to submit the following with the application for a business license:

(i) Site Plan Requirements. All site plans are required to be drawn to scale. An aerial photograph with requirements drawn in may be used if that is the best way for the applicant to show the requirements of the site plan. The following are required to be included on the site plan:

North Arrow;

Placement on property for all structures, including existing structures and residential dwellings;

Placement on parcel of all parking spaces to adequately serve the agritourism use or facility;

Placement and type of planting for any and all landscaping planned for the site;

Distance from property line to all structures and parking areas, including handicapped accessible parking space or spaces;

Show the nearest County or state highway, and

Show setbacks from any proposed structures and the property line of the parcel where the proposed use or facility will be located.

(j) Floor Plan. The floor plan should show all rooms in the facility, to scale. The floor plan shall include:

The size of each room.

Location of handicapped accessible restrooms;

Location of handicapped access to the building;

Layout of all rooms in the facility; and

Location of any kitchen facilities in the structure.

(k) Narrative Requirements. This required narrative should answer the following questions in detail:

What is the proposed use for the property?

How is the property zoned now?

What is the zoning of adjacent property owners?

What is the nearest County or state highway?

Explain in detail why you want to have this agritourism use or facility and how does it promote education of the public on farming or increase economic development in Troup County?

How many acres of land do you propose to use in this agritourism use or facility?

How will this use of the facility protect and preserve the rural character of Troup County?

Do you need a tax certificate to engage in this business?

What steps do you plan to take to ensure that you do not adversely impact neighboring farms or residents?

If this narrative is being written for a Rural Tourism use, please answer the following in addition to the questions listed in Narrative Requirements:

How is this use or facility going to promote farming and/or tourism?

What is the economic value to the community of this use or facility?

How does this use or facility fit in a rural setting?

x. Rural Tourism.

(a) Must have a business license.

(b) Must submit all requirements of agritourism facilities or uses (site plan, floor plan, narrative).

(c) Any rural tourism use or facility that intends to stay open to the public (concerts, festivals, fairs, conferences, etc.) on a year-round basis requires a special use permit.

(d) Any rural tourism use or facility that does not have a primary agricultural use may be approved by a special use permit, provided:

(i) The facility or use conforms to a standard agricultural use (syrup making demonstrations, soap making, weaving demonstrations, historical exhibit, etc.); and

(ii) The facility or use does not diminish the rural character of the surrounding area or adversely impact neighboring farms or properties.

(e) Any rural tourism venue that intends to be open for special occasions not open to the public, such as family reunions, birthday parties, etc., shall be required to obtain a special event permit.

(f) The Community Development Director shall review proposed Rural Tourism uses and compare the potential impact of such uses to the Agritourism and Rural Tourism uses listed in the Permitted Use Table. The Community Development Director shall then decide if the proposed Agritourism use may be permitted administratively or if the use requires a special permit, based on its similarity to the permits required for Agritourism and Rural Tourism uses listed in the Permitted Use Table.

(g) Rural tourism uses are prohibited where the applicant is leasing the property from an absentee owner.

xi. Bed and breakfast, where permitted, shall meet the following additional standards.

(a) Rooms for rent shall be located in single-family dwelling units.

(b) The bed and breakfast must be occupied by the owner as their principle residence.

(c) The same rental occupants shall not reside at the bed and breakfast for more than seven (7) consecutive days.

(d) No person who is not a resident shall be employed at the bed and breakfast.

(e) The exterior appearance of the dwelling unit shall not be altered from its residential character except for safety purposes.

(f) The freestanding sign shall be no larger than 16 square feet and not internally lighted.

(g) No eating and drinking establishment use shall be permitted. Meals may only be served on the premises and only for guests and employees of the bed and breakfast inn.

(h) Rooms shall not be equipped with cooking facilities.

Sec. B.7.6. Commercial uses.

(1) Adult entertainment and sexually oriented businesses. See Chapter 10 - article II of the County Code.

(2) Alcoholic Beverages Sales. See Chapter 6 of the County Code.

(3) Amusement Centers, Pool or Billiard Rooms, and Entertainment Establishments. See Chapter 10 - article III, article IV, and article V of the County Code.

(4) Cemeteries and crematories (commercial).

(a) It shall be unlawful for any undertaker or any other person to bury or cause to be buried, or to in any manner aid or assist in the burial of the dead body of any human being in any cemetery or location in the unincorporated area of the County other than an authorized public cemetery or a private cemetery established and approved pursuant to this ordinance.

(b) Cemeteries shall be located on a site containing not less than 10 acres.

(c) The site proposed for a cemetery use shall not interfere with the development of a system of collector or larger roads or streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare classified by the County as an arterial or collector.

(d) All structures shall be set back no less than 25 feet from any property line or road or street right-of-way line.

(e) All graves or burial lots shall be set back not less than 25 feet from any property line or local road or street right-of-way lines and not less than 50 feet from the right-of-way line of any thoroughfare classified by the County as an arterial or collector.

(f) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Community Development Director .

(g) Any structure containing a crematory shall be located at least 200 feet from the property line of any property zoned or used for residential use. This 200-foot limitation shall not apply if the structure containing the crematory is located on or immediately adjacent to property containing a cemetery.

(h) Prior to the issuance/renewal of a business license for a crematorium, the applicant shall provide to the Community Development Director a copy of the applicant's current and valid state license and written documents showing that the owner or operator of the crematory is licensed, certified, and operating in accordance with all requirements imposed by state law or by regulation of the state, including, but not limited to, the requirements imposed by O.C.G.A. § 43-18-1 et seq., and Ga. Comp. R. and Regs. R. 250-1-.01 through R. 250-7-.03, as such amended.

(i) Prior to the issuance/renewal of a business license for a crematory, the applicant shall provide to the Community Development Director or their designee, a copy of the applicant's annual maintenance contract with the manufacturer of the crematory, showing that the crematorium is being adequately and consistently maintained in accordance with the manufacturer's specifications.

(5) Cemeteries (private).

(a) It shall be unlawful for any undertaker or any other person to bury or cause to be buried, or to in any manner aid or assist in the burial of the dead body of any human being in any cemetery or location in the unincorporated area of the County other than an authorized public cemetery or a private cemetery established and approved pursuant to this ordinance.

(b) The Community Development Director shall be responsible for issuing permits and ensuring that the requirements of this section are satisfied. Other than maintaining in his office an original of the plat of survey of each private cemetery and maintaining an inventory of private cemeteries in the County, the Community Development Director and County shall have no responsibility for or duty to supervise the operation of any such private cemetery.

(c) The Community Development Director shall maintain a record and inventory of the locations of all private cemeteries established and permitted pursuant to this section.

(d) All law enforcement agencies, officers, certified peace officers, and/or officials of the state, or any County code enforcement officer, are hereby authorized, empowered, and directed to enforce compliance with this section.

(e) Violators of the provisions of this article shall be subject to the penalties set forth in chapter 1, section 1-19 of the County Code.

(f) It shall be the sole responsibility and duty of the owner, creator, trust, or other legal entity that owns, supervises, or has control of a private cemetery to ensure that the same shall not at any time constitute a health hazard or be or constitute a nuisance. The owner, creator, trust, or other legal entity that shall own,

supervise, or have control of a private cemetery shall have the right and responsibility to create rules and regulations necessary or appropriate for the operation of such private cemetery.

(g) No private cemetery established and approved pursuant to this section shall market, advertise, or sell lots or burial spaces to the general public.

(h) All private cemeteries created pursuant to this article shall be and remain purely private, and all lots and spaces shall be reserved for relatives, friends, neighbors, or other members of an identifiable class of persons that can be reasonably distinguished from the general public or citizenry.

(i) No owner, creator, trust or other legal entity which shall own, supervise or have control of a private cemetery shall allow such private cemetery to accumulate weeds, trash, junk, filth, or other unsanitary or unsafe conditions so as to create a public health hazard or a general nuisance to those persons residing in the vicinity.

(j) It shall be unlawful for any person to operate a private cemetery in the unincorporated area of the County unless done so in compliance with the provisions of this article.

(k) A plat of survey of the private cemetery prepared by a state-registered land surveyor shall be submitted to the Community Development Director along with the application. Upon approval of the survey by the Community Development Director, the applicant shall file, or cause to have filed, two (2) signed original copies of the survey with the superior court clerk for recording.

(l) No private cemetery shall be approved unless the survey provided for in this division indicates that the private cemetery contains not less than one (1) acre, the entire area of which shall be dedicated to and used only for private cemetery purposes.

(m)The location of the proposed private cemetery is to be compatible with adjacent land uses, existing or proposed highways, and any other elements or factors deemed by the County to affect the public health, safety, and welfare of the inhabitants of the area surrounding the proposed location.

(n) The proposed location must contain a buffer area that is suitably landscaped with trees and/or shrubbery on all sides of the site that is identified on the survey and is not less than 10 feet in width.

(o) No private cemetery shall lie in whole or in part within a floodplain, and certification of the same must be provided upon the survey.

(p) The boundaries of the proposed private cemetery must be clearly marked and delineated.

(q) Adequate access, ingress, and egress to and from the private cemetery must be available by public road or private drive.

(r) The approval of the proposed private cemetery must be obtained from the health department and submitted with the application.

(s) Appeals from the denial of a permit authorized by this article shall be to the Board of Commissioners.

(6) Commercial recreational vehicle (CRV) parks, campgrounds, and rental cabins.

(a) Commercial recreational vehicle parks (CRV Parks). The CRV Park overlay zoning district shall encompass CRV Parks, campgrounds, and rental cabins. CRV Parks have been established for the convenience of tourists and transient visitors to Troup County. CRV Parks are not intended to provide permanent housing for citizens of the County. Therefore, no recreational vehicle shall be utilized as a residence for occupancy on a permanent basis. Camp sites may be a part of a commercial recreational vehicle park, or a campground may be developed separately from a CRV Park. The camp sites and campground as a whole shall adhere to the same standards as those for a CRV Park.

(b) Recreational vehicles. Recreational vehicles are only allowed as a temporary residence for tourists and transient visitors to Troup County. RVs utilized as a temporary residence shall be placed in a CRV Park only. Residents who own recreational vehicles shall not be allowed to rent RVs on any personal property, regardless of the parcel's zoning. RVs may be stored on personal property and may be connected only to electricity for the purpose of recharging batteries, and no other utilities or sewerage. RVs stored on personal property shall be screened from public view from the roadway using an enclosure such as fencing, natural vegetation, an accessory structure, a residential dwelling, a garage, or a carport. RVs shall not be located in Manufactured Home Parks and rented as a permanent residence.

(c) Site Plan Requirement. Any proposed CRV Park shall submit to the Board of Zoning Appeals and Planning Commission for approval a site plan.

(d) Land Disturbance Permit. A permit shall be required prior to any grading, installation of facilities, or advertising of a proposed park. Land disturbance permits may be obtained from the Community Development Department during normal business hours.

(e) Development Standards. All CRV Parks located in unincorporated Troup County shall conform to the following development standards.

(f) Lot Area. Each individual space for use by an RV shall be a minimum of 1,000 square feet. The lot area shall be graded, covered with gravel, and enclosed on

three (3) sides by landscape timbers or similar durable materials to ensure the provided space for RV parking is level and capable of controlling sedimentation and erosion. Additionally, each lot shall include a vegetative buffer measuring five (5) feet in width between individual lots to provide visual screening and maintain separation between spaces. The maximum density for CRV parks shall not exceed 20 units per acre.

(g) Minimum Lot Size. For the purpose of the development of a CRV Park, the minimum lot size shall be 10 acres. The road frontage required for CRV parks, campgrounds, or cabins is 300 feet. Front yard setbacks for CRV Parks are 150 feet.

(h) Shower Facilities. Any CRV Park shall provide one (1) shower and restroom facility for every six (6) rental spaces or every six (6) campsites. This does not apply to cabins, as each cabin should contain a minimum of one (1) bathroom.

(i) Electrical. Each individual space shall provide an electrical hookup for the RV in accordance with the current National Electrical Code as amended. Each lot shall also include individual lighting fixtures controlled by the occupant, capable of being turned on or off independently. This requirement for individually controlled lighting does not replace any mandated security lighting necessary for the entire facility.

(j) Water. Each individual space shall provide a water source for the RV to fill water storage tanks. Cabins shall be supplied with running water from an individual well, community water system, or public water system.

(k) Individual Spaces. Individual space in the park shall include a concrete picnic table, benches, and a charcoal grill constructed of wrought iron or other similar material, permanently attached to a concrete pad.

(l) Streets. Streets that provide access to the individual spaces shall be constructed to Troup County standards and shall have curbs and gutters. The road/street system shall be maintained by park owner and is not the responsibility of Troup County. Each space shall be assigned and display an address for emergency response purposes. Street names and address assignment and display shall comply with the Troup County Comprehensive Address Assignment and Display Guide.

(m) Solid Waste. Each CRV Park, campsite or cabin shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two (2) individually covered refuse containers having a capacity of 30 gallons or more for each occupied lot. Bulk containers shall be enclosed with a

minimum of four (4) feet high chain link fence and placed upon a concrete pad, extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor or breed insects, rodents or any manner of vermin or pest.

(n) Frontage. The CRV Park, campsite, or cabin shall position individual spaces lots so the parcel has reverse frontage to U.S., State, County, or local roads, with a street system constructed and maintained by the park owner. Interior road/street system for park shall be constructed to County standards and approved by the County engineer.

(o) Waste Water Treatment Facility. All CRV Parks shall construct a minimum of one (1) wastewater treatment disposal system approved by the Troup County Health Department or the Georgia Department of Natural Resources, Environmental Protection Division. Each park shall have an approved on-site wastewater treatment system, either individual septic tanks or an on-site decentralized system approved in compliance with Troup County standards.

(p) Service Buildings. Accessory structures and community service facilities are hereby permitted for the convenience and well-being of park guests. Such structures shall conform to the Georgia State Building Codes adopted by Troup County, as amended, and may include, but are not limited to, the following uses:

(i) Park management offices and storage;

(ii) Community postal facilities;

(iii) Indoor community recreation areas;

(iv) Other similar uses that may be necessary to meet the needs of guests as listed in the table of permitted and prohibited uses in sec. B.6.1.

(v) Any structure or use of a commercial nature shall be submitted with the site plan at the time of rezoning. If the property is already zoned for CRV Park then the site plan approval by the Board of Zoning Appeals and Planning Commission is required prior to any issuance of a land disturbance permit.

(q) Rental Cabins. Each cabin area that is dependent on individual septic systems shall be approved by the Troup County Health Department for lot size. The size of the lot shall be the minimum required by the soil tests conducted by the health department, but in no case shall be less than 10,000 square feet.

(r) Cabins shall be separated from each other by not less than 20 feet.

(s) Cabin rentals shall comply in all buffer requirements as set forth in this section for CRV Parks.

(t) Cabin rentals shall comply with all development standards as set forth in this section for CRV Parks.

(u) Any area where cabins are built for rental on a temporary basis shall comply with the appropriate development standards as applicable in this section for CRV Parks.

(7) Extended-stay hotels and motels.

(a) Extended-stay motels/hotels are limited to no more than 25 guest rooms per acre.

(b) Each guest unit must contain a minimum square footage per unit of 300 square feet.

(c) Extended-stay hotels/motels shall not be more than four (4) stories in height.

(d) Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.

(e) Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.

(f) Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.

(g) Management must be on the property 24 hours a day, seven (7) days a week.

(h) Daily maid service must be included in the standard room rate.

(i) No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than their name and the name of the business as specified on the occupation tax certificate.

(j) Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this section.

(8) Gasoline stations.

(a) All repair and maintenance activities shall be carried on entirely within an enclosed building.

(b) Outdoor storage is prohibited.

(c) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas (other than single-service sizes), oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.

(d) Overnight accommodations, showers, and overnight customer parking shall be prohibited.

(9) Mobile food vendors.

(a) License Required.

(i) 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 permit first having been granted under this section, except for County-sponsored events, and without having been granted a license pursuant to Chapter 50 of the County Code.

(ii) An application for a license or a permit hereunder shall be submitted to the Community Development Director setting forth all information required hereunder and in compliance with this section. The Community Development Director shall develop a form of application for the purpose of compliance with this section. Such permits shall be valid only through to December 31 of each calendar year.

(iii) The following information shall be provided with each application for a mobile food vendor permit: name of the mobile food vendor; make, model, and license plate number of vending unit; owner's contact information; operator's contact information; type of vendor (street vending unit or sidewalk vending unit); copy of approved permit from the Troup County Health Department and the Troup County Fire Department; list of operating locations and times; signatures from property owners indicating consent for the use of their property; and signature of applicant indicating agreement to the listed requirements.

(b) Prohibited Conduct and Requirements.

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

(ii) A mobile food vendor shall not operate on any private property without the prior consent of the owner.

(iii) 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 Troup 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 Troup County.

(iv) 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. At all times said mobile food vendor shall be in compliance with the Troup County noise ordinance.

(v) 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.

(vi) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.

(vii) Except for ice cream trucks, mobile food vendors are allowed only in zoning districts that permit commercial uses.

(viii) Mobile food vendors shall not be located within 15 feet of any road or street intersection or pedestrian crosswalk or 10 feet of any driveway.

(ix) No sale or offer for sale shall be made by any mobile food vendor between 11:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a Troup County-approved special event or film production permit.

(x) Mobile food vending vehicles must be removed from the area of operation when not in use or operation.

(xi) 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.

(xii) 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 three (3) inches in height, with the name and address of the mobile food vendor licensee.

(xiii) 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.

(xiv) The following safety regulations shall apply to any and all vehicles operating under this section or used for mobile retail food establishments: every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level; every vehicle shall be

equipped with two (2) rear-vision mirrors, one (1) 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; and the mobile food vendor may sell food and non-alcoholic beverage items only.

(xv) Mobile food vendors shall be equipped with portable trash receptacles and shall be responsible for proper disposal of solid waste. All disturbed areas must be cleaned following each stop to a minimum of 25 feet from the sales location and liquid spills near the vendor shall be properly cleaned following each stop.

(xvi) Notwithstanding any provision herein to the contrary, a mobile food vendor may return to and from a particular lot during the operational hours referenced herein. Merchants participating in events on public property sanctioned and approved by the Troup County Parks and Recreation Commission shall be exempt from the durational requirements of this section. Also, a mobile food vend0r operating at and for an existing and operating restaurant or special events center shall be exempt from said durational requirements.

(c) 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 Troup County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

(d) Fee. The fee for every application for a permit under this section shall be established by Troup County.

(10) Motorized vehicle repair and maintenance facilities shall adequately screen areas designed for the outdoor storage of vehicles in need of repair or awaiting pickup after repair. The storage area shall be located in the rear of the building. No junk or abandoned vehicles or parts of vehicles will be stored on site. All such facilities shall be located at least 40 feet from the front property line, and all garage/car wash/service bay openings shall be oriented at not less than right angles to the primary public road or street frontage.

(11) Service stations and automobile repair facilities shall adequately screen areas designed for the outdoor storage of vehicles in need of repair or awaiting pickup after repair. The storage area shall be located in the rear of the building. No junk or abandoned vehicles or parts of vehicles will be stored on site.

(12) Pawn and title services.

(a) All such uses shall be located a minimum distance of 4,000 feet from any other such use.

(13) Pet care and veterinary services.

(a) No business license issued until the state license has been approved by the Georgia Department of Agriculture.

(b) Boarding/Kennel facilities are limited to 10 dogs/cats.

(c) Facilities for the grooming and boarding of animals shall be located in fully enclosed structures.

(d) Accepted sanitary waste methods used to prevent the runoff of any waste products into any stream or neighboring property.

(e) All dogs/cats boarded at the facility shall be inside the facility structure from 8:00 p.m. to 7:00 a.m. each day.

(f) Inside runs are required in order to house dogs/cats inside.

(g) The property shall have a minimum of five (5) acres.

(h) All structures for housing or other uses shall be set back 200 feet from all property lines.

(i) A site plan is required, with the following information provided: north arrow, placement on property of any accessory structures and distances from the property line, number and design of dog runs, any cat facilities design and a narrative describing how the property owner or operator of facility will comply with all applicable requirements.

(14) Racetracks.

(a) Racetracks shall be no less than 20 acres.

(b) All racetracks shall be at least 500 feet from the nearest residence.

(c) Racetrack owners will be responsible for mitigating any disturbance to the surrounding community including, but not limited to:

(i) Installing noise barriers.

(ii) On race days, track owners shall provide for proper traffic control by having public safety personnel on site to assist with parking related issues.

(iii) Installing perimeter buffers as required in sec. C.9.8.

(15)

(a) Short Term Rentals

(1) This section is established to facilitate a streamlined permitting process, appropriate regulations, and standards for the short-term rental of single-family dwellings as a special use. This is aimed at offering visitors an alternative to existing county accommodations such as hotels, motels, and bed and breakfast establishments. Additionally, it seeks to ensure the proper collection and remittance of hotel, motel, and other accommodation taxes. The chapter is designed to mitigate any adverse secondary effects that short-term rental usage may impose on the nearby residential and agricultural communities. It also aims to preserve the distinctive character of the neighborhoods in which such usage takes place. This ordinance is furthermore intended to proactively restrict transient occupancy uses in residential and agricultural districts that could pose a threat to public welfare and strain community infrastructure resources.

(2) This section is not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.

(b) Permitting. Short-term rentals of dwellings within any zoning district are strictly prohibited without a valid permit. It shall be a violation of this section for any person to conduct STR operations without a permit and a violation for any person to assist, permit, or promote unpermitted STR operations.

(c) Location. Short-term rentals (STR) may be permitted in zoning districts as outlined in Appendix A, Troup County Zoning Ordinance, Article VII.

(d) Standards and Restrictions—General.

(1) A special use application for a short-term rental may only be obtained by the owner of the subject property. The permit must be issued in the name of the property owner, who must be the owner of the real property where the short-term rental is requested. Only one special use permit for short-term rentals is permitted per individual, regardless of ownership through direct title or ownership through an LLC, partnership, similar organization, or entity. Permits are non-transferable, do not run with the land, and are strictly tied to the individual applicant.

(2) The total number of STR permits issued annually shall not exceed 12 per calendar year.

(3) Local Residency Preference Policy. The review and issuance of new short-term rental permits shall accord priority to individuals currently residing within Troup County over non-county resident applicants. Applications from primary residents within Troup County shall be given precedence in the review process.

(4) If short-term rental permits are unavailable due to annual limitations, the Community Development Department will maintain a waiting list based on the order of applications received. When a permit becomes available, applications will be processed in the order they appear on the waiting list, with preference given to local applicants as per policy. The waitlist for a calendar year terminates on December 31st of the year of initial application. Subsequently, applicants must submit a new application for the ensuing year, effective January 1st annually.

(5) Written advertisement in any form for the STR of property for any period of time during which the owner has no current permit issued pursuant to this Section shall be a violation of this Section. No Special Use Application shall be accepted if the applicant, at the time of application, is renting property in violation of the Troup County Code of Ordinances or has had three final convictions in a court of competent jurisdiction for violating any provision of the Troup County Code of Ordinances relating to the ownership, use, rental, operation, unlawful conduct upon, construction or maintenance of STR property.

(6) Short-term rental uses shall be limited to detached single-family dwellings.

(7) The owner-applicant shall pay any and all applicable state and county taxes. Any taxes owed to the county as a result of any hotel motel tax or occupation tax shall be paid to the county clerk and any failure to remit the same when due or pay any interest or penalty due thereon, shall also be a violation of this Section.

(8) Applicants must demonstrate property ownership for at least three years prior to application.

(9) Permit Eligibility for Inherited Property. Notwithstanding any other provision of this ordinance, an owner of residential property who acquired such property by inheritance from a family member may apply for a short-term rental permit for that property without regard to any otherwise applicable minimum prior ownership duration, provided that the deceased family member (decedent) had continuously owned the property for not less than three (3) consecutive years immediately prior to the transfer by inheritance. The applicant shall furnish proof

of inheritance and the decedent's length of ownership to the satisfaction of the County (such as a recorded deed of assent, court order, or affidavit of heirship establishing the transfer of title from the decedent to the applicant). All other requirements of the short-term rental ordinance shall apply to an inherited property in the same manner as any other property.

(10) STR Classification:

(i) Owner-Occupied Short-Term Rentals (STRs). Owner-occupied Short-Term Rentals necessitate a full-time residency, requiring the property owner to permanently reside on-site for a minimum of 365 days annually. These rentals permit occupancy for up to 175 days each year, mandating the continuous presence of the owner during any rental periods of the property.

(ii) Non-Owner Occupied Short-Term Rentals (STRs). Non-owner occupied Short-Term Rentals refer to properties not primarily occupied by the owner and may be inhabited seasonally or periodically by individuals not permanently residing on-site. Occupancy for these rentals is limited to 92 days per year, adhering to the parameters defined for short-term rentals. Only one dwelling within the property can be utilized as a short-term rental at any given time.

(10) Property standards:

(i) Local representative. Each STR location shall designate at least one local representative who shall be the agent of the owner-applicant authorized to receive on behalf of the owner-applicant all notices and correspondence from the Community Development Department. , or local representative(s) shall be available twenty-four (24) hours a day to accept telephone calls and be able to respond physically to the short-term rental within thirty (30) minutes.

(ii) The owner-applicant shall keep on file with the county the name, telephone number, cell phone number, and e-mail address of a local representative who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. All neighbors with adjoining property boundaries shall be provided with the current local representative contact information by the owner. If the representative changes, it is the responsibility of the owner to provide the updated information to the county and adjoining neighbors.

(iii) The owner-applicant shall maintain books and written records of all STR activities, including but not limited to written records of all complaints received by the owner-applicant or local representative relating to the STR use, for a period of three (3) years and make the same available through their local representative for inspection and review by the Community Development Department at a location within Troup County or provide a copy of the same within ten (10) business days of written request, which may be sent by email to the local representative and shall be deemed received when sent. Failure to keep, provide, or allow inspection and review of records shall be a violation of this Section (15), and the owner-applicant's permit shall be suspended until such records are made available for inspection or provided to the Community Development Department.

(iv) The owner-applicant shall post rental policies within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner-applicant or the owner-applicant's designated local representative. The local representative shall provide the Community Development Department with an electronic copy of any rental agreement by e-mail upon request. The house policies at a minimum shall include the following provisions:

a. Quiet hours shall be maintained from dusk to dawn during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.

b. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.

c. Must designate the appropriate parking for guests, approved by the Troup County Roads and Engineering Department.

d. Must designate the terms for garbage pickup.

e. Parties or group gatherings that exceed the maximum number of allowed guests and/or that have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

(v) The owner-applicant shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the county, which may include the revocation of the short-term rental permit.

(vi) The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the county, which may include the revocation of the short-term rental permit.

(e) Site Regulations.

(1) Short-term rental dwellings shall meet all applicable building, health, fire, and related safety codes at all times. For the purpose of the STR use application review, the Community Development Director or the Board may require fire marshal and building inspections prior to the application of a business license to ensure the safety of public welfare in regard to the special use application.

(2) Unless lower occupational limits are required by the Fire Marshal after inspection of the dwelling unit, the maximum number of bedrooms used for short-term rental use in the short-term rental dwelling shall be no greater than four. The total number of guests staying in the short-term rental dwelling at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum often (10) persons.

(3) One (1) full bathroom must be provided on each full floor.

(4) One (1) bathroom is required for every 2 bedrooms rented out. For purposes of this Section, "bedroom" shall mean a room of no less than 70 square feet, with a door from at least one common point in the residence, such as a hallway or living room, that can be closed, a closet, and a window.

(5) The distance requirement for short-term rental units is 2,640 feet (half mile), measured radially, from existing short-term rental units. This measurement is taken from all boundaries of the subject property, encompassing all property lines. No parking of vehicles (road or off-road), trailers, boats, or other towed equipment is permitted within the public right-of-way.

(6) A minimum of one parking space must be dedicated to STR use, and all parking must adhere to zoning regulations and any conditions of the Roads and Engineering Department.

(7) Exterior lighting shall be designed to prevent spillover onto adjacent property.

(8) Any proposed deviations from the approved site plan must be submitted and approved by the Community Development Director.

(9) The maximum daytime occupancy (between dusk and dawn) of any property to be used as a short-term rental shall be maximum occupancy plus four.

(10) Weddings, special events, commercial functions, and any other similar events that have the potential to cause traffic, parking, noise, or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

(f) Application Process. The Director is delegated the authority to prepare and maintain an application (Application) which shall specify and require the submission of such information and documentation as the Director deems necessary for the administration of this section in accordance with its purposes. An Application for a special use permit (See Article XVI. - Administration, Section 16.21-2) for a short term rental as defined in Section 3.1 of Article III of the Troup County Zoning Ordinance must be fully completed and accepted by the Director and additional information may be requested by the Director to determine impact and mitigation measures prior to consideration.

(g) Permit Processing.

(1) The application will be reviewed pursuant to the requirements of this section and other relevant state and county regulations after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community and the county at large. In addition to the review requirements for the special use applications, the Application shall also be reviewed at a minimum and without limitation with respect to the following matters:

a) The proposed short-term rental aligns with the comprehensive plan's objectives.

b) The proposed short-term rental is evaluated for the potential impact on available housing stock in Troup County.

c) The establishment of STR shall not harm significant historical, aesthetic, cultural, architectural, engineering features, or environmentally sensitive areas.

d) The establishment of STR shall not harm or place strain on existing county and state infrastructure.

e) The establishment of a short-term rental at the proposed location is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

f) The establishment of a short-term rental at the proposed site will provide an optimal visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the county and will help to ensure the collection and payment of hotel, motel, and bed and breakfast taxes.

(2) The Board of Commissioners may impose conditions on the granting of an application for a STR to mitigate the impacts of the proposed land use in addition to those required by this Section. Violations of additional conditions placed by the Board of Commissioners shall be a violation of this Section.

(h) Violations, Enforcements, Penalties, and Revocation:

(1) Short-term rental use, and/or advertisement for use, of a residential property in violation of this Section is a threat to public health, safety, or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated in the same manner as other public nuisances as provided in Chapter 35 of the Troup County Code. Any action for abatement shall be in addition to, and not in lieu of, enforcement by citation or accusation in a court of competent jurisdiction and upon conviction by any penalty or fine authorized by law.

(2) Each day any violation continues shall be a separate offense. The fines and penalties upon conviction for a violation of this Section shall be as follows:

First Offense	Second Offense	Third Offense	Fourth and Subsequent Offense
$250.00	$500.00	$750.00	$1,000.00

(3) Upon receipt of three (3) complaints arising from activities upon a permitted STR property that violate this Section within any two year period that are witnessed by law enforcement or code enforcement officers or substantiated by sworn affidavit or video/audio evidence, the occupational tax certificate and license to conduct STR business of the owner-applicant shall be automatically revoked subject to the same rights of appeal as set forth in Chapter 50 of the Troup County Code.

(4) In addition to any other penalties set forth in the Troup County Code, the Magistrate Court may assess a civil penalty, not to exceed $1,000.00 per day, after consideration of all relevant circumstances, including, but not limited to, prior notice and compliance history, the harm caused by the violation, the length of violation, any economic benefit gained from the violation, and any other factor as justice requires.

(5) The conduct of STR by the permit holder during a period of suspension shall, in addition to, and not in lieu of, all other legal remedies, criminal or civil, result in revocation of the STR permit.

(6) The penalties set forth in this subsection (h) are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by Troup County to address any violation or other public nuisance.

(Ord. No. 2023-03, § II, 11-15-2022; Ord. No. 2024-03, § III, 4-2-2024)

(15) Solar energy systems (SES).

(v) Ground-mounted SES shall be delineated by size as follows:

(i) Small-scale ground-mounted SES (small-scale SES) means a ground-mounted SES with a footprint of less than 5 acres.

(ii) Intermediate scale ground mounted SES (intermediate scale SES) means a ground mounted SES with a footprint of between 5 and 50 acres.

(iii) Large-scale ground-mounted solar energy system (large-scale SES) means a ground-mounted SES with a footprint of more than 50 acres.

Sec. B.7.7. Industrial uses.

(1) Junkyards, Junk Business, Salvage Operation, and/ Motor Vehicle Towing.

(a) To prevent the creation of public nuisances and ensure the safety, health and welfare of the citizens of Troup County, all junkyards, junk businesses and salvage operation/salvage yards in unincorporated Troup County shall be no less than 10 acres in area and shall be screened and buffered from view in accordance with sec. C.9.8.

(b) Motor Vehicle Towing.

(i) Areas where any towed vehicles are stored must be located a minimum of 300 feet from the nearest property with any zoning designation that allows residential dwellings.

(ii) Outdoor work/storage area where any towed vehicles are stored shall be in the rear yard only, surrounded by an eight-foot (8) solid visual barrier fence or wall. The visual barrier shall be painted or constructed of one (1) color and material providing a consistent appearance. The fence or wall shall provide screening of the outdoor work/storage area from the view of a public thoroughfare and all surrounding properties. The fence or wall shall be maintained perpetually and immediately repaired as needed. There shall be sufficient distance between stored vehicles and the fence or wall to allow for proper maintenance.

(iii) Vehicles shall not be stacked. Only one (1) vehicle height shall be permitted within the vehicle storage areas.

(iv) Motor vehicle towing services shall not allow objectionable smoke, noise, odors, or other adverse impacts on adjoining properties or the County. No burning of any waste materials is permitted unless it is part of an approved contained heat system specifically for the reuse of waste materials.

(v) Any draining of fluids or removal of batteries from wrecked or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface approved by the Community Development Director, Community Development Director, or designee. Any drained fluids shall be disposed of in a manner consistent with the Georgia Rules of Hazardous Waste Management and applicable Federal Regulations.

(vi) The site plan submitted with application for building permit or land disturbance showing the location of structures, storage area, fencing and/or wall materials and parking plan for employees, customers and compliance with American with Disabilities Act, shall be reviewed by the Troup County Health Department, Troup County Engineer, Community Development Director and Troup County Community Development Director, or designee for compliance with these standards.

(vii) The construction or operation of the motor vehicle towing service shall not add to the contamination of the soil, create additional drainage runoff, or alter topography in such a way that creates hazards to the site, adjoining properties, or the County.

(viii) The ground surface in the outdoor work/storage area shall be covered with gravel, asphalt, or concrete or other material as approved by the Community Development Director, engineer, or designee.

(ix) Vehicles may not be stored at an outdoor work/storage area for longer than 12 months. Code enforcement officer, Community Development Director, or designee may inspect records at any time the business is open for compliance with this requirement.

(x) No wrecked or towed vehicles may be towed to the tow truck operator's residence for any reason.

(xi) Towing and wrecker service businesses are a separate type of business from salvage yards and junk yards. Towing and wrecker service businesses that store and resell used vehicle parts or dismantle, demolish, and abandon inoperable vehicles shall comply with all Troup County Ordinances that are applicable to salvage and junk yards.

(2) Marinas. When located within SU-R and LR zoning districts, such uses shall only be permitted when located on United States Army Corps of Engineers property.

Sec. B.7.8. Public/Institutional uses.

(1) Day care facility.

(a) Where a day care facility, except an adult day care center, is allowed or requires a special permit, an outdoor play area must be provided and must meet the size, location, and fence requirements for playgrounds set forth in the Rules for Child Care Learning Centers as adopted and amended by the Georgia Department of Early Care and Learning pursuant to O.C.G.A. § 20-1A-1 et seq.

(b) Where a day care facility is allowed as of right or requires a special permit, it may be established and operated in the County only in accordance with the following policies and procedures:

(i) Persons seeking to operate a day care facility in the County must file an application with the County along with any fees established by the Board of Commissioners. Each day care facility application shall include a description of the program. The affidavit shall also certify that the proposed day care facility will meet and be operated in conformance with all state, federal, and local laws and regulations. The Community Development Director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed day care facility will meet applicable laws, regulations, and development standards.

(ii) If the Community Development Director determines an application to operate a day care facility is in compliance with the applicable requirements, the Community Development Director shall approve the application for permit, but the Certificate of Occupancy or approval for operation of any day care facility shall not be issued until the applicant has submitted proof of registration or authorization from the applicable Georgia Department to operate the day care facility.

(iii) Day care facilities must have a business license with the County.

(iv) No permit for the operation of a day care facility shall be transferable.

(v) No such facility shall be located within 1,000 feet of any other such facility.

(c) Where a day care facility is located within a single-family residential dwelling, the use is allowed as a home occupation, subject to the following:

i. No business license until the Department of Human Services of the State of Georgia issues a state license.

ii. No more than six (6) children.

iii. Property shall have sufficient driveway space so that no car has to back into a public road or street.

iv. Day care operation does not begin before 6:00 a.m. or later than 8:00 p.m.

(2) Elementary and secondary schools.

(a) Property shall have a minimum of 100 feet of frontage on a road or street.

(b) Front yard setback shall be a minimum of 40 feet.

(c) Parking lots shall not be located within 20 feet of any property line.

(d) Provide a continuous landscaped buffer at least 30 feet wide along all sides or rear property lines adjacent to residential uses, except for perpendicular crossings of driveways or utility lines.

(e) Accessory uses shall be limited to the following: Parking; Classrooms; Library; Assembly hall and kitchen for social and educational gatherings and meals; Gymnasium; Playground; Storage building; Nonprofit day care center, after school care, or pre-kindergarten (Pre-K); Outdoor recreation, provided that the property contains at least 5 acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.

(3) Places of worship.

(a) The following standards shall apply:

(i) Provide a continuous landscaped buffer at least 15 feet wide along all sides or rear property lines adjacent to SU-VL and UR-VL zoned property, except for perpendicular crossings of driveways or utility lines.

(ii) Accessory uses shall be limited to the following: parking; classrooms; library; assembly hall and kitchen for social and educational gatherings and meals; gymnasium; playground; storage building; day care facilities, after school care, or pre-kindergarten (Pre-K); outdoor recreation, provided that the property contains at least 5 acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.

Sec. B.7.9. Residential (Dwelling) uses.

(1) Manufactured Homes.

(a) Nonconforming Use. Nonconforming mobile/manufactured home parks lawfully existing at the time of adoption of this ordinance may be continued, but if such nonconforming use is discontinued for a period of 90 days, the manufactured home park shall be made to conform to the requirements of these regulations prior to its being occupied again. Any expansion or addition to an existing manufactured home park shall be in compliance with these regulations, as amended.

(b) Placement Application. An application for placement approval shall be completed, reviewed, processed, and advertising fees paid. No manufactured housing unit shall be moved, placed, added to the Troup County property digest, issued a decal, or building permit until a placement approval is provided by said application. The application shall be available in the Community Development Department.

(c) Issuance of Permit. Any owner of a manufactured home, whether locating or relocating said manufactured home, shall obtain a building permit from the Building and Inspections Department of Troup County indicating compliance with all applicable codes before any person or persons are authorized to occupy any newly installed manufactured home.

(d) Permit Procedures. A manufactured home permit to move a manufactured home into or within the County shall not be issued until the following conditions have been met in accordance with established procedures.

(e) All manufactured homes must be located at an approved manufactured home space or in an approved manufactured home park, subject to the requirements of this ordinance.

(f) For individual lots outside of a manufactured home park, a septic tank certificate shall be obtained from Troup County Health Department for onsite sewage disposal, or in the event that sewer will be provided, a letter shall be provided by the local government providing the service verifying they will allow public sewer hookup.

(g) For purposes of this section, the building and inspections office shall issue the aforementioned building permit, and the health department shall issue the aforementioned septic tank certificate. Upon issuance of the required permits, a manufactured home may be moved into the County or within the County and installed for occupancy, provided it has obtained approval either from the Board of Commissioners or the Community Development Director if it is a replacement manufactured home.

(h) All manufactured homes located in the unincorporated County shall adhere to the appearance standards for type I (individual housing lots outside manufactured home parks) or type II housing (for manufactured homes located in manufactured home parks) set forth in Article B.5. Civic Design.

(i) All manufactured homes or offices located on individual lots that meet or exceed the housing appearance standards for type I houses may be considered for approval at the discretion of the Community Development Director, provided that the proposed manufactured housing unit (MHU) meets all of the following:

  (i) The proposed MHU meets the standards for type I houses in Sec. B.5.2;

  (ii) Preowned manufactured home units shall be required to obtain the following before being approved to locate or relocate into the county:

    a. A signed affidavit that the pre-owned unit meets health and safety standards.

b. Photographs providing evidence that the minimum health and safety standards are met.

c. Inspection. The building inspector

d. or code enforcement officer shall inspect the pre-owned manufactured home unit prior to it being relocated to or within the county. If located outside of the county, an inspection report provided by a reputable inspector will be accepted. The lot on which the MHU is to be sited is a conforming lot, and the site meets the zoning district's requirements.

(iii) The MHU is a replacement manufactured home or office unit;

(iv) A permit for the demolition shall be issued for any residential structure existing on the lot, parcel, or tract on which the manufactured unit is to be located prior to any replacement manufactured unit;

(v) No existing MHU to be replaced may be converted for use as an accessory structure (storage);

(vi) The MHU is a replacement home located on a parcel where a manufactured home has not been physically located for more than 10 years, and a site inspection by the Community Development Director has been conducted to determine if conditions of the original approval have changed.

(vii) Some conditions that may cause denial of administrative approval are: Changes in zoning of the subject or surrounding parcels; Area has been developed with uses not compatible with manufactured home placement; Property owner being in violation of nuisance or other County ordinances at the time of application; Other conditions that require a variance; and Decal and property taxes are current.

(j) All other manufactured home placement applications shall be approved by the Board of Commissioners prior to being issued a permit. An application for Manufactured Home Placement may be obtained from the Community Development Department. The application will be put on the next regularly scheduled Board of Zoning Appeals and Planning Commission agenda for a recommendation from that body to the Board of Commissioners for approval, denial, or continuance. There will be a public hearing and notice posting as required in Article B.12.

(k) Minimum Construction Standards. Each newly installed manufactured home in Troup County shall conform to the minimum construction standards required by U.S. Housing and Urban Development (HUD), as required by the National Mobile Home and Safety Standards Act of 1974, 42 U.S.C., section 5401, et seq., before that manufactured home is entitled to receive any utility service to said

manufactured home. It is the intent of this section of this ordinance to prohibit moving manufactured homes into Troup County that do not conform to the applicable housing and urban development construction standards, as expressed in 42 U.S.C. section 5401 et seq., and regulations established pursuant to that Act. To that end, no manufactured home shall be allowed to locate or relocate for permanent or temporary occupancy in this County unless that manufactured home complies with the minimum construction standards required by HUD, which compliance must be evidenced by the affixation of a permanent label or tag certifying the compliance. Manufactured homes that do not display certification compliance shall not be eligible for a Troup County building and/or occupancy permit. Any manufactured home in Troup County that legally exists at the time of adoption of this ordinance that displays certification compliance shall not be required to have certification. However, any manufactured home that does not display certification shall be considered a nonconforming structure and shall not be relocated to any other site within the County.

(l) Minimum health and safety standards for pre-owned manufactured home units:

(1) HUD Code: Every pre-owned manufactured home unit located in the county shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 41 U.S.C. 5401-5445, and shall not have been altered in such a way that the home no longer meets the HUD code.

(2) Interior condition. Every floor, interior wall, and ceiling of the pre-owned manufactured home unit shall be in sound condition. Doors and windows shall be operable, watertight, and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

(3) Exterior condition. The exterior of all pre-owned manufactured homes 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 occupied spaces. The exterior siding shall be free of rot and rust. 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. The exterior appearance shall be similar to that of a new home.

(4) Sanitary facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected.

(5) Electrical systems. Switches, receptacles, fixtures, etc., shall be properly installed and wired and in working condition.

(6) Egress windows. Each bedroom shall have at least one operable window of sufficient size to allow egress if necessary.
(7) Ventilation: The kitchen shall have at least one operating window or other ventilation device.
(8) Smoke detectors. Each pre-owned manufactured home unit shall contain one operable battery-powered smoke detector in each bedroom, which must be installed in accordance with the manufacturer’s recommendations.

(m) Installation Requirements. All newly installed manufactured homes shall be permanently connected to water, sewerage, and electrical service in compliance with applicable health codes and Department of Human Resources (DHR) rules in Chapter 120-3-7 Rules and regulations for manufactured homes, including rules made and promulgated by the Georgia State Fire Commissioner. All manufactured homes shall be installed on an approved pier system and secured with approved tie-down devices, an approved plumbing system, an approved electrical system, and an approved landing at each exit as required by the aforementioned rules, regulations, and in compliance with appearance standards for the appropriate zoning district. Each manufactured home shall be installed such that the finished floor level of the manufactured home shall not exceed an average height higher than 80 inches in elevation from the finished grades, in accordance with Chapter 120-3-7 Rules and regulations for manufactured homes. All manufactured homes shall be installed to meet the manufacturer's regulations. At the time of inspection, the space beneath each manufactured home shall be enclosed by cement blocks with mortar with the exception of ventilation and access openings, and in compliance with appearance requirements in article B.5. The residential zone of each manufactured home will dictate which type it must meet (see sec. B.5.2). The enclosing materials shall extend from the lower edge of the exterior walls of the manufactured home to the ground surface level of the pad on which it is located. All ventilation and access openings shall be covered with wire mesh screen or its equivalent.

(n) Inspection for Manufactured Homes. The following requirements shall pertain to the installation of manufactured homes on individual lots or in parks.

(o) Foundation. The building inspector shall require the foundation to be inspected to ensure compliance with the rules and regulations for manufactured homes, as may be subsequently revised. These rules and regulations for manufactured homes are incorporated as a part of this ordinance by reference. Until the foundation is inspected and approved by the building inspector, no additional work will be approved.

(p) On-Site Sewerage. Where individual on-site sewerage systems are installed with public or community water systems, the minimum lot size shall be no less than required in the zoning district in which the home is located. All on-site sewerage systems shall be subject to the Troup County Health Department's approval.

(q) Electrical. The building inspector shall require inspection of the external electrical system to ensure compliance with the current National Electrical Code, as amended.

(r) Gas. The building inspector shall require inspection of the external gas system to ensure compliance with the current standard gas code, as amended.

(s) Inspections/Certificate of Occupancy. Until these inspections have been made and the manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted. Evidence of compliance will be shown by written documentation provided to the applicant and a sticker attached to the electrical meter base.

(t) Occupancy of Recreational Vehicles. No recreational vehicle shall be permanently occupied within any manufactured home park development, nor connected to permanent water or electrical power, and no manufactured home location permits shall be issued for recreational vehicles.

(2) Manufactured Home Parks.

(a) Procedures for Development. Manufactured home parks may be developed on any parcel of land that is zoned or may be zoned for a manufactured home park (SD-MH). Where three (3) or more homes are located on one (1) tract of land, it shall be defined as a manufactured home park, and any expansion of existing manufactured home parks shall meet the requirements of this section. All manufactured home parks developed after the adoption of this ordinance shall meet the following site plan requirements:

(b) Site Plan Approval Required. All manufactured home park developments shall require site plan approval by the Board of Zoning Appeals and Planning Commission in accordance with the procedures and requirements established herein. Site plans required herein for the placement of three (3) or more residential units shall contain the seal of a Georgia-registered engineer or surveyor. No building permits shall be issued for sites within any development until final approval is granted, subject to all park plan requirements.

(c) Park Plan Submittal Requirements. All park plans shall be submitted to the Community Development Director, accompanied by the required fee payment as established by Troup County.

(d) The name of the proposed park, and the name, address, and telephone number of the applicant.

(e) Location map and legal description of the manufactured home park, north arrow (designated magnetic or true).

(f) Complete plans to scale of one (1) inch equals not more than 100 feet and specifications of the proposed park showing:

(i) The area and dimensions of the tract of land, including topographic data at a contour interval of not more than five (5) feet or an interval appropriate for decision making on the tract, and including the location and type of soils on the tract. Statement of accuracy signed by surveyor, engineer, or soil scientist as applicable.

(ii) The number, location, and dimensions of all manufactured home lots.

(iii) The location and width of roads or streets; the location and size of drainage mechanisms proposed, including the size of each application drainage area.

(iv) The location of service buildings (laundry service, office, community building, etc.) and other proposed structures.

(v) The location of water and sewer lines and riser pipes.

(vi) The plans and specifications of the water supply and refuse disposal facilities.

(vii) The plans and specifications of all buildings to be constructed within the park.

(viii) The location of road or street lights, if applicable.

(ix) The locations of bulk refuse containers, perimeter walls, and park signs.

(x) A soil erosion and sedimentation plan meeting the requirements of the Soil Erosion and Sedimentation Act.

(xi) The certification from the appropriate authority on water and sewer acceptability.

(g) Development Compliance. All required improvements, according to the site plan approved by the Board of Zoning Appeals and Planning Commission, shall be installed in each phase before the issuance of building permits.

(h) Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every manufactured home park shall adhere to the following:

(i) All roads or streets shall be paved with curb and gutters, and in accordance with Troup County standards.

(ii) All areas designated as yards shall be planted with grass or acceptable vegetative shrubs or flowers.

(iii) Any walkways to front or back entrances shall be covered with stone or other solid material capable of preventing soil erosion and eliminating objectionable dust.

(i) Location and Frontage. A manufactured home park development shall be located on property with a minimum frontage of 100 feet on a public road or street.

(j) Site Drainage Requirements. The ground surface in all parts of every park site shall be graded and equipped to drain all water in a safe, efficient manner.

(k) Roads and Streets. All manufactured home parks shall contain a road or street system designed to provide convenient circulation within the park, and shall have at least one unobstructed access to a public road, street or highway for every 30 homes. The following requirements shall apply to the development of the park street system.

(l) All internal streets shall meet the minimum requirements of Troup County standards for roads and streets.

(m)All cul-de-sacs shall be constructed with a minimum 50-foot radius.

(n) All park streets shall be maintained in good repair at all times by the owner(s) of the park if roads or streets are private.

(o) Street design, base preparations, and surface construction materials shall meet the requirements of the County road and street standards. Written approval of the road/street system by the County engineer shall be required and any required maintenance or performance bonds shall be received by the roads and engineering department before any building permit is issued.

(p) Road and street naming, address assignment and display shall comply with the Troup County Comprehensive Address Assignment and Display Guide.

(q) Off-Street Parking Requirements. A minimum of two off-street parking spaces per lot shall be provided in all manufactured home parks for the use of park occupants and guests.

(r) Lot Area and Width. A manufactured home park development shall have a minimum area of 10 contiguous acres with 30 percent for roads, streets and other improvements including the requirements of 11.3-8. Individual unit spaces shall consist of a minimum 1,200 s.f. per unit.

(s) Recreation and Other Community Facilities. Not less than 10 percent of the total area of the development shall be devoted to recreation and other facilities such as a laundry, community center or other similar facilities.

(t) No manufactured home or accessory building or structure shall be located closer than 50 feet to any park perimeter property boundary.

(u) Each manufactured home shall be setback from any other manufactured home by at least 40 feet.

(v) There shall be a minimum distance of 25 feet between any individual manufactured home and an adjoining street, common parking areas, or other common areas.

(w) Perimeter Buffer Required. An undisturbed buffer consisting of trees and other landscaping material at least 50 feet in width shall be provided and maintained around the entire perimeter of a manufactured home park. Provided, however, any underground utilities may be placed within this buffer, but no closer than 25 feet from the perimeter of the park boundary. The property owner shall be responsible for the maintenance of the buffer, which shall be so maintained as to present a neat and orderly appearance and shall be kept free from refuse and debris.

(x) Lighting. All manufactured home parks shall have lighting of height, spacing and intensity so that each home site is accessible, and parking is appropriately illuminated.

(y) Governmental Water System: All manufactured home parks shall connect to an existing public water system if such system is located within 1,000 feet of the proposed park. The availability and adequacy of a public water supply shall be confirmed by the applicable agency having jurisdiction. If the public water supply is determined to be unavailable or inadequate for service, the Board of Zoning Appeals and Planning Commission may waive the requirement and allow an alternative water supply source.

(z) Non-Governmental Water System: Well and water distribution system must meet the standards for a community water system in accordance with the rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for safe drinking water", as amended and be approved by the Troup County Health Department.

(aa) Sewerage Disposal and Treatment: All manufactured home parks shall be required to provide either:

(i) A public sewerage treatment system approved by the Georgia Department of Human Resources; or

(ii) An onsite sewerage management system approved by the Troup County Health Department.

(iii) An onsite sewerage treatment system that is approved by the Georgia Department of Natural Resources, Environmental Protection Division. On-site, decentralized systems shall meet the requirements of Troup County.

(bb) Electrical: All electric installations shall meet the requirements of the current National Electrical Code, as amended.

(cc) Refuse Collection Facilities: Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two (2) individually covered refuse containers having a capacity of 30 gallons or more for each occupied lot. Bulk containers shall be enclosed with a minimum of four (4) feet high chain link fence and placed upon a concrete pad, extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor, or breed insects, rodents, or any manner of vermin or pest.

(dd) Service Buildings. Accessory structures and community service facilities are hereby permitted for the convenience and well-being of park residents. Such structures shall conform to the International Building Codes adopted by Troup County, as amended, and may include, but are not limited to, the following uses:

(i) Park management offices and storage;

(ii) Community postal facilities;

(iii) Indoor community recreation areas; and

(iv) Others as listed in the table of permitted and prohibited uses in Section. B.6.1.

(ee) Restrictions on Occupancy: A manufactured home shall not be occupied for dwelling purposes unless it has met the installation requirements in this ordinance. The manufactured home shall require the approval and inspection by a Building Inspector of Troup County.

(3) Residential dwellings. All residential dwelling uses shall be occupied by the same person or family for 30 or more consecutive days and shall be prohibited from having paying guests for less than 30 days.

Sec. B.7.10. Residential (Group Living) uses.

(1) Personal Care Home, Assisted Living Facility, Nursing Homes

(a) All Facilities. Where a personal care home, assisted living facility, or nursing home is allowed or requires a special permit, it is subject to the following:

(i) Persons seeking to operate such a facility must file a permit application with the County along with any fees established by the Board of Commissioners.

(ii) Each permit application shall include an affidavit that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the County.

(iii) All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the County permit application.

(iv) The Community Development Director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations, and development standards.

(v) If the Community Development Director determines that an application to operate the facility has met all applicable requirements including the applicable permit requirements delineated in the Table of Permitted and Prohibited Uses for the respective zoning district of the proposed use, the Community Development Director shall approve the application for a permit, but the permit for operation shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.

(vi) No permit for the operation of the facility shall be transferable.

(vii) No facility shall be operated without both a valid permit from the County and a valid license from the State of Georgia Department of Community Health.

(viii) No such facility shall be located within 1,000 feet of any other such facility.

(ix) All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.

(x) No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.

(xi) The managing caregiver of a personal care home (one (1) to three (3) residents) must be a full-time resident of the facility. The managing caregiver shall not count towards the one (1) to three (3) residents requirement.

(xii) All new construction or exterior alterations of existing buildings shall be in harmony with the scale and design of surrounding buildings.

(xiii) A floor plan to scale, health department approval, and fire marshal's approval shall be submitted with the application/permit request to the building/zoning/planning office. The floor plan shall show the basic layout, including, but not limited to, bedrooms, kitchen, living area, and bathrooms.

(xiv) Smoke detectors shall be installed on each floor level and in all sleeping areas.

(xv) There shall be two (2) exits per floor level, at least one (1) of which per floor level must be handicapped accessible. All exit doors will be able to be opened from the inside. Deadbolt locks rather than key lock systems shall be used on all exit doors.

(xvi) Emergency lighting with battery backup shall be installed in all facilities.

(xvii) Fire extinguishers shall be included, type and size to be determined by the fire marshal.

(xviii) Exit lights shall be placed in appropriate areas and will be hard-wired with battery backup.

(xix) All personal care facilities will meet occupancy load requirements as per the Community Development Director and fire marshal requirements.

(b) Personal Care Home, Assisted Living, Nursing Home Requiring a Public Hearing. When a personal care home, assisted living facility, or nursing home requires a special permit, the following items shall be considered in determining whether the facility shall be approved:

(i) The impact of the facility in view of the use and development of adjacent and nearby properties.

(ii) The impact that the proposed facility will have on public safety, traffic on public roads, streets, transportation facilities, utilities, and other public services.

(iii) The impact that the proposed facility will have on established property values and on the health, safety, comfort, and general welfare of the residents of the County.

(2) Rooming house, Boarding house.

(w) Where a rooming house or boarding house is allowed as of right or as a special permit, the minimum floor area of each bedroom must be 80 square feet of usable floor area per occupant.

(x) Such uses shall be required to obtain a business license.

Sec. B.7.11. Temporary uses.

(1) Construction field office.

(a) Temporary buildings used only in conjunction with construction work are permitted in any district but must be removed immediately upon completion of the construction work.

(b) Such uses shall only be occupied during normal business hours.

(c) Such uses shall be prohibited from being used for sleeping accommodations.

(2) Open-air seasonal sales.

(a) It is unlawful for any person to place, use, or employ open-air sales on private property without first obtaining a special event permit (see article C.6).

(b) A set of operating rules addressing hours of operation, maintenance, and security must be prepared and submitted with a permit application.

(c) A site plan must be provided that depicts the proposed location of the sales area, including any tents, fencing, temporary buildings, generators, and lights.

(d) The on-site presence of a manager during hours of operation is required.

(e) Activities cannot obstruct pedestrian or vehicular circulation, including vehicular sight distances.

(f) Any temporary structures used in association with the use must be removed within 48 hours after the final day of sales.

(3) Real estate sales offices and model homes. Temporary buildings used only in conjunction with real estate sales offices and model homes are permitted in any district but must be removed immediately upon completion of the sales of homes in the respective development.

(4) Special events (private).

(a) See article C.6 of the UDO for regulations pertaining to special events.

(5) Temporary portable storage container.

(a) In the AG-R, LR, SU-R, SU-VL, UR-VL, and SD-MH zoning districts, temporary storage containers shall be temporarily authorized as an accessory structure only when in compliance with each of the following requirements:

(i) Only one (1) temporary storage container is authorized per lot for a period of time not to exceed 90 days in any 365-day period. This 90-day time limit may be extended only by issuance of a building permit for an accessory shed/garage structure pursuant to or when such use is associated with an active building permit.

(ii) Temporary storage containers shall not be located within 10 feet of any property line. Temporary storage containers shall not be located within any public right-of-way, road, street, or sidewalk unless a permit to do so has been issued, provided that no such permit may exceed the 90-day time limit set forth in subsection (i) above.

(6) Warming centers.

(a) Warming centers shall be permitted when weather conditions pose a hazard to the health of vulnerable persons in the community.

(b) Warming centers shall be prohibited from being operational for more than 180 days in a calendar year.

(c) Warming centers shall not be located within 1,000 feet of another warming center.

(d) Warming centers shall provide proof of affiliation with an established non-profit organization.

(7) Yard/Garage sales.

(a) Only three (3) yard sales are permitted per property per year.

(b) A yard sale shall not exceed 96 continuous hours and must be held in conjunction with a weekend.

(c) Vehicular parking shall not be permitted in locations otherwise prohibited by this article or other County regulations.

ARTICLE B.8. OFF-STREET PARKING STANDARDS

Sec. B.8.1. General requirements.

(1) It is the intent of the UDO that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.

(2) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.

(3) No addition, renovation, or change of use to an existing building shall be constructed that reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

(4) The parking lot shall not be modified, enlarged, relocated, or expanded in a manner that violates any portion of the UDO.

Sec. B.8.2. Minimum number of parking spaces required.

(1) For any use not listed, the Community Development Director shall determine the proper requirements by classifying the proposed use among the uses specified herein to assure equal treatment. In making any such determination, the Community Development Director shall follow the principles set forth in the statement of purpose for Appendix B of this UDO.

(2) Excess parking spaces in CR, UR-VL, LC, HC, LI, and HI districts. Any parking not included within a parking structure that is greater than 200 percent of the minimum number of off-street parking spaces required by type of permitted use shall be "Grasscrete," "Grasspave," or other pervious paving or grass paving systems as approved by the Community Development Director.

(3) The following table states the minimum number of off-street parking spaces required by use.

Minimum Parking Table

Use	Parking Ratio
Single-family dwellings, detached	1 space per unit
Single-family dwellings, attached	1 space per unit
Townhome dwellings	1 space per unit
Two-family dwellings	1 space per unit
Manufactured home dwellings	1 space per unit
Multi-family dwellings (1 bedroom)	1 space per unit
Multi-family dwellings (2+ bedrooms)	1.5 spaces per unit
Group living residential uses	1 space per 2 bedrooms
Places of worship	1 space per eight seats in the sanctuary or meeting room where seating is fixed, or 1 space per 50 square feet of gross floor area of the sanctuary or meeting room where seating is not fixed
Schools, public or private, elementary and middle	2 spaces per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed, or 1 space per 50 square feet of gross floor area of the auditorium or assembly area where seating is not fixed
Hotels, motels	1 space per guestroom
Conference and meeting facilities, a place of lodging	1 space per 40 square feet of floor area of the largest assembly room where seating is not fixed
Fraternity and sorority houses	1 space per bed
Industrial and agricultural uses	2 spaces per 1,000 square feet of floor area
Offices	4 spaces per 1,000 square feet of floor area
Hospitals	2.5 spaces per hospital bed
All other uses	1 space per 300 square feet of floor area

Sec. B.8.3. Shared parking.

(1) Reduction of parking requirements through a shared parking arrangement may be granted by the Community Development Director.

(2) A to-scale map indicating the location of proposed parking spaces shall be provided. The said map shall note the number of spaces in each parking area.

(3) A shared parking study conducted by a professional engineer or architect shall be provided that demonstrates that each use will have adequate parking provisions at all times. Said calculation must receive Community Development Department review and approval. The study shall document that the arrangement avoids conflicting parking demands and provides for safe pedestrian circulation and access.

(4) For properties sharing parking spaces under this provision, parking leases shall be filed establishing access to the parking spaces for a minimum duration of 12 months, and documentation of filing provided to the County.

(5) Shared parking agreements shall be fully executed and submitted to the Community Development Department for review prior to receiving a Certificate of Occupancy or Completion.

(6) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.

(7) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Community Development Director for an evaluation and confirmation of the change. If the Community Development Director finds that the parking reduction is no longer justified, the Community Development Director shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

Sec. B.8.4. Bicycle parking.

(1) Non-residential and multi-family uses in UR-VL districts shall provide bicycle parking spaces at a ratio of at least one (1) bicycle parking space for every 20 automobile parking spaces.

(2) No development shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of 30 spaces.

(3) Bicycle parking spaces shall be located within 200 feet from the primary pedestrian entrance of the use requiring the bicycle parking, or in a location as approved by the Community Development Director.

(4) Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Community Development Director. The rack shall be anchored to a concrete pad.

Sec. B.8.5. Electric vehicle charging stations.

(1) Electric vehicle charging stations are permitted in all off-street surface parking lots and multi-level parking structures in the County.

(2) Spaces for electric vehicle charging shall be identified by pavement markings and by appropriate signage.

(3) Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces, but shall not be counted toward the maximum.

(4) The owner of the property shall be responsible for the maintenance and operation of electric vehicle charging stations.

Sec. B.8.6. Parking lot standards.

(1) Off-street surface parking location.

(a) Lots within UR-VL districts shall be permitted to have a maximum of 50 percent of all provided automobile parking located between the building and the road or street.

(b) All other districts shall be permitted to have automobile parking located between the building and the road or street.

(2) Required dimensions for each parking space. Each automobile parking space shall be not less than eight (8) and one (1)-half feet wide and 18 feet deep. Parking spaces for compact cars shall not be less than eight (8) feet wide and 15 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way.

(3) All off-street surface parking lots shall:

(a) Have access to a public road, street, or private drive;

(b) Be graded and paved with asphalt or concrete, including access drive(s), and be curbed when needed for effective drainage control;

(c) Have all spaces marked with painted lines, curbstones, or other similar devices;

(d) Be drained so as to prevent damage to abutting properties or public roads or streets, and where possible shall be drained towards infiltration swales located in the five (5)-foot, head-to-head landscape strips required between vehicles;

(e) Provide current or the ability for future inter-parcel access to adjoining off-street surface parking areas;

(f) Have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. The lighting shall be designed to comply with Section. B.5.6 (outdoor lighting);

(g) Be designed so that wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete a minimum of six (6) ft. long, five (5) inches high and six (6) inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space;

(h) Be designed to facilitate safe and convenient use by pedestrians; and

(i) Provide safe pathways from aisles of parking to the nearest building entrance and to the adjacent sidewalks for parking areas with more than 50 parking spaces. Such pathways shall be at least five (5) feet wide and consist of raised pathways constructed of pavers or other contrasting material.

(4) Developments shall be permitted to provide compact parking spaces to meet parking requirements.

(5) Within the commercial and industrial corridor areas:

(a) All parking areas shall be paved with asphalt, concrete, or any approved environmentally sustainable material.

(b) Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

(c) All areas for parking, loading, or vehicular drives shall be paved, curbed, and guttered.

(d) No parking shall be permitted on the highway right-of-way. All parcels shall provide sufficient off-street parking to meet their individual needs. No off-street parking space shall be constructed that requires the backing of vehicles into a public road or street.

Sec. B.8.7. On-street parking.

(1) In UR-VL zoning districts, the Community Development Director may approve credit for on-street parking spaces as a means to reduce the off-street parking requirements for a parcel.

(2) On-street parking stalls shall be marked and shall measure as follows:

(a) For standard spaces: A minimum of seven (7) feet six (6) inches in width and 22 feet in length

(b) For compact spaces: A minimum of seven (7) feet six (6) inches in width and 20 feet in length.

Sec. B.8.8. Stacking spaces for drive-through service windows and drive-through facilities.

(1) Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:

(a) Inbound stacking spaces shall be provided before the first service window as stipulated below, and at least one (1) outbound stacking space shall be provided after each service window of a drive-through facility.

(b) Each stacking space shall be a minimum of 16 feet long.

(c) Designed stacking spaces shall not interfere with the circulation of the lot or free movement or access to parking spaces.

(d) Restaurants with drive-through service windows shall provide a minimum of 10 stacking spaces for inbound drive-through customers and one (1) additional outbound space after each service window.

(e) Other facilities with drive-through service windows shall provide three (3) stacking spaces for each window or drive-through service facility.

(f) Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.

(g) Stacking lanes shall be a minimum of eight and 1/2 (8½) feet adjacent to the service window.

(h) All stacking lanes shall be at least 75 feet from an intersection with the nearest road, street, or internal driveway. The distance is measured from the back of the stacking space nearest the entrance to the curb line of the nearest intersection.

(i) Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

Sec. B.8.9. Landscaping in parking lots.

See sec. C.9.17 for parking lot landscaping requirements.

Sec. B.8.10. Additional parking provisions.

(1) The following requirements shall apply to all uses:

a. Commercial vehicles, licensed by the State, buses, and recreational vehicles shall not be allowed to park overnight on a road or street.
b. No driveway shall be constructed so as to require a vehicle to back into oncoming traffic. All driveways shall provide some mechanism for vehicles to turn and face oncoming traffic.
c. Recreational vehicles, campers, buses, trailers, boats, boat trailers, and single tractor trailers shall be parked in side and rear yards.

(2) The following requirements shall apply to the AG-R, SU-R, LR, and SD-MH zoning districts.

a. No commercial vehicle as licensed by the State with a gross vehicle weight (GVW) exceeding 11,000 pounds shall be allowed unless it can be completely enclosed.
b. Any major auto repairs, such as building motors, transmissions, or heavy body work, shall be done in an enclosed accessory building or on a section of property not visible from any public road or street.
c. There shall be no storage of inoperable vehicles on private property except as follows:
   (i) That any person lawfully engaged in the repair of a damaged or inoperable vehicle may temporarily store one (1) such vehicle on private property without the necessity of screening for a period not to exceed 30 days;
   (ii) Inoperable vehicles may be stored for more than 30 days when fully screened from the public road or street and surrounding properties.

(3) The following requirements shall apply to the SU-VL and UR-VL zoning districts.

a. Parking of commercial vehicles as licensed by the State with a gross vehicle weight (GVW) exceeding 11,000 pounds shall be prohibited.
b. Major auto repairs such as building motors, transmissions, or heavy body work shall only be permitted within enclosed buildings.
c. Storage of inoperable vehicles on private property shall be prohibited.

ARTICLE B.9. OFF-STREET LOADING STANDARDS

Sec. B.9.1. Provision of off-street loading.

(1) This section shall apply to all activities related to loading and unloading.

(a) Loading activities within 150 feet of zoning districts that allow residential uses shall only be permitted Monday through Friday from 7:00 a.m. to 10:00 p.m. and on Saturdays from 9:00 a.m. to 9:00 p.m.

(b) In no case shall loading activities hinder or obstruct the free movement of vehicles, cyclists, and pedestrians over a road, street, sidewalk, alley, or interrupt parking lot circulation.

(c) All off-street loading activities and access shall be provided with an asphalt or concrete surface.

(d) Loading structures and bays associated with loading areas shall be either screened or placed upon a site in a manner that prohibits visibility of such areas from a public right-of-way.

(e) Loading spaces.

(i) When required, one (1) or more off-street loading space shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.

(ii) A loading space shall have minimum dimensions of 12 feet wide and 35 feet deep.

(iii) The loading space shall maintain overhead clearance of 14 feet.

(iv) All off-street loading spaces shall have access from an alley, or if there is no alley, from a road or street.

(f) Minimum loading space requirements for non-residential uses:

Loading Table

Gross Floor Area	Required Loading Spaces
0 – 49,000 square feet	1
49,000 – 100,000 square feet	2
100,000 – 160,000 square feet	3
160,000 – 240,000 square feet	4

240,000 – 320,000 square feet	5
320,000 – 400,000 square feet	6
Each 90,000 above 400,000 square feet	1

(2) Within the commercial and industrial corridor areas:

(a) No loading or unloading of material shall take place in any front or side yard of any parcel that fronts on the highway right-of-way.

(b) Buildings will be designed to provide service entrances and loading areas at the rear.

(c) Should the building orientation angle to the primary road or street allow the loading area to be visible from the primary road or street, then the loading and unloading area shall be screened from the primary road or street.

ARTICLE B.10. SIGN REGULATIONS

Sec. B.10.1. Sign ordinance.

This article shall be known and cited as the "Sign Ordinance."

Sec. B.10.2. Findings and objectives.

(1) Troup County finds that signs are a proper use of private property, are a means of personal free expression, and are a necessary component of a commercial environment. However, the number of signs tends to proliferate, with property owners desiring an increasing number and size of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

(2) Troup County finds that the regulation of the size, height, number, location and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the County, to protect the public investment in the roads, streets and highways, to maintain the tranquil environment of residential area, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the County's citizens.

(3) Troup County finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety, either through direct control of traffic or through provision of such types of signage as road or street signs, which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The County commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from road or street excavations. Even where signs serve a proprietary purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

(4) Troup County finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of location addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. B.10.3. Intent and purpose.

(1) The intent of this article is to further the substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this ordinance. It is not the intent of this ordinance to apply regulations to signs based upon the message that they convey.

(2) The purposes of this article are:

(a) To protect the rights of individuals and businesses to convey their messages through signs;

(b) To encourage the effective use of signs as a means of communication;

(c) To promote economic development;

(d) To improve traffic and pedestrian safety, as it may be affected by distracting signs;

(e) To regulate signs by zoning district, size, height, location on a lot, number, methods of construction, maintenance, and illumination;

(f) To prevent the destruction of the natural beauty and environment of the County and to maintain and enhance the aesthetic environment of the County;

(g) To protect the public health, safety, and general welfare;

(h) To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this section and to eliminate, over time, all nonconforming signs;

(i) To ensure the fair and consistent enforcement of sign standards; and

(j) To further the objectives of the County's Comprehensive Plan.

Sec. B.10.4. Application of regulations.

The provisions of this ordinance shall apply to all signs that are or are intended to be viewed from a public right-of-way, private roads, streets, or adjacent property, erected in the unincorporated areas of Troup County, Georgia, or specifically exempted from compliance with this ordinance. The provisions of this article do not apply to any sign not visible from public or private thoroughfares or adjacent properties, or any sign within a business, office, or other totally enclosed area.

Sec. B.10.5. Signs not requiring a permit.

The following are exempt from permitting requirements imposed by this article, but must meet all applicable regulations of this article:

i. Window Displays: Window displays of goods available on a site are not considered to be signs and are exempt from these regulations.

ii. Window Signs: Window signs shall be allowed in the CR, UR-VL, HC, LI, and HI zoning districts, provided they do not exceed 50 percent of the total window area.

iii. Brand names and logos: Brand names or logos on products, product containers, or product dispensers (such as, but not limited to, a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.

iv. Official signs: Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as, but not limited to traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Cush signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority, and at such other locations as a governmental body, governmental agency, or public authority may direct.

v. Addresses: Numerals displayed for the purpose of identifying property location.

vi. Flags: Flags must meet the following requirements:

(a) All flags shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. For non-agricultural/non-residential properties, flagpoles shall not exceed the height limit of the applicable zoning district, or 50 feet, whichever is less. Flagpoles on agricultural or residential properties shall not exceed 25 feet in height.

(b) Flags shall be limited to no more than 60 square feet in area.

(c) Each single 2-or two-family residential lot shall be allowed one (1) flagpole.

(d) Each multi-family, institutional, commercial, industrial, or mixed-use lot shall be allowed a maximum of three (3) flagpoles.

(e) A maximum of two (2) flags shall be allowed per flagpole.

(f) Flags and flagpoles shall be maintained in good repair, and to the extent applicable, shall be in compliance with the building code. Flagpoles with broken halyards shall not be used.

(g) On officially designated City, County, State, or Federal holidays, there shall be no maximum flag size or number or other limitations of the display of flags.

(h) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this article.

vii. Incidental Signs: Small signs and postings as defined in this article of no more than 2 square foot, provided that the aggregate of all such signs on a property may not exceed 16 square feet.

viii. Temporary Freestanding Signs: Signs designed for temporary display and not permanently affixed to the ground that do not exceed an aggregate sign area of nine (9) square feet per lot in all zoning districts. Such signs shall have a maximum height of three (3) feet from ground level and be set back at least two (2) feet from any right-of-way and shall be limited to 30 consecutive days and a total of 90 days per year.

ix. Property approved for Agritourism or Rural-Tourism will be allowed signs as permitted in the zoning district and any signage allowed as a condition of the special permit process.

x. Sidewalk and sandwich board signs: Each tenant space is permitted one (1) sandwich board sign subject to the following requirements:

(a) Each sign shall not exceed 30 inches wide by 45 inches tall.

(b) Each sign must be located within 10 feet of the pedestrian entrance of the premises.

(c) Each sign shall not obstruct a continuous through pedestrian zone of at least five (5) feet in width.

(d) Such a sign may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.

xi. Weekend Signs: Weekend signs shall be allowed, subject to the following requirements:

(a) Such signs shall be allowed only on Fridays from 12:00 PM through Tuesdays at 8:00 AM.

(b) No more than one (1) weekend sign per lot.

(c) No sign shall be located on any public right-of-way, and it must be on private property with the consent of the property owner.

(d) Signs shall not exceed a maximum area of six (6) square feet each.

(e) Such signs shall not be illuminated.

xii. Standard Information Signs: Standard Information Signs shall be allowed subject to the following requirements:

(a) Sign area not to exceed 32 square feet with a placard made for short-term use.

(b) No reflective elements, flags, or projections.

(c) Height not to exceed 72 inches.

(d) Mounted on a stake or metal frame with a thickness or diameter not greater than 1.5 inches.

(e) No more than one (1) per road frontage.

Sec. B.10.6. General regulations.

The following standards shall apply unless otherwise specified in this article.

(1) A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in sec. B.10.5. Permits shall be issued by the Community Development Department in accordance with the regulations contained in this article.

(2) Design, material, and maintenance. Any sign not meeting the following provisions shall be repaired or rebuilt in accordance with the specifications of this article:

(a) All signs shall be designed and constructed in accordance with the applicable provisions of the International Building Code and the National Electrical Code.

(b) The area on private property around the sign on which it is erected shall be properly maintained, clear of brush, trees, and other obstacles, so as to make the sign readily visible.

(c) All burned-out bulbs or damaged panels must be replaced.

(d) All sign copy shall be maintained securely to the face and all missing copy must be replaced.

(e) All signs shall be maintained in good structural condition at all times so that the public and traffic safety are not compromised, and

(f) It shall be the responsibility of the sign owner to maintain and ensure compliance with the provisions of this article.

(3) Permanent signs shall be made of high-quality, durable material. Approved materials are metal with a minimum thickness of six (6) mm, high-density urethane (HDU), or wood. If plywood is to be used, it must have exceptionally smooth and weather-resistant surfaces, such as those with medium-density overlay (MDO) board. Other high-quality materials shall be given consideration, and if of comparable quality and durability, may be allowed at the discretion of the County.

(4) Illumination. No sign shall be illuminated by lights that flash, move, change in intensity, or turn on intermittently more than once a day, unless it is a permitted automatic changeable copy sign as allowed in subsection B.10.8. To prevent glare visible from a public road, street or adjoining property, the beam of any light shall be directed as not to be visible beyond the sign at which it is directed, and the light source shall not be visible from any point on an adjacent property or land of the public right-of-way.

(5) Sign message. In any zoning district, any sign, display, or device allowed under this article may contain any lawful noncommercial or commercial message except as expressly provided herein. No provision of this article shall be construed to allow regulation of signs based on the content of the sign message.

(6) Measurement of Pole Sign and/or Interstate Sign Height: The height of a pole sign and/or interstate sign shall be equal to the vertical distance from the elevation of the centerline of the roadway at the nearest adjacent dedicated public road, street, to the highest point of the sign structure.

(7) Measurement of a Ground/Monument Sign Height: The height of a ground/monument sign shall be equal to the vertical distance from the average grade at the base of the sign to the highest point of the sign structure. Any earthen berms and elevated foundations supporting signs, signposts, or other sign supports shall be included in the height of the sign. The ground shall not be altered for the sole purpose of providing additional sign height.

(8) Measurement of Sign Area: The area of a sign is calculated by determining the area of the smallest square or rectangle that encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. Only one (1) face of a multi-face sign structure shall be used in computing the sign area. Where a single freestanding structure contains multiple individual signs, the sign area shall be the total gross area in square feet of all signs on the structure.

(9) Building signs.

(a) A building sign may not project higher than the wall or surface to which it is attached.

(b) A building sign may not project more than 18 inches from the wall surface unless approved as a hanging or projecting sign.

(c) Changeable copy signs and changing signs are prohibited as building signs.

(10) Freestanding signs.

(a) Freestanding pole signs.

(i) Freestanding signs shall be allowed as accessory uses only.

(ii) Freestanding signs shall be setback at least 15 feet from the curb or edge of pavement of the roadway or two (2) feet behind the right-of-way, whichever is greater.

(iii) No freestanding sign shall be located within 30 feet of the nearest intersecting point of two (2) road or street right-of-way lines.

(iv) Freestanding signs shall be located at least 50 feet from other freestanding signs on the same side of the road.

(b) Freestanding monument signs.

(i) Monument signs located within 100 feet of a public right-of-way shall display the road or street address of the property, except where the sign is located on property that has more than one (1) road or street frontage and the property address is assigned from a road or street other than the road or street frontage whereupon such sign is erected.

(ii) Road or street numbers shall be of contrasting colors against the background, visible from both directions of travel along the road or street, and no less than six (6) inches nor more than 10 inches in height.

(iii) Monument signs shall have a substantial base with stone, brick, or other compatible material to help give the sign a sense of being permanent, “anchored,” and durable.

(iv) The design details, construction materials, color, and architectural style shall be consistent with that of the principal buildings on the site. Signs shall integrate compatible architectural elements on the sides and top to frame the sign pane(s).

(v) Architectural lines that complement those of the building shall be incorporated, especially with respect to the top of the sign. Columns, pilaster, cornices, and similar details can provide design interest and keep the sign in scale with adjacent buildings.

(11) Projecting signs.

(a) A projecting sign shall not project more than 36 inches beyond the wall to which it is attached.

(b) A projecting sign shall be finished on both sides.

(c) A projecting sign shall be mounted perpendicularly to the wall.

(12) Gas Canopy Signs: One (1) company logo shall be allowed per road or street frontage.

(13) Project Entrance Signs. Where permitted, project entrance signs shall meet the following standards:

(a) Each project entrance may have no more than one (1) such sign per entrance if double-faced or two (2) signs if attached to symmetrical entrance structures.

(b) The sign must be constructed of brick, stone, masonry, or equivalent architectural material and be monument-style or integral to walls/fencing separating the project from the road street.

(c) The maximum face area shall not exceed 40 square feet.

(d) The height of the structure shall not exceed eight feet including embellishments which shall not extend more than two (2) feet above the main body of the structure.

(e) Signs shall not be internally illuminated.

(f) Signs shall be located a minimum of 15 feet from the edge of a road or street or two (2) feet behind the right-of-way, whichever is greater.

(14) Miscellaneous Freestanding Signs: Accessory uses on multi-family lots to include manufactured housing parks and commercial recreational vehicle parks, campgrounds, and rental cabins, non-residential lots and lots with public and institutional uses, subject to the following regulations:

(a) Within the area between a road or street right-of-way line and the minimum building setback required from that road or street right-of-way line on the property, the following applies:

(i) Permanently installed miscellaneous freestanding signs may be located only within three (3) feet of driveways or curb cuts that provide access into or from the property. There shall be no more than two (2) such signs per driveway or curb cut and each such sign shall not exceed six (6) square feet in area nor more than three (3) feet in height.

(ii) Miscellaneous freestanding signs located farther from the road or street than the minimum building setback from that road or street right-of-way line on the property, shall be allowed provided that such signs are no more than six (6) square feet in area nor more than six (6) feet in height.

(iii) Directory signs for multi-family lots to include UR-VL zoned lots are permitted provided they do not exceed four (4) square feet each nor six (6) feet in height.

(iv) Display boards located next to drive-thru lanes. Such signs are permitted provided they do not exceed eight feet in height or 32 square feet in area.

(v) Miscellaneous Freestanding Signs will be permitted as part of the overall site design review process for new and expanded development.

Sec. B.10.7. Interstate signs.

(1) Interstate Signs will be allowed on I-85 only, according to the latest version of the adopted quadrant map. The following standards must be met:

(a) The property shall be at least a one (1)-acre lot and must be zoned LI or HI.

(b) The maximum sign height shall be 75 feet.

(c) The surface area of the sign shall not exceed 400 square feet per sign face, and not more than 800 square feet of total sign area when all sign faces are combined.

(d) The location of each interstate sign shall be set back not more than 100 feet from I-85, but at least 10 feet from I-85 and 40 feet from all other property lines.

(e) No freestanding interstate sign shall be located within 50 feet of another freestanding sign.

(f) The face of each sign shall be perpendicular to the centerline of the interstate nearest to its location. No sign shall have more than 2 faces.

(g) Interstate signs shall not be changing signs.

(h) All interstate signs must be permitted by Troup County Building, Zoning and Planning Department in accordance with this section as well as the Georgia Department of Transportation.

Sec. B.10.8. Changing signs (digital multiple message).

Changing signs or signs employing changing sign technology shall be allowed exclusively within the HC, LI and HI zoning district as a portion of a conforming, freestanding sign and are allowed on property used for public or institutional use regardless of zoning district. Changing Signs are further subject to the following requirements:

(1) Each message displayed on any changing sign display shall remain static for at least 30 seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one (1) position with no portion of the display being in motion or changing in color or light intensity.

(2) When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three (3) seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.

(3) When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two (2) seconds or less. The transition period shall be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.

(4) No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two (2) fully illuminated static

messages displayed in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.

(5) No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.

(6) No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.

(7) Message transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two (2) seconds and shall remain static for at least six (6)ty (60) seconds following the completion of the transition from the previous message.

(8) All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduce nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set or can be programmed not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels or to exceed those specifications herein shall not be permitted. Unless another industry standard is accepted, the measurement for purposes of this paragraph shall be at any point 10 feet from the surface of the changing sign.

(9) No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.

(10) Any changing sign currently in existence shall comply with the regulations of this part. If a changing sign currently in existence cannot meet these requirements due to the limitation of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the Community Development Director , that the requirements of this part cannot be met.

Sec. B.10.9. Temporary signs requiring a permit.

Temporary signs to include banners (includes definition of feather banners) and portable signs are allowed as indicated on Table B.10.10 and in conformance with the following regulations:

(1) Location:

(a) All temporary signs must be set back at least 15 feet from the edge of the road or street pavement or two feet behind the right-of-way, whichever is greater.

(b) A temporary sign must be located at least 10 feet from any other sign.

(c) A temporary sign shall be erected and maintained only with the permission of the owner of the property on which the sign is to be located.

(2) Permit Required: A temporary sign permit and fee shall be required for the signs allowed in this section.

(3) Size:

(a) Banners: Banners may not exceed 24 square feet.

(b) Portable Signs: Portable signs may not exceed 32 square feet.

(4) Number of signs (not exempt from permitting requirements). Only two (2) signs (2) related to each temporary event may be located on a lot at any one (1) time.

(5) Duration:

(a) Each lot that can have a temporary event sign under this section may have a permitted sign for 30 days in duration and may be approved four (4) times per calendar year. The 30 days may not be in succession.

(b) A new business may place one (1) temporary sign prior to opening which provides information such as name, opening date, now hiring, etc. Sign shall be removed prior to occupying the building for business purposes. The sign shall be no larger than six (6) feet in height and 24 square feet in sign area.

Sec. B.10.10. Signs allowed per zoning district (Table B.10.10)

ZONING DISTRICTS	AG	AG-R, SU-R, LR, SU-VL	Multi-family Uses in UR-VL	LC	Non-residential uses in UR-VL, HC, LI, HI	SD-MH
FREESTANDING SIGNS, PERMANENT						
One Use On Property						
Allowed in zone	Yes (Public and Institutional uses follow HC regulations)	Yes (Public and Institutional uses follow HC)	Yes (Monument only)	Yes (Monument Only)	Yes	Yes
Permit Required	Yes	Yes	Yes	Yes	Yes	Yes
Max. # allowed	1 per road frontage, not to exceed 2 per parcel.	1	1	1 per road frontage, not to exceed 2 per parcel.	1 per road frontage, not to exceed 2 per parcel.	1
Max. Height	6'	3'	8'	10'	25' Pole 15' Monument	6'
Max. Area (sq. ft.)	16 sq. ft. Double Faced	6 sq. ft. Double faced	16 sq. ft. Double face	72 sq. ft. per sign	Pole—Max. = 100 sq. ft. Monument—Max. 150 sq. ft.	6 sq. ft. Double face
Internal Lighting	No	No	No	Yes	Yes	No
External Lighting	Yes	No	Yes	Yes	Yes	No
Changing Sign	Public and Institutional	Public and Institutional	No	Up to 25% of square	Up to 50% of square	No

	uses only, up to 25% of square footage of sign. Not allowed on scenic corridors.	uses only, up to 25% of square footage of sign. Not allowed on scenic corridors.		footage of sign	footage of sign	

ZONING DISTRICTS	AG	AG-R, SU-R, LR, SU-VL	Multi-family Uses in UR-VL	LC	Non-residential uses in UR-VL, HC, LI, HI	SD-MH
FREESTANDING SIGNS, PERMANENT						
Multiple Tenant Uses						
Allowed in Zone	Not Allowed	Not Allowed	Not Allowed	Yes (Monument Only)	Yes	Not Allowed
Permit Required				Yes	Yes	
Max. # allowed.				1 per road frontage, not to exceed 2 per parcel.	1 per road frontage, not to exceed 2 per parcel.	
Max. Height				15'	25' Pole 15' Monument	
Max. Area (sq.ft.)				150 sq. ft. per sign	Pole—Max. = 150 sq. ft. Monument—Max. = 200 sq. ft.	

Internal Lighting				Yes	Yes	
External Lighting				Yes	Yes	
Changing Sign				Up to 25% of square footage of sign	Up to 50% of square footage of sign	

ZONING DISTRICTS	AG	AG-R, SU-R, LR, SU-VL	Multi-family Uses in UR-VL	LC	Non-residential uses in UR-VL, HC, LI, HI	SD-MH
BUILDING SIGNS						
Wall, Canopy, and Awning Signs						
Allowed in Zone	Yes	Public and Institutional uses only	Yes for Office	Yes	Yes	Yes for Office
Permit Required	Yes—Public and Institutional uses only.	Yes	Yes	Yes	Yes	Yes
Size Allocation (Max. area sf. or Max. percent of wall area)	24 sf per road facing wall.	24 sf per road facing wall	24 sf per road facing wall.	10%	10% of the wall for each individual business, with a maximum of 200 sq. ft.	24 sf per road-facing wall
Internal Lighting	No	No	Yes	Yes	Yes	No
External Lighting	Yes	No	Yes	Yes	Yes	No
Changing Signs	No	No	No	No	No	No
BUILDING SIGNS						
Projecting Signs						
Allowed in Zone	Not Allowed	Not Allowed	Allowed	Allowed	Allowed	Not Allowed
Permit Required			Yes	Yes	Yes	

Max. # allowed			1 per structure	1 per street-facing wall	1 per street facing wall	
Max. area (sq. ft.)			6	16	16	
Internal Lighting			No	Yes	Yes	
External Lighting			Yes	Yes	Yes	

ZONING DISTRICTS	AG	AG-R, SU-R, LR, SU-VL	Multi-family Uses in UR-VL	LC	Non-residential uses in UR-VL, HC, LI, HI	SD-MH
BANNERS						
Allowed in Zone	Allowed	Allowed in Public and Institutional uses only	Allowed	Allowed	Allowed	Allowed
Permit Required	Yes	Yes	Yes	Yes	Yes	Yes
Max. # allowed	1 per lot	1 per lot	1 per development	1 per lot	1 per lot	1 per lot
Max. Size Allowed	24 SF	24 SF	24 SF	24 SF	24 SF	24 SF
Duration	30 days once per quarter	30 days once per quarter	30 days once per quarter	30 days once per quarter	30 days once per quarter	30 days once per quarter
PORTABLE SIGNS						
Allowed in Zones	Allowed in Public and Institutional Use Only	Allowed in Public and Institutional Use Only	Not Allowed	Not Allowed	Allowed	Not Allowed
Permit Required	Yes	Yes			Yes	
Max. # allowed	1 per lot	1 per lot			1 per lot	
Max. Size Allowed	32 SF	32 SF			32 SF	
Duration	30 days once per quarter	30 days once per quarter			30 days once per quarter	
Internal Lighting	No	No			No	

External Lighting	No	No	[redacted]	[redacted]	No	[redacted]

Sec. B.10.11. Signs in special overlay districts.

For signs in overlay zoning districts, such as the Airport special district and the PUD special zoning district, the regulations governing signage for the underlying zoning districts shall apply.

Sec. B.10.12. Commercial and industrial corridors.

Signs shall be permitted within the roadway buffer, in accordance with provisions of this section and subject to the approval of the Community Development Director. Signs located outside (beyond) the roadway buffer are not subject to the requirements of this section, but all signs are subject to the sign regulations otherwise stated in this ordinance.

(1) The total sign area of all signage on any one (1) lot shall not exceed 64 square feet. A double-faced sign shall be considered a single sign. No more than two (2) signs shall be permitted within the roadway buffer area per lot, except that this limitation shall not apply to signs erected by Troup County the Georgia Department of Transportation, the Georgia Department of Natural Resources or other signs owned and erected by a government entity to preserve the public safety, health and welfare.

(2) The material used to construct the sign, as well as the color of the sign shall be approved by the Community Development Director at the time of submittal of plans for the development or rezoning request.

(3) No internally illuminated signs shall be permitted, nor shall any flashing, blinking, fluctuating, or otherwise changing light source be permitted.

Sec. B.10.13. Prohibited signs.

The following signs shall be prohibited in the County:

(1) Any sign not specifically identified in this article as a permitted sign.

(2) Abandoned signs.

(3) Animated and flashing signs. Signs (excluding changing signs) that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours.

(4) Dilapidated signs. Signs that are dilapidated or in such condition as to create a hazard, nuisance, or be unsafe or fail to comply with any provision of the building code.

(5) Fringe, streamers, pennants, air or gas-filled figures, search lights, beacons, and other similar temporary event signs.

(6) Light strands. Series, lines, or rows of lights supported by cables or other physical means.

(7) Obscene signs. Obscene signs, as defined by the state at O.C.G.A. § 16-12-80, as amended.

(8) Obstructions. No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation. No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the orderly movement of traffic or pedestrians. No sign shall pose a hazard to traffic or pedestrians due to structural deficiencies of such sign.

(9) Portable signs except as specifically authorized in subsection B.10.9.

(10) Banner signs (to include feather banner signs) except as specifically authorized in subsection B.10.9.

(11) Private signs placed on public property. Any sign posted or erected on public rights-of-way or any other public property except as authorized by the governmental body, agency, or public authority having jurisdiction over such property.

(12) Roof signs. This prohibition does not apply to the face of a parapet wall, provided that the sign must not extend above the top of the parapet wall.

(13) Snipe signs.

(14) Sound or smoke-emitting signs. A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor, or odors.

(15) Signs advertising illegal activity. Signs that advertise an activity illegal under state or federal law.

(16) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

(a) The primary purpose of such a vehicle or trailer is not the display of signs.

(b) The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

(c) The vehicle and/or trailer is in operating conditions, currently registered and licensed to operate on public roads or streets when applicable, and actively used

or available for use in the daily function of the business to which such signs relate.

(d) The vehicle is parked in a legal parking area, on a lot with an active business license.

(17) Vehicles and trailers used primarily as static displays, advertising a product or service, utilized as storage, shelter, or distribution points for commercial products or services for the general public.

(18) Signs imitating public warning or traffic devices, including:

(a) Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop", "go", "slow", "caution", "danger", "warning" or other message or content in a manner that might mislead or confuse a driver.

(b) Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs.

(c) No red, green, and yellow illuminated sign shall be permitted within 300 feet of any traffic light.

(19) Window signs. Window signs on residential properties and individual or aggregate window signs exceeding 50 percent of the window area per building elevation for all other districts.

(20) Signs located in the right-of-way.

Sec. B.10.14. Nonconforming signs.

Signs that, on the effective date of this ordinance, were approved and legally erected under previous sign restrictions and have become nonconforming with respect to the requirements of this ordinance may continue in existence subject to the remaining provisions of this section.

(1) Signs shall not be repaired, rebuilt, replaced, or altered except in conformity with this article after damage exceeding 50 percent of the signs' replacement cost at the time of damage.

(2) Signs shall not be enlarged or altered in a way that would increase the nonconformity of the sign.

(3) The right to continue use of a nonconforming sign is extinguished upon a change in ownership of the parcel upon which said nonconforming sign is located.

(4) A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or demountable material on non-conforming signs shall be permitted. A change in the mode of message conveyance (i.e., from screen-print panel to LED) shall not be permitted on a non-conforming sign.

(5) Minor repairs and maintenance of non-conforming signs, such as electrical repairs or lettering repairs, shall be allowed. However, no structural repairs or changes in the size or shape of the signs shall be permitted except to make the sign comply with the requirements of this ordinance.

(6) Portable signs, banners, and other signs allowed under this article, which are not fixtures or freestanding signs, are considered personal property, unattached to the real property on which they are placed, and thus have no nonconforming or grandfather rights under this section.

(7) A nonconforming sign shall not be rebuilt or otherwise re-established after its use has been discontinued for more than 90 days.

(8) This section shall not apply to any sign which according to the application of state or federal law or rule is allowed to remain or to be rebuilt or reconstructed, unless just compensation is paid.

(9) In all zoning districts, signs shall be removed which:

(a) Were illegally erected or maintained with respect to prior ordinances.

(b) Are made of paper, cloth or non-durable materials, except as otherwise permitted by this ordinance.

(c) Are located in the public right-of-way, except as otherwise permitted by this ordinance.

Sec. B.10.15. Administration and enforcement.

(1) Permit required. Except as exempted from obtaining a permit, all persons desiring to post, install, erect, display, expand, relocate or substantially change a sign regulated by this article within the County, shall first obtain a sign permit and all other permits required for the desired structure in accordance with County ordinances. A change in the copy of a sign shall not constitute a substantial change. However, a change in the mode of message conveyance (i.e. from screen-print panel to LED) shall be considered a substantial change requiring a sign permit.

(2) Application requirements. Applications for sign permits, along with the non-refundable application fee, shall be submitted by the sign owner or the owner's agent

to the Community Development Director on the form furnished by the County. Only complete applications will be accepted. Applications shall include the following:

(a) The road or street address of the property upon which the sign is to be located. In the absence of a road or street address, the parcel identification number as assigned by the Troup County Tax Assessor shall be given.

(b) The name(s) and address(es) of all owners of the real property upon which the sign is to be located.

(c) The name, address, contact information and occupational tax certificate number and issuing jurisdiction of the sign contractor/installer.

(d) Written consent of the owner or owner's agent specifically granting permission for the placement of the sign as proposed.

(e) The types of sign, height, face area and total cost of sign construction or installation.

(f) For free-standing signs, a site plan, drawn to scale, showing the location of the proposed sign in relation to property and right-of-way lines (or edge of pavement, as appropriate), acreage of the parcel, location of driveways and parking spaces, public or private easements, and building locations.

(g) For building signs, a to-scale drawing or photo-simulation of the building face upon which the proposed sign is to be installed showing the placement of the sign upon the building, dimensions of the wall and sign and its height from ground level.

(h) Construction and/or fabrication details of the proposed sign, including certification as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or prepared using standard drawings prepared by a structural engineer or other qualified professional meeting, or exceeding all requirements of the building code, if applicable.

(i) Whether or not the sign is to be illuminated and the method of illumination.

(3) Time for consideration and issuance of permit. The County shall process all sign permit applications within 30 days of the County's actual receipt of a complete application and application fee for a sign permit. Revisions or amendments to an application shall extend the review period to 20 days from the date of submission of the revision or amendment. Revisions or amendments received after the issuance of a permit shall constitute a new application.

(a) The Community Development Director shall reject any application as incomplete that does not include all items required for a sign permit application as set forth under subsection (2) of this section.

(b) The Community Development Director shall reject any application containing false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of resubmission instead of the original date of submission.

(c) Within 30 days of receipt of a complete application, the Community Development Director shall:

(i) Issue the permit; or

(ii) Inform the applicant in writing of the reasons why the permit cannot be issued.

Failure of the Community Development Director to act on a sign permit within 30 days shall result in a denial of the application.

(d) Upon determination that the application fully complies with the provisions of this article, the building code, and all other applicable laws, regulations and articles of the County code, the sign permit shall be issued by the Community Development Director .

(e) If it is determined that the application does not fully comply with the provisions of this article, the building code and all other applicable laws, regulations and articles of the County code, the Community Development Director shall reject the application and notify the applicant of the decision and reason(s) for the denial of the permit. The Community Development Director shall give such notice in writing by hand delivery, mail, e-mail or fax using the contact information provided on the application. The notice shall be post-marked or otherwise date-stamped on or before the 30th business day following the date of the completed application's receipt by the County. A denial pursuant to this section shall be appealable pursuant to the appeal procedures of this article.

(4) Permit fees. A sign permit shall not be issued unless the appropriate permit fees, as established by the County commission, have been paid. No refunds of permit fees will be made for sign permits that expired due to failure to erect the subject sign. If a person desires to erect a sign in the same location as for any expired permit, a new application must first be processed and another fee paid in accordance with the fee schedule applicable at such time.

(5) Expiration of permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months of the date of issuance, provided, however, that a 90-day extension shall be granted if a written request for extension is received by the Community Development Director prior to the expiration date of the initial permit.

(6) Appeals. Appeals from an administrative decision by the Community Development Director may be made by any person aggrieved, or by any officer, department, board, or bureau of the County affected by any decision of the Community Development Director or other County official based on this article. Such appeal shall be taken and exercised in accordance with the appeal provisions for the Zoning Ordinance for the County as contained in this Code as the same may now exist or hereafter be amended. Any such appeal shall be to the Board of Zoning Appeals and Planning Commission, which shall hear and decide whether there is an error in any order, requirement, decision or determination made by the Community Development Director or other County official based on this article.

ARTICLE B.11. NONCONFORMING SITUATIONS

Sec. B.11.1. General provisions.

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

(2) Whenever nonconforming situations are otherwise specifically addressed in other provisions of this UDO, the nonconforming provisions in this article shall not apply to said provisions.

Sec. B.11.2. Reversions and changes.

(1) Nonconforming situations that are changed to a conforming state shall not be permitted to revert to a nonconforming situation.

(2) No nonconforming situation shall be changed to another nonconforming situation.

(3) When any portion of a nonconforming use of land, buildings, structures, or combinations thereof is discontinued for a continuous period of one (1) year or more, any future use of such land, building, or structure shall be limited to those uses permitted in that district under the provisions of the Zoning Ordinance. Vacancy or non-use of the land, building, or structure regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision, unless such cessation is a direct result of governmental action impeding access to such land.

Sec. B.11.3. Nonconforming use of land.

Nonconforming uses consisting of land used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf and other uses where the only buildings or structures on the lot are incidentil and accessory to the use of the lot and where such use of the land is not permitted to be established hereafter under this article in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this article:

(1) When any portion of such nonconforming use of land has been changed to a conforming use, said portion shall not thereafter be used for any nonconforming use.

(2) No such nonconforming use of land shall be enlarged to cover more land than was occupied by such nonconforming use at the time it became legally nonconforming.

Sec. B.11.4. Nonconforming use of land and buildings in combination and nonconforming use of land and structures in combination.

The following regulations apply to the nonconforming use of land and buildings in combination and the nonconforming use of land and structures in combination:

(1) Such uses of land and buildings or land and structures shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(2) A nonconforming use of a building may be extended into those interior parts of a building which were constructed and manifestly designed for such use prior to the enactment of this Zoning Ordinance from which this Chapter is derived.

Sec. B.11.5. Nonconforming characteristics of buildings, structures and uses.

Nonconforming characteristics of buildings, structures, or uses, such as lighting, parking, loading, and similar elements, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

Sec. B.11.6. Area extensions prohibited.

A nonconforming use, or building or structure in combination with a use, or nonconforming characteristics of a building, structure, or use, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the use, building or structure.

Sec. B.11.7. Nonconforming uses requiring a special permit.

(1) No nonconforming use, building or structure requiring a special permit, including any use, building or structure that was authorized as of right prior to the adoption of the UDO, but would require a special permit upon the adoption of the UDO, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now-required special permit. Normal repair and maintenance of such buildings and structures is authorized without the need for a special permit.

(2) No such use, building, or structure that has been discontinued for a continuous period of one (1) year or more shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

Sec. B.11.8. Reconstruction.

Any building or structure constituting a nonconforming use of land and buildings, nonconforming use of land and structures, or buildings or structures with nonconforming characteristics that have been unintentionally damaged by fire or natural causes such as flood or storms, may be reconstructed to its previous nonconforming state and used as it was prior to damage if said reconstruction has received an approved building permit within one (1) year of the date of the damage.

Sec. B.11.9. Buildings and structures.

Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of any building, structure, or land declared unsafe by the Community Development Director.

Sec. B.11.10. Nonconforming signs.

For regulations pertaining to nonconforming signs, see sec. B.10.14.

Sec. B.11.11. Site plans in existence prior to the effective date of this UDO.

(1) Subject to property interests legally vested under state law prior to the adoption of this UDO, all site plans adopted as part of previous zoning map amendments that are in existence prior to the effective date of this UDO shall be replaced by the regulations of this UDO, except as follows:

(a) Any proposed development that is subject to previously approved site plans that was not constructed prior to the effective date of this UDO may be constructed in accordance with the uses(s), height, location, parking ratios, landscaping plans,

hours of operation, and density applicable to that previously approved site plan. Such development shall be deemed conforming for purposes of this chapter as to such previously approved uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density. Except as otherwise provided herein, all other regulations of this UDO shall apply to said parcel unless compliance with the UDO regulations renders construction of such development consistent with such prior uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density structurally unfeasible.

(b) Any development subject to a site plan constructed prior to the effective date of this UDO that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous uses(s), height, location, parking ratios, landscaping plans and density. Such rebuilt principal buildings shall be deemed conforming for purposes of this chapter as to such previous use(s), height, location and density.

ARTICLE B.12. PROCEDURES

Sec. B.12.1. Administrative bodies.

The provisions of the Zoning Ordinance shall be administered by the Community Development Director as provided in this UDO.

Sec. B.12.2. Board of Commissioners.

The specific duties of the Board of Commissioners with respect to the Zoning Ordinance shall include, but not be limited to, the following:

(1) Recommendations. Receiving from the Community Development Director and from the Board of Zoning Appeals and Planning Commission recommendations concerning the Comprehensive Plan, amendments to the Comprehensive Plan character area map, amendments to provisions of the Zoning Ordinance, special use permits, or any other matters relating to planning and zoning within the County.

(2) Public meetings. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the Comprehensive Plan and the Comprehensive Plan character area map, text of the Zoning Ordinance, official Zoning Map, special use permits, and other actions pursuant to the Zoning Ordinance.

Sec. B.12.3. Board of Zoning Appeals and Planning Commission.

(1)There is hereby created a Board of Zoning Appeals/Planning Commission of Troup County, Georgia to: (1) provide the planning, zoning and land division services that promote the harmonious development of the County and enhance and preserve the quality of life for its current and future residents by facilitating the creation of economic vitality and promoting the highest standards for development and revitalization throughout the County; (2) prepare and maintain a comprehensive land use plan for the County; (3) provide unbiased advice and recommendations to the Board of Commissioners on development and zoning matters; and (4) hear and decide appeals and requests for variances as a quasi-judicial board.

(2)Purpose and duties. The purpose and duties of the Board of Zoning Appeals and Planning Commission shall include, but not be limited to, conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the Board of Commissioners concerning matters brought before them, including, but not limited to, the following duties:

(a) To review and make recommendations regarding proposed amendments to the Comprehensive Plan and character area map, the Zoning Ordinance, the official Zoning Map, and applications for special permits.

(b) To review and make final decisions on variance applications.

(c) To review and make final decisions on authorized administrative appeals.

(d) To work with the County government, boards and authorities, and the Board of Commissioners when appropriate to the purposes of the Board of Zoning Appeals and Planning Commission in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future County residents, businesses and property owners.

(3)Appointments and terms.

(a) Composition. The Board of Zoning Appeals and Planning Commission shall be composed of seven (7) members appointed by the Board of Commissioners. Each member appointed shall be a resident and citizen of the County and shall so remain during the tenure of their service on the Board of Zoning Appeals and Planning Commission.

(b) Terms. Members shall serve a term of four (4) years and may be removed from office at any time by the Board of Commissioners with or without cause. Appointment of the members shall be such that the terms of no more than two (2) members expire concurrently. The establishment of terms required by the modification of the number of members on the board shall be provided for by resolution of the Board of Commissioners.

(c) Qualifications. When possible, at least three (3) members shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction, or related fields.

(d) Compensation. Members shall serve without pay but may be reimbursed for any expenses, as set forth in a resolution adopted by the Board of Commissioners, incurred in connection with their official duties.

(e) Vacancies. All appointees shall continue to serve until a successor is appointed. Any vacancies in the membership shall be filled for the unexpired term, in the same manner as the initial appointment. If a member moves to reside outside of the County limits, such member shall be deemed to have resigned from the board.

(4)Board of Zoning Appeals and Planning Commission officers.

(a) Officers and the election of officers. The officers of the Board of Zoning Appeals and Planning Commission shall be a Chairperson, a Vice-Chairperson, and a

Secretary, who shall be the Community Development Director. Officers of the Board, other than the Secretary, shall be elected for two (2)-year terms at the Regular meeting of the Board of Zoning Appeals and Planning Commission held during the month of January. All elected officers shall serve a term of two (2) years. The Chairperson may not be eligible for a successive term. The Vice-Chairman may be elected successively. At any time during the calendar year, should an officer resign their office, an election to replace the position shall be placed on the following month's agenda.

(b) Duties of the chair. The chair shall preside at all meetings and hearings of the board and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise the board in its work. The chair may administer oaths and compel the attendance of witnesses by subpoena.

(c) Duties of vice-chair. The vice-chair shall serve as acting chair in the absence of the chair and, when acting in such capacity, shall have the same powers and duties as the chair.

(d) Secretary. The secretary shall have responsibility for assisting the chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the board; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the board; attend to the correspondence of the board; and other duties assigned by the chair, subject to the budgetary limitations of the department.

(e) Committees. The chair may appoint, with the concurrence of the board, various standing and temporary committees to further the purposes of the board. Such committees may include ex-officio members of the staff of various County departments, residents and business owners of the County, and other individuals whose background and knowledge may be of benefit to the board in its deliberations.

(f) Chairperson Pro Tempore. In the case that both the chair and the vice-chair are absent or recused from a hearing or meeting, the remainder of the sitting Board of Zoning Appeals and Planning Commission members shall elect a chairperson pro tempore from among their own number by a majority vote. This position shall then exercise the duties of the chairperson in the absence, disability, or disqualification of both the chair and the vice-chair.

(5) Meetings of the Board of Zoning Appeals and Planning Commission.

(a) Unless there is no business to be conducted, the board shall hold regularly scheduled meetings each month. The board shall establish and make available to the public the time, place, and dates of its regular meetings. Except as

otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act.

(b) Special called meetings. The chair, secretary, or a majority of the board may call a special meeting at any time provided that written notice is posted for at least 24 hours at the place of regular meetings and written or oral notice is given at least 24 hours in advance of the meeting to the official legal organ of the County, in accordance with the Georgia Open Meetings Act. The chair, secretary, or a majority of the board may call a special meeting at any time, provided notification is provided in accordance with the Georgia Open Meetings Act.. No business other than the specific stated purpose shall occur at the special called meeting.

(c) Agenda and minutes.

(i) The chair and secretary shall determine the meeting agenda.

(ii) Not more than two (2) business days following the adjournment of a meeting of the board, the secretary shall ensure that a written summary of the subjects acted on by the board and a list of those members present are available for public inspection in the offices of the Community Development Department.

(iii) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a brief summary of any explanation or commentary that is relevant to the decisions made on matters before the board.

(iv) Copies of the approved minutes for each meeting of the board shall be available to the public immediately following the next regularly scheduled meeting of the board.

(d) Procedures. The board shall make its own rules of procedure consistent with this article and determine its time of meeting. Such rules shall be subject to approval of the Board of Commissioners.

(e) Order of business at meetings. The order of business at meetings shall be as follows:

(i) Roll call and determination of a quorum.

(ii) Approval of minutes of previous meetings.

(iii) Approval of the agenda.

(iv) Old or unfinished business.

(v) New business.

(vi) Reports.

(vii) Public comment.

(viii) Adjournment.

(f) Agenda changes. The chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.

(6)Quorum and voting.

(a) Quorum. A quorum shall consist of 50 percent plus one (1) of the current filled positions on the board. A majority vote of those present, constituting a quorum, shall be sufficient to decide all matters that come before the board.

(b) Voting

(i) A board member, who is part of a quorum of the board during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but shall abstain from voting on that specific matter.

(ii) A majority vote of those members present of the board is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position.

(iii) The board may recommend conditions to any proposed amendment to the Comprehensive Plan character area map, amendment to the official Zoning Map, or any special permit as authorized in sec. B.12.13. The board may also impose conditions on the granting of a variance as authorized in Section. B.12.8.

(c) Attendance. If any member of the board is absent without cause for three (3) consecutive regular meetings of the board, that member shall be automatically removed from membership, and a replacement shall be appointed in the same manner as the initial appointment as described in subsection (4)(a) of this section.

(7)Code of conduct.

(c) Conflicts of interest. A board member shall have a conflict of interest if said member or their immediate family (spouse, mother, father, brother, sister, son or daughter), has a property interest in any real property affected by action on an application before the board or has a financial interest in any business entity that has a property interest in any real property affected by action on an application before the board. Any member having a conflict of interest shall immediately disclose the nature and extent of such interest prior to discussion of the matter,

and these disclosures shall be made a public record. No board member shall vote or participate in a matter in which he or she has a conflict of interest, and the member shall leave the room while the matter is being discussed so as not to influence the voting of any other member.

(d) Conflict of interest affidavit. Each member of the board shall sign the Conflict of Interest Affidavit form for each zoning application that is acted upon by the board, if a conflict does exist. The conflict of interest affidavit must be documented in the meeting minutes.

(e) Outside material. No board member shall discuss any matter pending before the board with anyone outside a public hearing, with the exception of other board members and staff. No discussions shall be held when a quorum is present unless the discussion takes place in a meeting that has been duly advertised in accordance with this ordinance and the Open Meetings Act. All letters or other material personally received by any member shall be provided to each board member at the public hearing on the item in question.

(f) Responsibility to remain impartial. Members of the board shall not decide or announce how they will vote prior to the conclusion of the public hearing of any matter and shall otherwise avoid the appearance of premature decision-making on any matter before the board.

(g) Board member as applicant. Nothing herein shall prevent a member of the board from presenting a matter to the board where such member is the applicant, so long as such status is disclosed by the member prior to the presentation. Such a member shall abstain from discussions and voting on such matters and the member shall leave the room while the matter is being discussed so as not to influence the voting of any other member.

Sec. B.12.4. Amendments, Procedures, and Standards.

(1) Initiation of amendments.

(a) Amendments to the official Zoning Map or to the Comprehensive Plan character area map may be initiated by:

(i) The owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property by application, provided that all requests for amendments to the Comprehensive Plan character area map are made in conjunction with a corresponding request for an amendment to the Zoning Map for the same areas and parcels;

(ii) The Board of Commissioners pursuant to a request by one (1) or more members of the Board of Commissioners;

(iii) County staff.

(b) Amendments to the text of the Zoning Ordinance may only be initiated by:

(i) The Board of Commissioners, pursuant to a request by one (1) or more members of the Board of Commissioners;

(ii) Official action of the Board of Zoning Appeals and Planning Commission; or

(iii) County staff.

(c) No amendment to the text of the Zoning Ordinance, the official Zoning Map, or the Comprehensive Plan character area map shall become effective unless it has followed all procedures for notice and public hearing pursuant to the requirements of State law and this article.

(d) Application schedule.

(i) Review and consideration of amendments to the Zoning Ordinance text, the official Zoning Map, and the Comprehensive Plan character area map will be scheduled before the Board of Zoning Appeals and Planning Commission and the Board of Commissioners in accordance with a schedule prepared annually by the Community Development Director.

(ii) Following a request to amend the Zoning Ordinance text, the official Zoning Map, or the Comprehensive Plan character area map, pursuant to Sec. B.12.4(1), the Community Development Director shall, upon determination that the request is complete, refer the application to the board of planning and zoning appeals for review and recommendation.

(iii) If any proposed amendment of the official Zoning Maps or the Comprehensive Plan character area maps is denied by the Board of Commissioners, no request for amendment involving the same property shall be accepted for filing until the expiration of six (6) months following said denial.

(2) Content of applications.

(a) Amendments. Applications to amend the official Zoning Map or the Comprehensive Plan character area map shall be submitted on a form available from the Community Development Director and shall, at a minimum, include the following:

(i) An application fee as established by the Board of Commissioners.

(ii) The name, address, telephone number, and email address of the owner, and the same information from the applicant, if different.

(iii) The road or street address and tax parcel identification number of the property to be reclassified.

(iv) The applicant's interest in the property, if the applicant is not the owner.

(v) A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.

(vi) The current and proposed zoning and Comprehensive Plan character area map classification, existing and proposed uses of the property proposed to be reclassified and all zoning and Comprehensive Plan character area map classifications of properties abutting the subject property.

(vii) If the application requests a change in the official Zoning Map, the applicant shall provide a written statement addressing the standards governing the exercise of zoning in subsection (7)(a) of this section. If the application requests a change in the Comprehensive Plan character area map, the applicant shall provide a written statement addressing the standards for review of Comprehensive Plan character area map amendments in subsection (7)(b) of this section.

(viii) Any other information or documentation the Community Development Director may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.

(ix) If the proposed amendment to the official Zoning Map would meet the thresholds of a development of regional impact (DRI) as described subsection (5) of this section, the applicant shall prepare and submit to the Community Development Director the necessary documentation required by such section.

(3) Withdrawal of applications. An application for an amendment to the official Zoning Map or Comprehensive Plan character area map may be withdrawn upon a written request by the applicant.

(4) Procedures for review.

(a) Pre-application conference. Prior to submission of an application for an amendment to the Comprehensive Plan character area map or official Zoning Map, an application seeking a variance, or an application seeking a special permit, the applicant should schedule a pre-application conference with the Community Development Director . The purpose of this meeting is to acquaint the applicant with the requirements of the UDO and the views and concerns of the County. No decisions on the application or assurances that a particular proposal will be approved shall be made.

(b) Application acceptance. Within five (5) business days after the established deadline for applications for an amendment to the official Zoning Map or the Comprehensive Plan character area map, the Community Development Director shall determine whether the application is complete. If the Community Development Director determines the application is complete, it will be accepted as filed and processed. If the Community Development Director determines the application is not complete, the application will not be deemed to have been filed, and the Community Development Director shall send a written statement to the applicant (by email or first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Community Development Director shall take no further action until the completed application is re-submitted for a subsequent application cycle. No application that has been determined as complete shall be amended in a manner that would impact the required advertising, except as provided for in this section.

(c) Application review. When the Community Development Director determines an application for an amendment to the official Zoning Map or the Comprehensive Plan character area map is complete and has been properly filed, the Community Development Director shall distribute copies of the application for review and comment to representatives from County agencies and departments having jurisdiction over the proposed action.

(d) Site review. Prior to issuing its findings regarding a proposed amendment, the Community Development Director shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate County agencies and departments regarding the impact of the proposed amendment upon public facilities and services.

(e) Staff analysis and standards of review.

(i) The Community Development Director shall prepare an analysis of each proposed amendment and shall present its findings in written form to the Board of Zoning Appeals and Planning Commission. Copies of the written findings of the staff shall be made available to the public at the Board of Zoning Appeals and Planning Commission meeting.

(ii) In preparing the analysis for an amendment to the official Zoning Map,, the Community Development Director shall consider and apply the standards in subsection (7)(a) of this section.

(iii) In preparing the analysis of an amendment to the Comprehensive Plan character area map, the Community Development Director shall consider and apply the standards in subsection (7)(b) of this section.

(iv) In preparing the analysis of a text amendment, the Community Development Director shall consider and apply the standards in subsection (7)(c) of this section.

(v) The Community Development Director ’s report may make recommendations to include approval, denial, conditions or amendments.

(f) Public hearing. Following the first read of an ordinance implementing an amendment to the official Zoning Map or an amendment to the Comprehensive Plan character area map or a text amendment, the Board of Zoning Appeals and Planning Commission shall place it on the agenda of a regular meeting for a public hearing in accordance with the requirements of this article.

(g) Public notices. The public notices and public hearings held by the Board of Zoning Appeals and Planning Commission and Board of Commissioners concerning the application shall be in accordance with the requirements of the Zoning Ordinance.

(h) Developments of regional impact (DRI). If the proposed amendment would meet the thresholds of a DRI, as described in sec. B.12.5, the County shall follow the procedures outlined in said section.

(5) Notice of public hearings.

(a) Legal notice. Due notice of public hearings, pursuant to this section, shall be published in a legal organ of Troup County, Georgia or, if no legal organ has been designated as provided by law, in any newspaper of general circulation within Troup County. The notice shall state the date, time, place and purpose of the hearing. If the proposal is to amend the official Zoning Map or the Comprehensive Plan character area map and is initiated by a party other than the Board of Commissioners, the notice shall also contain the location of the property, current Comprehensive Plan character area map designation and zoning district of the property, and the proposed Comprehensive Plan character area map designation and zoning district of the subject property. Notices for variance applications shall include reference to the section of the Zoning Ordinance from which the applicant is seeking a variance.

(b) Public Notice for Quasi-Judicial Decisions. Quasi-judicial decisions, including rendering decisions on variances, or other similar permits not enumerated as a zoning decision in O.C.G.A. § 36-66-3 shall be noticed in accordance with O.C.G.A. § 36-66-4(g). Public Hearing Notice, as follows:

(i) Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in these regulations and with additional notice being mailed at least thirty days prior to

the hearing to the owner of the property that is the subject of the proposed action.

(ii) For applications pertaining to quasi-judicial review, a sign or signs shall be posted at least 30 days and no more than 45 days in advance of the public hearing.

(c)

(c) Signs posted. For an application to amend the official Zoning Map or Comprehensive Plan character area map, or a special permit~~,~~, the Community Development Director shall post a sign or signs. Sign(s) shall be double-faced and a minimum of 24 inches x 36 inches in size. For variance, special and conditional use, manufactured home unit (MHU) placement, home occupation signs: Signs shall be white, of durable weather-resistant material such as wood, metal or coroplast a minimum of 18 vertical inches by 24 horizontal inches in size (one and one-half feet by two feet) and with vinyl, painted or screen-printed lettering of a minimum of three inches. Signs shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of the sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting road or street. The sign shall state the date, time and place of the public hearing, the name of the applicant, the purpose of the application, the road or street address of the property, the current Comprehensive Plan character area map category and zoning district of the property, the proposed Comprehensive Plan character area map category and zoning district of the property, and the phone number of the Community Development Department. A sign shall not be required for amendments to the text of the Zoning Ordinance, nor for amendments or ordinances initiated by the Board of Commissioners. When the posted sign is for a public hearing being advertised to be held by the Board of Zoning Appeals and Planning Commission, the sign shall be posted at least 30 days but not more than 45 days prior to the date of each required public hearing. When the posted sign is for a public hearing being advertised to be held by the Board of Commissioners, the sign shall be posted at least 15 days but not more than 45 days prior to the date of each required public hearing.

(d) When a proposed zoning amendment, variance or special permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the Board of Zoning Appeals and Planning Commission on the proposed action. The hearing required by this subsection shall be held at least six (6) months and not more than nine (9) months prior to the date of

final action on the zoning decision and shall be in addition to other public hearings required under this subsection. The Community Development Director shall publish a notice of the time, location and date of such hearing that shall include a prominent statement that the proposed action relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. Such notice shall be given by the following:

(i) Posting a sign as provided in subsection (b) of this subsection displaying such notice; and

(ii) At least 15 days and not more than 45 days prior to the date of the hearing, the Community Development Director shall publish such notice in a legal organ of Troup County, Georgia or, if no legal organ has been designated as provided by law, in any newspaper of general circulation within Troup County. Such notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

(e) Notwithstanding any other provisions of this article to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one (1) or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(i) The zoning decision shall be adopted at two (2) regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(ii) Prior to the first meeting provided for in subparagraph (i) of this paragraph, at least two (2) public hearings shall be held on the proposed action. Such public hearings shall be held at least three (3) months and not more than nine (9) months prior to the date of final action on the zoning decision. Furthermore, at least one (1) of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (5) of this Code section. The local government shall give notice of such hearing by:

(1) Posting notice on each affected premises in the manner prescribed by subsection (5) of this Code section; provided, however, that when

more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(2) Publishing in the newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

(3) Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine (9) column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment at no cost.

(f) The provisions of paragraph (d) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(g) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use to a multifamily residential use when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(6) Troup County Board of Commissioners Public Hearing.

(a) General Procedures for Public Hearings. At the first meeting of the Board of Commissioners following the Board of Zoning Appeals and Planning Commission meeting where the Board of Zoning Appeals and Planning Commission made its recommendation, there shall be a first reading of the proposed amendment to include the recommendation of the Board of Zoning Appeals and Planning Commission and a public hearing in accordance with the procedures as outlined in this ordinance. The Troup County Board of Commissioners shall consider whether or not further study and consideration of the proposed amendment and

recommendation is needed and, if so, shall suspend and continue the public hearing on the matter for such further consideration. If the matter and hearing is continued, there shall be a second and final reading of the proposed amendment and the recommendation of the board of zoning appeals/planning commission and a recommencement of the public hearing before the Board of Commissioners at the next regularly scheduled meeting of the board of commissioners following the first reading of the proposed amendment and the recommendation of the Board of Zoning Appeals and Planning Commission. At the close of the public hearing before the Board of Commissioners after the second and final reading, the board shall immediately convene its business session and consider the recommendation for the zoning change and take action on the proposed amendment. 16.14.1.

(b)Public Hearings for quasi-judicial decisions. When a public hearing is for rendering decisions in a quasi-judicial manner and not enumerated as a zoning decision, the public hearing must be held in accordance with the notice and hearing requirements contained in O.C.G.A. § 36-66-4.

(7) Rules of procedure for public hearings.

(a) Public hearing procedures for the Board of Zoning Appeals and Planning Commission. For each matter concerning an amendment to the Comprehensive Plan character area map, the official Zoning Map, the text of the Zoning Ordinance, or for any matters concerning the issuance of a special permit or a variance or other matter on the agenda that requires a public hearing and a vote of the Board of Zoning Appeals and Planning Commission, the following procedures shall be followed:

(i) These rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.

(ii) The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.

(iii) The chair shall request a report from the staff regarding its findings and any recommendations.

(iv) The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side. If desired, the applicant may reserve a portion of their allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.

(v) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.

(vi) Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (8) of this section or, sec. B.12.8 in variance cases.

(b) Public hearing procedures for the Board of Commissioners. For each matter concerning the amendment of the Comprehensive Plan character area map, the official Zoning Map, text of the Zoning Ordinance or for any matter concerning the issuance of a special permit or other matter on the agenda that requires a public hearing and a vote of the Board of Commissioners, the following procedures shall be followed:

(i) These rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.

(ii) The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.

(iii) The chair shall request a report from the staff regarding its findings and any recommendations.

(iv) The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side. If desired, the applicant may reserve a portion of their allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.

(v) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.

(vi) Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter.

(c) Continuance of a public hearing. All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members present at the public hearing determine that specific circumstances surrounding

the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the department shall provide public notice of the new time, date, and location of the continued hearing consistent with the notices provided in subsections (5)(a) and (5)(b) of this section.

(7) (8) Application review standards.

(a) Standards governing the exercise of zoning power. In reviewing the application of a proposed amendment to the official Zoning Map, the Board of Commissioners, the Board of Zoning Appeals and Planning Commission, and the Community Development Director shall consider the following standards for recommendations and decisions as applicable:

(i) Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.

(ii) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

(iii) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

(iv) Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing roads or streets, including the volume and nature of resulting traffic changes, transportation facilities, utilities or schools.

(v) Whether the proposed rezoning is in conformity with the policies and intent of the Comprehensive Plan.

(vi) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.

(vii) Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.

(viii) The feasibility of serving the property with public water and sewer service and the impacts of such on the County infrastructure.

(b) Standards for review of Comprehensive Plan character area map amendments. When considering an amendment to the Comprehensive Plan character area map, the Board of Commissioners, the Board of Zoning Appeals and Planning Commission, and the Community Development Director shall consider the following standards for recommendations and decisions as applicable:

(i) Whether a proposed Comprehensive Plan character area map amendment would result in a Comprehensive Plan character area map classification that is more consistent with the text and policies of the Comprehensive Plan than the current classification of the property on the Comprehensive Plan character area map.

(ii) Whether the proposed amendment would result in a character area that is more compatible with the current and future character area of adjacent and nearby property.

(iii) Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.

(iv) The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.

(v) Whether the proposed amendment would reduce dependence on the automobile.

(vi) The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.

(vii) If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future character areas that includes review of character areas for the subject parcel and other surrounding property.

(viii) The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.

(ix) Whether the proposed amendment would result in any negative impacts on the public water and sewer systems or would conflict with adopted long-term water and sewer plans.

(c) Standards for review of proposals for text amendments to the Zoning Ordinance. In reviewing a proposed text amendment to the Zoning Ordinance, the Board of Commissioners, the Board of Zoning Appeals and Planning Commission, and the Community Development Director shall consider the following standards for recommendations and decisions as applicable:

(i) Whether the proposed text amendment will improve or enhance the administration of the Zoning Ordinance.

(ii) Whether the proposed text amendment will improve or enhance the procedures and processes of the Zoning Ordinance.

(iii) Whether the proposed text amendment will permit uses that are suitable for the County or for areas of the County.

(iv) Whether the proposed text amendment preserves or enhances the quality of life of County residents.

(v) Whether the proposed text amendment preserves or enhances the economic viability of County businesses.

(vi) Whether the proposed text amendment is in conformity with the policy and intent of the Comprehensive Plan.

(vii) Whether the proposed text amendment would result in significant adverse impacts on the natural environment.

(8) (9) Action by Board of Zoning Appeals and Planning Commission. In making a recommendation, a proposed amendment to the Comprehensive Plan character area map or to the official Zoning Map, or a text amendment, the Board of Zoning Appeals and Planning Commission shall review and consider the application and materials of record, any recommendations of the Community Development Director and the applicable standards in subsection (7) of this section.

(a) Recommendation. Immediately following the conclusion of the public hearing regarding a proposed amendment, the Board of Zoning Appeals and Planning Commission shall make a recommendation to the Board of Commissioners to:

(i) Approve the proposed amendment as requested by the applicant;

(ii) Approve the proposed amendment with conditions; or

(iii) Deny the proposed amendment.

(b) No recommendation. A motion that fails by majority vote of the quorum present shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position. If the Board of Zoning Appeals and Planning Commission fails to make a decision on a recommendation regarding an amendment within 60 days of receipt of the proposed amendment, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.

(9) (10) Action by the Board of Commissioners.

(a) Public hearing. Upon receipt of the recommendation of the Community Development Director and the Board of Zoning Appeals and Planning Commission, the Board of Commissioners shall place the proposed amendment on a public hearing agenda of the Board of Commissioners for a public hearing or hearings, in accordance with the requirements of this article.

(b) Considerations by the Board of Commissioners. In making a decision on an amendment to the Comprehensive Plan character area map or the official Zoning Map, the Board of Commissioners shall review and consider the application and materials of record, the recommendation of the Community Development Director , any recommendation of the Board of Zoning Appeals and Planning Commission, and the applicable standards in subsection (7) of this section.

(c) Actions by the Board of Commissioners. At the first public hearing, the Board of Commissioners shall take one (1) of the following actions regarding the proposed amendment:

(i) Approve the proposed amendment as requested;

(ii) Approve the proposed amendment with conditions;

(iii) Deny the proposed amendment; or

(iv) Refer the matter back to the Board of Zoning Appeals and Planning Commission for reconsideration at its next regularly scheduled or called meeting; if such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (5)(a) and (5)(b) of this section; or

(v) Defer final action until the next regularly scheduled or special called meeting.

(d) Notification and final record of action. Within 10 business days following final action by the Board of Commissioners, written notification shall be mailed to the applicant and property owner. Thereupon the Community Development Director shall record the map amendment on the official Zoning Map or Comprehensive Plan character area map, as appropriate.

(e) The Board of Commissioners shall have 90 days from the date of the first reading of an ordinance for a special permit within which to take final action.

Sec. B.12.5. Developments of regional impact (DRI).

(1) Application. When an amendment for a rezoning, special permit, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the Three Rivers Regional Commission (TRRC), it shall be deemed to be a DRI. The documents for such rezoning, special permit, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the TRRC.

(2) Procedures. The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by TRRC.

(3) Recommendation from TRRC. No final action shall occur on such a rezoning, special permit, variance, preliminary plat review or permit application until a recommendation is received from TRRC regarding the DRI

Sec. B.12.6. Special permits, general.

(1) Purpose. The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use within a particular site in the district and its compatibility with adjacent uses. A special permit may not be approved in a given zoning district unless it is listed as a special use permit or a special administrative permit for the subject district in sec. B.6.1, Table of Permitted and Prohibited Uses.

(2) Application procedures.

(a) Special permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).

(b) Applications for special permits shall be for one (1) of the following special permit types: special use permit or special administrative permit.

(c) Applications for special permits shall be made on forms published and provided by the Community Development Director and shall be filed with the Community Development Department. Applications shall not be considered filed unless complete in all respects and all fees paid.

(d) Each applicant shall complete all questions and requested materials contained within the required application form, including responses to the criteria in subsection (5) below, and all applicable supplemental regulations in article B.7.

(e) Application fees. Application fees shall be as established by the Board of Commissioners.

(3) Staff analysis, findings of fact, and recommendations.

(a) County staff shall conduct a site inspection and shall prepare any analysis of each application for special permit summarizing its findings and recommendations in written form.

(b) Staff review and any recommendations on each application for special permit shall be based on the criteria contained in subsection (5) of this section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in article B.7.

(4) Time limits of special permits.

(a) Time limits for the duration of each special permit may be further specified as part of the special permit approval.

(b) Subject to any limit in duration, the special permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the Community Development Director in the same manner as any other provision of the UDO, subject to the limitations provided in subsection (7) of this section.

(5) Special permit criteria to be applied. The following criteria shall be applied by the Community Development Director, the Board of Zoning Appeals and Planning Commission, and the Board of Commissioners in evaluating and deciding any application for a special permit. No application for a special permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

(a) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks, and transitional buffers.

(b) Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, comparisons of the size, scale, and massing of proposed buildings in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

(c) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public roads or streets providing access to the subject site, as well as impacts on pedestrian movements and safety.

(d) Consistency with the County's water and sewer systems, including the feasibility and impacts of serving the property with public infrastructure.

(e) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.

(f) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.

(g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.

(h) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.

(6) Development of an approved special permit. The issuance of a special permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.

(7) Expiration of a special permit. Unless a building permit or other required approvals is secured within 12 months, and construction subsequently undertaken pursuant to such building permit, the special permit shall expire automatically unless the permit is extended in accordance with subsection (8) of this section.

(8) Time extension of a special permit. The time limitations imposed on special permits by subsection (4) and expiration date established pursuant to subsection (7) of this section may be extended, upon written request by the applicant and approval of the special use permit time extension by the Board of Commissioners and the approval of the special administrative permit time extension by the Community Development Director .

Sec. B.12.7. Special use permits.

(1) Authority. The Board of Commissioners may, in accordance with the procedures, standards and limitations of this article, take final action on applications for special use permits for those uses listed as authorized by special use permit in each of the zoning districts in sec. B.6.1, Table of Permitted and Prohibited Uses.

(2) Applications. Applications for a special use permit shall be submitted on a form available from the Community Development Director and shall not be accepted until it is determined by the Community Development Director to be complete and all fees paid. Following the acceptance of a completed application, the Community Development Director shall present an ordinance implementing such request to the Development Review Committee for review. The Development Review Committee will forward all recommendations to the Board of Zoning Appeals and Planning Commission for review and recommendation. The Board of Zoning Appeals and Planning Commission shall then refer the application to the Board of Commissioners for a first reading.

(3) Public hearings required. Before deciding on any special use permit pursuant to the requirements set forth in this section, the Board of Commissioners shall provide for public notice and a public hearing thereon. No application shall be decided by the Board of Commissioners unless it has first been submitted to the Board of Zoning Appeals and Planning Commission for public hearing and recommendation pursuant to the requirements of this section.

(4) Notice of public hearings. Notice of public hearing on any proposed application for a special use permit shall be provided as is required in sec. B.12.4 of this article and shall, in addition to the information required in subsection B.12.4(4), indicate the special use requested for the subject property.

(5) Withdrawal of application. An application for a special use permit may be withdrawn upon a written request by the applicant.

(6) Action by the Board of Zoning Appeals and Planning Commission.

(a) The secretary shall provide the members of the Board of Zoning Appeals and Planning Commission complete information and file materials on each proposed application for a special use permit, and the written report and any recommendations of the Community Development Director applying the required criteria in sec. B.12.6(5) and the supplemental regulations of article B.7, where applicable, to each application.

(b) After public notice as required in subsection (3) of this section, the Board of Zoning Appeals and Planning Commission shall conduct a public hearing in a manner consistent with sec. B.12.4(6) of this article. Prior to initiating a motion regarding its recommendation to the Board of Commissioners, the Board of Zoning Appeals and Planning Commission shall review and consider each of the criteria contained in sec. B.12.6(5) of this article, and the supplemental regulations contained in article B.7, where applicable to the proposed use.

(c) The Board of Zoning Appeals and Planning Commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in sec. B.12.6(5), the supplemental regulations contained in article B.7, where applicable to the proposed use, and the requirements of the Comprehensive Plan character area and zoning district in which such use is proposed to be located.

(d) The Board of Zoning Appeals and Planning Commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with sec. B.12.13.

(e) The Board of Zoning Appeals and Planning Commission may recommend approval of the special use permit application, approval of the application with conditions, or denial of the application. Failure to achieve a majority vote shall result in no recommendation to the Board of Commissioners on the matter.

(f) The Board of Planning and Zoning Appeals shall have 60 days from the date of receipt of a special use permit application from the Director within which to file its report and recommendation with the Board of Commissioners. If the Board of Planning and Zoning Appeals shall fail to file such report and recommendation

within the 60-day period, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.

(7) Action by the Board of Commissioners.

(a) The secretary shall provide the Board of Commissioners all information regarding decisions from the Board of Zoning Appeals and Planning Commission on each proposed application for special use permit, including a copy of the application and all supporting materials and the written report and recommendation of the Community Development Director applying the required criteria in section B.12.6(5) and the supplemental regulations of article B.7, where applicable, to each application.

(b) After a second reading and public notice as required in subsection (3) of this section, the Board of Commissioners shall conduct a public hearing in a manner consistent with section B.12.4(6) of this chapter. The Board of Commissioners shall review and consider each of the criteria contained in Section . B.12.6(5) of this chapter, and the supplemental regulations contained in article B.7, where applicable to the proposed use.

(c) The decision of the Board of Commissioners on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in sec. B.12.6(5), the supplemental use standards contained in article B.7 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and whether additional conditions could be imposed which would help ensure the compatibility of the proposed use with the surrounding properties. The Board of Commissioners may impose conditions based upon the facts in a particular case in accordance with sec. B.12.13.

(d) The Board of Commissioners, after conducting the public hearing with public notice required by this section, shall take one (1) of the following actions:

(i) Vote to approve the application.

(ii) Vote to approve the application with conditions.

(iii) Vote to deny the application.

(iv) Vote to defer the application to its next regular meeting or special called meeting.

(v) Vote to refer the matter back to the Board of Zoning Appeals and Planning Commission for reconsideration at their next regularly scheduled meeting or special called meeting. If such referral includes a public hearing, the matter shall be re-advertised in accordance with sections B.12.4(5)(a) and (5)(b).

Sec. B.12.8. Variances.

(1) Authority. Unless otherwise provided for in the Zoning Ordinance, the Board of Zoning Appeals and Planning Commission shall have the authority to grant variances from the dimensional requirements of the Zoning Ordinance, per the standards and procedures as set forth in this section.

(2) Purpose. The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the Zoning Ordinance would impose on a landowner exceptional and undue hardship.

(3) Initiation. A written petition for a variance may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Community Development Director and shall not be considered complete unless all required information is provided. Non-refundable application fees shall be established from time to time by the County to defray the actual cost of processing the application.

(4) Application procedures. The application shall contain the following information and documentation:

(a) Name, address, telephone number, and email address of owner(s) and applicant, if not owner.

(b) Legal description, road or street address, lot number, and subdivision name, if any, of the property that is the subject of the application.

(c) The size of the subject property.

(d) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.

(e) The specific provision of the Zoning Ordinance from which a variance is requested.

(f) A statement concerning each of the Standards for granting variances in subsection (8) of this section.

(g) A statement explaining how the proposed variance is consistent with the general spirit and intent of the Zoning Ordinance and the Comprehensive Plan.

(5) Staff report. The Community Development Director shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (8) of this section. The staff report shall be presented in written form to the Board of Zoning Appeals and Planning Commission at the scheduled hearing date.

(6) Public notice procedures. The public notice procedures for a variance application shall be in conformance with Section. B.12.4(5).

(7) Public hearing procedures. The public hearing procedures for a variance application shall be in conformance with Section. B.12.4(6)(a). The chair, or in their absence, the vice chair, may administer oaths and compel attendance of witnesses by subpoena.

(8) Standards for granting variances.

(a) Granting variances. The Board of Zoning Appeals and Planning Commission shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:

(i) Arises from a condition that is unique and peculiar to the land, structures and buildings involved.

(ii) Is necessary because the particular physical surroundings, the size, shape, or topographical condition of the specific property involved would result in unnecessary hardship for the applicant, lessee, or occupants, as distinguished from a mere inconvenience, if the provisions of the Zoning Ordinance are literally enforced.

(iii) The condition requiring the requested relief is not ordinarily found in properties with the same zoning district designation as the subject property.

(iv) The condition is created by the regulations of the Zoning Ordinance and not by an action or actions of the property owner or the applicant.

(v) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public roads or streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

(vi) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.

(vii) The variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance or the purpose and intent of the Comprehensive Plan.

(b) No variance shall be authorized to:

(i) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.

(ii) Allow an increase in maximum height of building.

(iii) Allow an increase in the degree of roof pitch required.

(iv) Conflict with or change any requirement enacted as a condition of zoning or of a special use permit authorized by the Board of Commissioners.

(v) Reduce, waive or modify in any manner the minimum lot area established by the Zoning Ordinance in any zoning district.

(vi) Reduce, waive or modify in any manner the minimum lot area established by the Board of Commissioners through a special condition of approval.

(vii) Permit the expansion or enlargement of any nonconforming situation or nonconforming use requiring a special use permit.

(viii) Permit the re-establishment of any non-conforming situation or nonconforming use requiring a special use permit where such use has lapsed.

(c) Ability to impose conditions. The Board of Zoning Appeals and Planning Commission may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon surrounding property or the environment.

(9) Final decisions. The Board of Zoning Appeals and Planning Commission shall make a final decision on variance requests in accordance with the procedures and standards set forth in this section. Final decisions shall be made immediately following the conclusion of the public hearing or, if deferred, no more than 45 days from the date of the initial public hearing.

(10) Successive applications. An application for a variance affecting all or a portion of the same property that was denied by the Board of Zoning Appeals and Planning Commission shall not be accepted sooner than 6 months after the date of final decision by the Board of Zoning Appeals and Planning Commission.

Sec. B.12.9. Appeals to the Board of Zoning Appeals and Planning Commission.

(1) Procedures.

(a) Eligibility for appeal. Appeals to the Board of Zoning Appeals and Planning Commission may be initiated by any aggrieved person, or by a department, official, agency or board of the County affected by any decision, final order, requirement, determination or interpretation of any administrative official of the County, with respect to the provisions of the Zoning Ordinance. These appeals shall be taken by filing a written notice of appeal with the secretary of the Board of Zoning Appeals and Planning Commission, specifying the grounds thereof, within a reasonable time after the action being appealed was taken, as provided

by the board's rules. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.

(b) A person shall be considered aggrieved for purposes of this section if:

(i) Said person or said person's property was the subject of the action being appealed; or

(ii) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(c) Transmission of records. The Community Development Director shall transmit to the Board of Zoning Appeals and Planning Commission all documents, digital information, or other matters constituting the record upon which the action being appealed was taken. The application shall be accompanied by a fee, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application.

(2) Hearings. The Board of Zoning Appeals and Planning Commission shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. For public hearings, the secretary shall issue proper public notice of the hearing. The public notification shall indicate the place, date, and time of the hearing and shall be posted and advertised per O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.

(3) Decisions of the board. Following the consideration of all testimony, documentary evidence and matters of record, the Board of Zoning Appeals and Planning Commission shall make a determination on each appeal. The board shall decide the appeal within a reasonable time, but in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the Board of Zoning Appeals and Planning Commission that the administrative official's action was based on an erroneous finding of a material fact or a misinterpretation of a regulation of the this article..

Sec. B.12.10. Appeals from decisions of the Board of Zoning Appeals and Planning Commission.

Appeals of all final decisions of the Board of Zoning Appeals and Planning Commission under the provisions of this article shall be as follows:

(1) Review of decisions. Any person aggrieved by a final decision of the Board of Zoning Appeals and Planning Commission, or any officer, department, board or

agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Troup County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the Board of Zoning Appeals and Planning Commission is rendered.

(2) Notice to the board. In any such petition filed, the secretary of the Board of Zoning Appeals and Planning Commission shall be authorized to acknowledge service of a copy of the petition and writ for the Board of Zoning Appeals and Planning Commission. Service upon the County as defendant shall be as otherwise provided by law. Within the time prescribed by law, the Board of Zoning Appeals and Planning Commission shall cause to be filed with the Troup County Superior Court a duly certified record of the proceedings before the planning and zoning adjustment, including a transcript or detailed minutes of the evidence heard before it, and the decision of the Board of Zoning Appeals and Planning Commission.

Sec. B.12.11. Burden of proof in appeals and variances.

(1) Requirements. The standards and requirements of the Zoning Ordinance and decisions made by public officials are presumed to be valid. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to meet all required standards of review.

(2) Review. It is the duty of the Board of Zoning Appeals and Planning Commission to review such facts and evidence in light of the intent of the UDO to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO to the applicant's property.

Sec. B.12.12. Administrative variances.

(1) Authority. Applications for authorized administrative variances may be submitted to the Community Development Director, who shall make final decisions on such applications in accordance with this section.

Specified administrative variances. Applications for administrative variances shall be established for the following provisions:

(a) Minimum building setbacks. Not to exceed a reduction in the minimum setback required by ten percent, except the front setback may be reduced or waived if the parking (for commercial properties) is located in the side or rear yards.

(b) Maximum building height. Not to exceed an additional four feet above the maximum allowed.

(c) Minimum appearance standard for single-family dwellings. Roof pitch—No less than three-twelfths, minimum width—No less than 20 feet, minimum floor area—No less than ten percent of a minimum of 1,000 square feet.

(d) Automobile parking requirements. Not to exceed a change by more than ten percent in the number of spaces required or allowed, shared parking, or the proximity of spaces to the use served.

(e) Signage. Up to ten percent of the dimensional restrictions of the sign regulations article.

(f) Accessory buildings. Accessory Buildings may be located within the front yard setbacks if located on a parcel five acres or greater, and the accessory unit must be at least 200 feet LF from all property lines, and a determination can be made that the placement will not have a detrimental effect on the adjacent properties.

(2) Application procedures.

(a) Form. An application shall be submitted on a form provided by the Community Development Director.

(b) Fees. An application fee shall accompany the application, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application.

(c) Documentation. The application shall be in such a form and contain such information and documentation as shall be prescribed by the Community Development Director , but shall contain at least the following:

(i) Name and address of the applicant.

(ii) Legal description of the subject property. For purposes of this requirement, a legal description shall at a minimum identify the approximate area and Troup County Land District and Land Lot. A survey by a Georgia registered land surveyor depicting the property shall satisfy the requirements of subsection (3)(i) and (ii) of this section.

(iii) Size of the subject property.

(iv) A statement of the hardship imposed on the applicant by the Zoning Ordinance and a statement demonstrating why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

(v) The Community Development Director may require written documentation that all abutting property owners have been notified.

(vi) Should the Community Development Director determine that a site plan is necessary to adequately review the administrative variance, said plan shall be drawn to scale, showing property lines with dimensions, and any improvements, structures and buildings. Should the Community Development Director determine that a plat is necessary to adequately review the administrative variance, said plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid, with the preparer's signature and seal affixed to the plat.

(vii) Any other pertinent information as requested by the Community Development Director .

(d) Within 15 business days after an application has been determined to be complete, the Community Development Director shall either grant the administrative variance, grant the administrative variance with conditions, or deny the administrative variance with reasons clearly stated in accordance with the standards set forth in subsection (5) of this section. The Community Development Director may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this Zoning Ordinance, as may be deemed necessary for the protection of adjacent properties or the environment.

(3) Expiration. An administrative variance shall automatically expire one (1) calendar year from the date of approval, unless the proposed use or development has begun in utilization of the administrative variance allowance.

(4) Standards for issuance of administrative variances. In deciding whether to grant an application for an administrative variance, the Community Development Director shall consider all of the applicable standards provided in sec, B.12.8(8). Approval of an administrative variance shall require demonstration of a hardship, in compliance with all said criteria.

(5) Appeals of decisions to the Board of Zoning Appeals and Planning Commission. The final decision of the Community Development Director made pursuant to the provisions of this section may be appealed to the Board of Zoning Appeals and Planning Commission pursuant to sec. B.12.9. Decisions made by the Board of Zoning Appeals and Planning Commission shall be final. Appeals of decisions made by the Board of Zoning Appeals and Planning Commission shall be pursuant to sec. B-12.10.

(6) Reporting to the Board of Zoning Appeals and Planning Commission. The Community Development Director shall report to the Board of Zoning Appeals and Planning Commission all decisions on administrative variances at regular board meetings.

Sec. B.12.13. Conditional approval and alterations to conditions.

(1) Conditions of approval. The Board of Zoning Appeals and Planning Commission and the Community Development Director may recommend, and the Board of Commissioners may impose, reasonable conditions upon the approval of any amendment to the Comprehensive Plan character area map, official Zoning Map or approval of a special use permit that it finds necessary to ensure compliance with the intent of the Comprehensive Plan or Zoning Ordinance. Such conditions may also be imposed by the Board of Zoning Appeals and Planning Commission for variances. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
   (a) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
   (b) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
   (c) Greenspace and open space conservation.
   (d) Driveway curb cut limitations.
   (e) Restrictions on land uses or activities that are permitted.
   (f) Prohibited locations for buildings, structures, loading or parking areas.
   (g) The provision of adequate ingress and egress.
   (h) Making project improvements for roads or streets, sidewalks, parks, or other community facilities.
   (i) Building height, massing, or compatible architectural design features.
   (j) Hours of operation.
   (k) The duration of a special use.
   (l) A requirement that development shall conform to a specific site plan.
   (m) Other conditions that the Board of Commissioners finds are necessary as a condition of approval of an amendment to the Comprehensive Plan character area map, official Zoning Map, or special use permit.
(2) Such conditions, limitations or requirements shall be:
   (a) Set forth in the motion approving the amendment or special use permit.
   (b) Set forth in the local ordinance that officially records the amendment or special use permit.

(c) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the Comprehensive Plan character area map amendment, official Zoning Map amendment, or special use permit to which the conditions are attached and shall be:
  (i) Required of the property owner and all subsequent owners as a condition of their use of the property; and
  (ii) Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.

(3) Alterations to conditions of approval.
  (a) Alterations or repeal of conditions attached to any amendment to the Comprehensive Plan character area map, official Zoning Map, or approval of a special permit shall be made only by the Board of Commissioners following a duly advertised public hearing conducted in accordance with sec. B.12.4(4) of this article. Notice shall be provided in accordance with sec. B.12.4(5).
  (b) Alterations or repeal of conditions attached to a variance granted by the Board of Zoning Appeals and Planning Commission shall be made only by the Board of Zoning Appeals and Planning Commission following a duly advertised public hearing conducted pursuant to procedures provided in subsection B.12.9(2) of this article. Notice shall be provided in accordance with subsection B.12.4(5).

Sec. B.12.14. Conflict of interest.

Members of the Board of Zoning Appeals and Planning Commission and the Board of Commissioners shall comply with the requirements of O.C.G.A. 36-67A-1., et seq., as amended.

Sec. B.12.15. Disclosure of campaign contributions.

It is the duty of all applicants and opponents of rezoning actions who have made campaign contributions aggregating $250.00 or more to a member of the Board of Zoning Appeals and Planning Commission or Board of Commissioners within two (2) years prior to the applicant's application for the rezoning action, to comply with the requirements of O.C.G.A. § 36-67A-1, et seq., as amended.

Sec. B.12.16. Appeals of Zoning Decisions

All such appeals or challenges to zoning decisions of the Board of Commissioners shall be brought within 30 days of the date of action by the Board of Commissioners. The petition for review shall be filed with the Troup County Superior Court within 30 days of

the date of the decision in accordance with O.C.G.A. § 36-66-5.1 Appeals to zoning decisions of the Board of Commissioners are subject to de novo review as provided in Title 5 of the Official Code of Georgia Annotated.

Zoning Decisions. Zoning Decision means final legislative action by a local government which results in:

(a) The adoption or repeal of a zoning ordinance;

(b) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

(c) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another.

(d) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;

(e) The grant or denial of a permit relating to a special use of property (including a conditional use);

(f) The grant or denial of a variance or conditions concurrent with an amendment to a zoning ordinance or a special use of property or as provided in Section 16.6-5.

Sec. B.12.16. Designation of Officer; Stay of Proceedings.

(a) Designation of Officer. The county officer who shall have the authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia Annotated, for review of lower judicatory bodies or agencies referenced in these regulations and upon whom service of such petition may be effected or accepted on behalf of lower judicatory boards during normal business hours, at the regular offices of the County of Troup shall be the County Clerk, who shall also serve as the official who shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the local government.

(b) Stay of Action. An appeal or challenge by an opponent filed pursuant to these regulations shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the officer or board from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision or the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of Title 5 or Title 9 of the Official Code of Georgia Annotated, as appropriate.

ARTICLE B.13. TELECOMMUNICATIONS ANTENNAS AND TOWERS

Sec. B.13.1. Purpose.

This article is designed and intended to balance the interests of the residents of Troup County, telecommunications providers and telecommunications customers in the siting of telecommunications facilities within Troup County so as to protect the health, safety and integrity of residential neighborhoods and 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 and shall neither prohibit nor have the effect of prohibiting the provision of personal wireless services, and so as to promote Troup County as a pro-active County in the availability of personal wireless telecommunications service. To that end, this article shall:

(1) Provide for the appropriate location and development of telecommunications facilities in Troup County;
(2) Protect the built and natural environment of Troup County by promoting compatible design standards for telecommunications facilities;
(3) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflage techniques;
(4) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
(5) 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;
(6) Maximize and encourage use of alternative telecommunications tower structures as a primary option rather than construction of additional single use towers; and
(7) Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

Sec. B.13.2. Federal and State Law.

The regulations of this article must be applied within the procedural and regulatory constraints of applicable federal and state telecommunications statutes.

Sec. B.13.3. Exclusions.

The following shall be exempt from this article:

(1) Any tower and antenna under 50 feet in total height which is owned and operated by a federally licensed amateur radio operator.

(2) Satellite dish antennas.
(3) Towers and antennas operated by local, state or federal government for a necessary governmental function.

Sec. B.13.4. Placement of telecommunications facilities by zoning district.

(1) No telecommunications facilities shall be allowed within 1,500 feet of any dwelling within any AG, AG-R, LR, SU-R, SU-VL, UR-VL, and SD-MH district within Troup County. Subject to this limitation, monopole towers shall be allowed up to and including a height of 100 feet within such districts. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
(2) In any LC, HC, LI, and HI zoning district, telecommunications facilities shall be allowed. Monopole towers within said district shall be allowed, subject to this limitation, up to a height including 100 feet. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
(3) In any UR-VL zoning district, towers shall be allowed subject to the following constraints:
    (a) Monopole towers in excess of 100 feet in height shall be allowed only when located a distance of at least 1,500 feet from the nearest residential dwelling or structure;
    (b) Otherwise, monopole towers within said district shall not exceed a height of 50 feet, unless such are designed and intended to accommodate at least two (2) users, in which case said monopole tower shall not exceed a height of 80 feet.
(4) In any HI zoning district, towers of unrestricted height shall be allowed, provided no telecommunications tower shall be allowed within a distance of 1,500 feet of any residential dwelling or structure.
(5) Any telecommunications towers and antennas in all instances must comply with the airport special zoning district (sec. B.3.2).
(6) In no district within the County shall an antenna as defined herein extend a distance greater than 20 feet above the structure to which it is attached.
(7) Measurements in this section shall be in a straight line from the base of the telecommunications facility to the nearest portion of the structure, building, dwelling, or other regulated structure.

Sec. B.13.5. Preferred and disfavored sites.

(1) Preferred location sites:

(a) Co-location sites: Any existing telecommunications tower(s) 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 location site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of this article. No more than two (2) towers shall be authorized at a co-location site, and no structure shall be allowed thereon higher than the existing structure (tower) located on the site.

(b) Publicly used structures: Publicly used structures are preferred locations throughout the County because they appear in virtually all neighborhoods, are disbursed throughout the County, and due to their institutional or infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore (telecommunications facilities) antennas should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, flag poles, schools, hospitals, clock or bell towers, light poles and churches.

(c) Industrial and commercial structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, medical facilities, office buildings or service stations shall be preferred locations particularly where existing visual obstruction or clutter on the roof or along the roof line can and will be removed as part of the installation of the telecommunications facility.

(2) Disfavored location sites: Any single-family residential structure or site or multifamily duplex shall be a disfavored site for the location of telecommunications facilities.

Sec. B.13.6. Requirements for telecommunication facilities.

(1) Lighting: No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction or unless necessary for the air traffic safety. If lighting is required or necessary, the Community Development Director of the Community Development Department may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

(2) Advertising: No advertising or signage is permitted on telecommunications facilities.

(3) Visual effects: If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting

structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Accessory uses: Accessory structures used in direct support of a telecommunications facility shall be allowed but shall 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.

(5) Lot size and setbacks: Telecommunications facilities must be set back from any property line a sufficient distance to protect adjoining property from the potential impact of telecommunications facility failure by being sufficiently distant to accommodate such failure of the site, based on the engineer's analysis as required in sec. B.13.7. Such setback distance shall in no event be less than the calculated distance covered by the telecommunications facility should such fail, plus an additional 10 feet.

(6) On-site vegetation: Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

(7) Buffer strip and fence: Any tower site (including the entire "guyed" area) shall be surrounded by a buffer strip and fence as approved by the Community Development Director based on applicable regulations of the UDO for buffers and fencing.

Sec. B.13.7. Application requirements.

Application for a building permit for any wireless facility shall be made by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete, and the following information shall be submitted when applying for said permit and must be submitted for an application to be considered complete:

(1) Basis information: A report from a qualified, registered professional engineer licensed in the State of Georgia, documenting the following:
   (a) Wireless facility height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
   (b) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated by the facilities;
   (c) Evidence of structural integrity of the tower structure; and
   (d) Structural failure characteristics of the telecommunications facility and demonstration that site setbacks are of adequate dimension (to contain debris).

(2) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity;

(3) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Included within such designation shall be name, address, telephone number, facsimile number and electronic mail address, if applicable.
(4) Site plan: An applicant for a telecommunications facility building permit must present a site plan that discloses the following:
    (a) Location of guy wires;
    (b) Location to nearest residential structure;
    (c) Height elevations above ground level;
    (d) Height elevation above sea level;
    (e) Relation to slope set forth in the airport special zoning district; and
    (f) Full description of landscaping and fence material to be used.

Sec. B.13.8. Co-location.

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 antennas, equipment and facilities on a telecommunications facility unless specific technical constraints or applicable law prohibit said co-location. 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 costs in accordance with industry standards.

Sec. B.13.9. Action on application; appeals.

(1) The Community Development Director shall approve or deny the application for a new wireless support structure within 150 days of the date of complete application, unless another date is agreed to by the applicant and the Community Development Director in writing. The Community Development Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 150-day decision period herein. Any such decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record.
(2) The Community Development Director shall approve or deny the application for a colocation within 90 days of the date of complete application, unless another date is agreed to by the applicant and the Community Development Director in writing. The Community Development Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is

provided by the applicant shall not count against the 90-day decision period herein. Any such decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record. If the application for a co-location or modification of a wireless facility is subject to the streamlined process of O.C.G.A. § 36-66B-4 as amended, the application entitled to streamlined processing shall be reviewed for conformance with applicable site plan and building permit requirements, including zoning and Comprehensive Plan character area map conformity but shall not otherwise be subject to additional approvals beyond the initial approval issued for the wireless support structure or wireless facility. Fees for co-location applications shall not exceed $500.00.

(3) The Community Development Director shall approve or deny the application for an eligible facility request subject to review under Section 6409 of the Spectrum Act within 60 days of the date of complete application, unless another date is agreed to by the applicant and the Community Development Director in writing. The Community Development Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 60-day decision period herein. Following a supplemental submission, the Community Development Director will have 10 days to notify the applicant that the supplemental submission did not include the missing information. If the Community Development Director does not act within the 60 days the application is granted, the decision shall be considered to be approved. The decision shall be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.

(4) Appeals from a decision of the Community Development Director may be taken to the Board of Zoning Appeals and Planning Commission per the appeals provisions of sec. B.12.9.

Sec. B.13.10. Maintenance of Facilities.

(1) All wireless transmission facilities and related fencing and landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of any person, nor shall they be a blight upon the property.

(2) All maintenance or construction on wireless transmission facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency. Access to facilities on County owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of

access to County sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.

Sec. B.13.11. Liability Insurance.

(1) All permitted wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the permit in amounts as set forth below:
   (a) Commercial general liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and
   (b) Automobile coverage: $1,000,000 per occurrence/ $2,000,000 aggregate; and
   (c) A $3,000,000 umbrella coverage; and
   (d) Workers compensation and disability: Statutory amounts.
(2) For a wireless telecommunications facility on County property, the commercial general liability insurance policy shall specifically include the County and its officers, commissions, employees, committee members, attorneys, agents and consultants as additional insured.
(3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a best's rating of at least A.
(4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days' prior written notice in advance of the cancellation of the insurance.
(5) Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.
(6) Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the grant of the application, the applicant shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.
(7) A certificate of insurance that states that it is for informational purposes only and does not confer rights upon the County shall not be deemed to comply with this section.

Sec. B.13.12. Indemnification.

(1) Any application for wireless telecommunication facilities that is proposed for County property, pursuant to this article, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the article, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County and its officers, commissions, employees, committee members,

attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

(2) Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a special use permit for wireless telecommunications facilities.

Sec. B.13.13. Fines.

(1) In the event of a violation of this article or any permit issued pursuant to this article, the County may impose and collect, and the holder of the permit for wireless telecommunications facilities shall pay to the County, fines or penalties as set forth below.

(2) If the applicant fails to comply with provisions of this article such shall constitute a violation of this article and shall be subject to a fine not to exceed $350.00 per day per violation following due and proper notice and, further, each day or part thereof that a violation remains uncured after proper notice shall constitute a separate violation, punishable separately.

(3) Notwithstanding anything in this article, the holder of the permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this article or any section of this article. An attempt to do so shall subject the holder of the permit to termination and revocation of the special use permit. The County may also seek injunctive relief to prevent the continued violation of this article, without limiting other remedies available to the County.

Sec. B.13.14. Abandoned towers.

Any telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, irrespective of whether the owner or operator intends to make use of it or any part of it. In such case, the owner of the

telecommunications facility and the owner of the property where such facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from the County notifying the owner(s) of such abandonment, the County may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The County may pursue all legal remedies available to it to ensure that abandoned telecommunications tower or facilities are removed. Any delay by the County in taking such action shall not under any circumstances operate as a waiver of the County's right to take such action. The County may seek to have a 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.

Sec. B.13.15. Pre-existing towers/nonconforming uses.

Use of all telecommunications facilities lawfully permitted and operative prior to the adoption of the UDO, and which do not comply with the provisions of this article, or amendments thereto, shall be allowed as a nonconforming use and shall be treated as a nonconforming use in accordance with article B.11. Routine maintenance, including replacement with new tower or antenna of like construction and height shall be permitted on such existing telecommunications facilities. Any existing unused tower or antenna so replaced shall be removed within 30 days of the new tower or antenna becoming operational. New construction other than routine maintenance shall comply with the requirements of this article.

(1) A telecommunications facility that has received County approval as of the date of final approval of this UDO, in the form of a building permit, but has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility as long as such building permit is current and not expired. The zoning district regulations of the Zoning Ordinance contain additional standards and procedures that are supplemental to all other regulations and requirements of this article. Should the requirements of these zoning district standards and procedures conflict with standards of other requirements of this article, the requirements of the zoning district shall apply.

(2) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

APPENDIX C. DEVELOPMENT AND PERMITTING

ARTICLE C.1. CODES, STANDARDS, AND PROCEDURES

Sec. C.1.1. Adoption of certain codes.

(1) Adoption of technical building and construction codes. It is the intent of the County to enforce the latest editions of the minimum standard codes, as adopted and amended by the Georgia State Department of Community Affairs.

(2) Georgia Accessibility Code Compliance. In addition to the regulations of the UDO, the Georgia Accessibility Code for buildings and facilities shall also apply.

(3) Copies of all of the codes listed in this section are available for public inspection in the Community Development Department.

Sec. C.1.2. Relationship to other ordinances, statutes and resolutions.

(3) In their interpretation and application, the provisions of the UDO shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the provisions of any other ordinance or statute require more restrictive standards than those of the UDO, the provisions of such standards shall govern, unless provided otherwise.

(4) Whenever the provisions of the UDO impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in the UDO.

Sec. C.1.3. Code declared remedial.

(1) Generally. These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as "service systems."

(2) Quality control. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

(3) Permitting and inspection. The inspection or permitting of any building, system or plan under the requirements of the construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the County nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

(4) Scope.

(a) Applicability.

(i) Generally. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(ii) Building. The provisions of the Standard Building Code, as adopted and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one (1)-family and two (2)-family dwellings.

(iii) Electrical. The provisions of the National Electrical Code, as adopted and amended by the state department of community affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(iv) Gas. The provisions of the Standard Gas Code, as adopted and amended by the state department of community affairs, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one (1)-family and two (2)-family dwellings.

(v) Mechanical. The provisions of the Standard Mechanical Code, as adopted and amended by the state department of community affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems, except in single-family and two-family dwellings.

(vi) Plumbing. The provisions of the Standard Plumbing Code, as adopted and amended by the state department of community affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewer system.

(vii) Fire prevention. The provisions of the Standard Fire Prevention Code, as adopted and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

(viii) Energy. The provisions of the CABO Model Energy Code, as adopted and amended by the state department of community affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

(ix) CABO Single and Two Family Dwelling. The provisions of the CABO Single and Two Family Dwelling Code, as adopted and amended by the state department of community affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every single-family or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

(x) The Unsafe Building Abatement Code. The provisions of the Unsafe Building Abatement Code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

(5) Federal and state authority. The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(6) Appendices. Appendices as adopted by the Georgia Department of Community Affairs shall be considered an integral part of the construction codes.

(7) Referenced standards. Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the

construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(8) Maintenance. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner or designated agent shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Sec. C.1.4. Community Development Department.

(1) Restrictions on employees. An officer or employee connected with the Community Development Department, except one (1) whose only connection is as a member of the Construction Board of Adjustments and Appeals, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of the same. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the Community Development Department. In conducting inspections and performing the duties required in this UDO, the Community Development Director and his or her authorized designee(s) are authorized to and shall use their personal judgment and discretion in determining the number of required inspections, remedial measures, additional requirements, if any, placed upon contractors and whether the standards and provisions of the applicable building code are met with respect to the purposes and intents of such applicable codes and this UDO.

(2) Records. The Community Development Director shall keep, or cause to be kept, a record of the business of the Community Development Department. The records of the Community Development Department shall be open to public inspection pursuant and subject to the provisions of the Georgia Open Records Act, O.C.G.A. §§ 50-18-70—50-18-76.

(3) Liability. Any officer or employee, or member of the Construction Board of Adjustments and Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act, required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him/her or by a third party in

the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

Sec. C.1.5. Existing buildings.

(1) Generally. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The Community Development Director shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

(2) Change of occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes as required by the Community Development Director.

Sec. C.1.6. Special historic buildings.

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Community Development Director to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

Sec. C.1.7. Community Development Director.

(1) Authority. The Community Development Director is hereby authorized and directed to enforce the provisions of the construction codes. The Community Development Director is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

(2) Right of entry.

(a) Whenever necessary to make an inspection to enforce any of the provisions of the applicable construction codes, or whenever the Community Development Director has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe,

dangerous or hazardous, the Community Development Director may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Community Development Director by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Community Development Director shall have recourse to every remedy provided by law to secure entry.

(b) When the Community Development Director shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as provided in this section, to promptly permit entry therein by the Community Development Director for the purpose of inspection and examination pursuant to the construction codes.

(3) Stop work orders. Upon notice from the Community Development Director, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Community Development Director shall not be required to give a written notice prior to stopping the work.

(4) Revocation of permits.

(a) Misrepresentation of application. The Community Development Director may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) Violation of code provisions. The Community Development Director may revoke a permit upon determination by the Community Development Director that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

(5) Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered

unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the unsafe building abatement code.

(6) Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the construction codes, shall be determined by the Community Development Director.

(7) Alternate materials and methods. The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided that any such alternate has been reviewed by the Community Development Director. The Community Development Director shall approve any such alternate, provided that the Community Development Director finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Community Development Director shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

ARTICLE C.2. PERMITS AND INSPECTIONS

Sec. C.2.1. Building permit and mobile home permit.

(1) Contents of application; plan; approval; lapse.

(a) Each application for a building permit or mobile home permit shall be accompanied by a site plan indicating such information as may be needed to present an accurate record of the existing conditions and proposed uses including, but not limited to, property lines, rights-of-way, easements, structures, soil conditions, terrain and parking areas.

(b) A construction drawing shall be submitted when required by the Community Development Director, and, where applicable, a plan meeting the requirements of the County soil erosion and sedimentation control regulations shall be submitted.

(c) Before issuing a building permit or mobile home permit, the Community Development Director shall forward copies of the application to the health department, the Community Development Director , and other departments for which approval is necessary. Upon favorable approval of all concerned, the

Community Development Director may issue a permit. Permits shall become invalid if construction is not begun within six (6) months of the date of issuance.

(2) Fees. Fees for building permits are to be governed by the fee schedule approved by the Board of Commissioners and maintained by the Community Development Department.

(3) Issuance prerequisite to issuance of water system, sewer system and pipes permit. Permits shall not be issued for the construction and installation of a water system, sewer system, utility, and driveway or culvert pipe when the same are being utilized in connection with any building or mobile home or any addition thereto without first having made application for and received a permit for such building or mobile home from the Community Development Director.

(4) Denial until compliance with law. A violation of the zoning regulations or subdivision regulations or any other law or regulation of the County or state shall be cause for the denial of a building permit until such violations are removed, and/or compliance with all such regulations and such laws has been accomplished.

Sec. C.2.2. Conflict of regulations; most stringent prevails.

This article is not intended to interfere with or annul any easement, covenant, or other agreement between parties. However, where this division imposes a greater restriction upon the use of property or requires greater space than is imposed by other regulations or by private easements, covenants, or agreements, the provisions of this article shall govern.

Sec. C.2.3. Application for permits for all work governed by construction codes

(1) When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Community Development Director and obtain the required permit for the work.

(2) Exception. Permits shall not be required for the following mechanical work:

(a) Any portable heating appliance;

(b) Any portable ventilation equipment;

(c) Any portable cooling unit;

(d) Any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;

(e) Replacements of any part which does not alter its approval or make it unsafe;

(f) Any portable evaporative cooler;

(g) Any self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 w) or less.

(3) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided that the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(4) Minor repairs. Ordinary minor repairs may be made with the approval of the Community Development Director without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

(5) Information required. Each application for a permit, with the required fee, shall be filed with the Community Development Director on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Community Development Director.

(6) Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One (1) or more extensions of time for periods of not more than 90 days each may be allowed by the Community Development Director for the application, provided that the extension is requested in writing and justifiable cause is demonstrated.

Sec. C.2.4. Drawings and specifications.

(1) Requirements. When required by the Community Development Director, two (2) or more copies of specifications and of drawings, drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the

construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(2) Additional data. The Community Development Director may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Community Development Director to be prepared by an architect or engineer shall be affixed with their official seal.

(3) Design professional. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to such drawings, specifications, and accompanying data, for the following:

(a) All group A, E, and I occupancies.

(b) Buildings and structures three (3) stories or more high.

(c) Buildings and structures 5000 square feet (465 m^2) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

(4) Exception. Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

(5) Structural and fire resistance integrity. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

(6) Site drawings. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Community Development Director may require a boundary line survey prepared by a qualified surveyor.

(7) Hazardous occupancies. The Community Development Director may require the following:

(a) General site plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities,

permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

(b) Building floor plan. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

Sec. C.2.5. Examination of documents.

(1) Plan review. The Community Development Director shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

(2) Affidavits. The Community Development Director may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads and stability. The Community Development Director may without any examination or inspection accept such affidavit, provided that the architect or engineer who made such affidavit agrees to submit to the Community Development Director, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the construction codes. Where the Community Development Director relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

Sec. C.2.6. Issuance.

(1) Action on permits. The Community Development Director shall act upon an application for a permit without unreasonable or unnecessary delay. If the Community Development Director is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

(2) Refusal to issue permit. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Community Development Director shall not issue a permit but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

(3) Special foundation permit. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Community Development Director may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

(4) Public right-of-way. A permit shall not be given by the Community Development Director for the construction of any building, or for the alteration of any building where such building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any road, street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Community Development Director of public works for the lines of the public road or street on which he proposes to build, erect or locate such building. It shall be the duty of the Community Development Director to see that the road or street lines are not encroached upon except as provided for in Chapter 22 of the Standard Building Code.

Sec. C.2.7. Contractor responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with state and local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

Sec. C.2.8. Conditions.

(1) Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Community Development Director from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the worked is commenced. One (1) or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Community Development Director.

(2) Permit issued on basis of an affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Community Development Director, are hazardous or complex, the Community Development Director shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Community Development Director written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. If such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Community Development Director.

(3) Plans. One (1) set of drawings shall be retained by the Community Development Director, and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of the work and shall be open to inspection by the Community Development Director or authorized representative.

Sec. C.2.9. Fees.

(1) Prescribed fees. A permit shall not be issued until the fees prescribed by the Board of Commissioners have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, etc., has been paid.

(2) Work commencing before permit issuance. Where work for which a permit is required by this section is started or proceeded prior to obtaining such permit, a penalty as

established by the Board of Commissioners shall be assessed. The payment of penalties shall not relieve any persons from fully complying with the requirements of this section in the execution of the work nor from any other penalties prescribed in this section.

(3) Accounting. The Community Development Director shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(4) Schedule of permit fees. On all buildings, structures, electrical, plumbing, and mechanical or gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the Board of Commissioners.

(5) Building permit valuations. If, in the opinion of the Community Development Director, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be significantly underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Community Development Director. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

Sec. C.2.10. Inspections.

(1) Existing building inspections. Before issuing a permit, the Community Development Director may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

(2) Manufacturers and fabricators. When deemed necessary by the Community Development Director, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(3) Inspection service. The Community Development Director may make, or cause to be made, the inspections required by subsection (6) of this section. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called

for by any provision of the construction codes shall not be based on such reports, unless the reports are in writing and certified by a responsible officer of such service.

(4) Inspections prior to issuance of certificate of occupancy or completion. The Community Development Director shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(5) Posting of permit. Work requiring a permit shall not commence until the permit holder or agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Community Development Director or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Community Development Director.

(6) Required inspections. The Community Development Director, upon notification from the permit holder or agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or agent of any violations which must be corrected in order to comply with the construction code:

(a) Building.

(i) Foundation inspection: To be made after trenches are excavated and forms erected.

(ii) Frame inspection: To be made after the roof, all framing, fireblocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.

(iii) Final inspection: To be made after the building is completed and ready for occupancy.

(b) Electrical.

(i) Underground inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(ii) Rough-in inspection: To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.

(iii) Final inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(c) Plumbing.

(i) Underground inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

(ii) Rough-in inspection: To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

(iii) Final inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(d) Mechanical.

(i) Underground inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

(ii) Rough-in inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

(iii) Final inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(e) Gas.

(i) Rough piping inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

(ii) Final piping inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

(iii) Final inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

(f) Energy.

(i) Foundation inspection: To be made before slab concrete is poured in place to verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

(ii) Frame inspection: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

(iii) Final inspection: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

(g) Written release. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Community Development Director. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three (3) inspections.

(h) Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Community Development Director.

(i) Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Community Development Director after all lathing and backing is in place. Plaster shall not be applied until the release from the Community Development Director has been received.

Sec. C.2.11. Certificates.

(1) Certificate of occupancy.

(a) Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Community Development Director has issued a certificate of occupancy. Such certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Community Development Director.

(b) Issuance. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Community Development Director shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons

for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(c) Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

(d) Existing building certificate of occupancy. A certificate of occupancy for any existing building may be obtained by applying to the Community Development Director and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Community Development Director, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

(2) Certificate of completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

(3) Service utilities.

(a) Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Community Development Director and a certificate of occupancy or completion is issued.

(b) Temporary connection. The Community Development Director may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(c) Authority to disconnect service utilities. The Community Development Director shall have the power to authorize disconnection of utility service to the building, structure or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Community Development Director shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Sec. C.2.12. Posting for loads.

(1) Occupancy. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Community Development Director may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business; when he is satisfied that such capacity will not thereby be exceeded.

(2) Storage and factory-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of group S and group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Community Development Department.

(3) Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Community Development Director on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Sec. C.2.13. Tests.

The Community Development Director may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner or agent by an approved testing laboratory or other approved agency.

Sec. C.2.14. Construction Board of Adjustment and Appeals.

(1) Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven (7) members and two (2) alternates. The Board of Commissioners shall appoint such board.

(2) Membership.

(a) Composition; financial interest. The Construction Board of Adjustment and Appeals should consist of seven (7) members. Such board members should be composed of individuals appointed by the Board of Commissioners with

knowledge and experience in the construction codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there may be two (2) alternate members, one (1) member at large from the building industry and one (1) member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

(b) Terms. The terms of office of the board member shall be staggered so no more than one (1)-third of the board is appointed or replaced in any 12-month period. The two (2) alternates, if appointed, shall serve one (1)-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

(c) Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of the construction codes or modifying a decision of the Community Development Director, the affirmative votes of the majority present shall be required. If regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

(d) Secretary of board. The Community Development Director shall act as secretary of the board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

(3) Powers. The Construction Board of Adjustment and Appeals shall have the power, as further described in subsection (4) of this section, to hear the appeals of decisions and interpretations of the Community Development Director and consider variances of the construction codes.

(4) Appeals.

(a) Decision of the Community Development Director. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the Community Development Director to the Construction Board of Adjustment and Appeals whenever any of the following conditions are claimed to exist:

(i) The Community Development Director rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(ii) The provisions of the construction codes do not apply to this specific case.

(iii) An equally good or more desirable form of installation can be employed in any specific case.

(iv) The true intent and meaning of the construction codes or any of the regulations under such codes have been misconstrued or incorrectly interpreted.

(b) Variances. The Construction Board of Adjustment and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this article or the construction codes or public interest, and also finds all of the following:

(i) Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

(ii) The special conditions and circumstances do not result from the action or inaction of the applicant.

(iii) Granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures or service system.

(iv) The variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

(v) The grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety and general welfare.

(c) Condition of variances. In granting the variance, the Construction Board of Adjustment and Appeals may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.

(d) Notice of appeal. Notice of appeal shall be in writing and filed within 10 days after the Community Development Director renders the decision. Appeals shall be in a form acceptable to the Community Development Director.

(5) Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The board shall meet on call of the chairman. The board shall meet within 30 days after the notice of appeal has been received.

Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Community Development Director or varies the application of any provision of the construction codes, the Community Development Director shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Community Development Director and shall be open to public inspection. A certified copy of the decision shall be sent by mail or

otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Community Development Director for two (2) weeks after filing. Decisions of the Construction Board of Adjustment and Appeals may be appealed per the provisions of sec. B.12.10.

ARTICLE C.3. ENVIRONMENT

Sec. C.3.1. Nuisances.

(1) Intent. It is declared to be the intent of the Board of Commissioners, in furtherance of its governmental interest in and responsibility to protect the public health, safety and welfare of the citizens of the County, to enact the regulations in this article governing the maintenance of property and the removal of hazards there from, all in order to assure the prevention and abatement of nuisances.

(2) Penalty for violation. In addition to any other remedy or right of abatement provided in this article, the County Code and laws, or general law, any person found to be in violation of this article shall be subject to the penalties as described in chapter 1, section 1-19 of the County Code.

(3) Unlawful acts and conditions.

(a) Any condition caused or permitted to exist in violation of any of the provisions of the County Code and laws are deemed a public nuisance and declared unlawful as such.

(b) By way of illustration only and without limiting the scope of subsection (a) of this section, the following acts and/or conditions are declared public nuisances and unlawful:

(i) The open yard storage of inoperable and/or non-licensed vehicles on private property; provided, however, that any person lawfully engaged in the repair of a damaged or inoperable vehicle may temporarily store one (1) such vehicle on private property without the necessity of screening for a period not to exceed 30 days;

(ii) The storage of two (2) inoperable and/or unlicensed vehicles unless fully screened from public roads, streets and surrounding properties;

(iii) The storage of three (3) or more inoperable and/or unlicensed vehicles unless stored in an enclosed accessory structure;

(c) Failing to maintain developed or undeveloped private property in such a manner as to prevent the establishing of breeding places for small animals or insects that are destructive, annoying or injurious to the public health;

(d) Allowing developed property to become overrun with vegetation so that such vegetation, by virtue of its height and/or density, constitutes a danger to the

health, safety and/or welfare of the public or would endanger or hinder the performance of duly authorized law enforcement, fire and/or other public safety officers in the exercise of their official duties upon the property;

(e) Allowing the collection of filth, such as but not limited to, stagnant water, decayed vegetables and fruits, dead animals, tainted meat, sewage or excrement of any kind upon private property;

(f) Dumping, depositing or throwing litter, including but not limited to refuse, garbage, rubbish, construction or demolition debris, woody or vegetative debris, appliances, equipment of any type or inoperable vehicles, or trash, on any public or private property;

(g) Casting, placing, sweeping or depositing anywhere within the unincorporated areas of the County any refuse in such a manner that it may be carried or deposited by the elements upon any County road, public right-of-way, sidewalk, alley, sewer or onto any occupied premises;

(h) Allowing livestock or poultry to run at large in the unincorporated areas of the County;

(i) Allowing wells upon private property to remain uncovered;

(j) Allowing upon private property stagnant water, decayed vegetables, decayed fruits and fruit refuse, dead animals or tainted meant, filthy privies, filthy water or excrement, broken or ruptured sewer lines, raw sewage or anything that causes offensive odors or that works hurt, damage or inconvenience to another; the conducting by pipes, sewers or otherwise into any County road, street, public alley or on the lot of another, of any filthy water or excrement of any kind, such as comes from kitchens, bathtubs, laundry places, privies, stables and other places.

(k) No abandoned mobile or manufactured homes shall be used as a storage or accessory building. Abandoned mobile/manufactured homes shall be removed from property at owner's expense. Upon determination by the code enforcement officer that the said mobile/manufactured home is abandoned and is a health and/or safety hazard to surrounding property owners, the owner shall be notified to remove such mobile/manufactured home from the property within 30 days. Failure to remove such mobile/manufactured home shall be in violation of this section and ordinance and subject to the penalties set forth in chapter 1, section 1-19 of the County Code.

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(4) For purposes of this section, either the owner of the real property upon which a condition prohibited by this article exists or the lawful possessor in control of said real property, or both, may be held liable for violation of this section. Provided, however, that the owner of the real property upon which a public nuisance exists shall not be liable for the violation of this section by a lawful possessor in control of said real property until said owner has been notified of the existence of the nuisance.

Once notified of the existence of the nuisance, the owner may be held liable to the same extent of the lawful possessor of the property unless said owner establishes by a preponderance of the evidence:

(a) That they neither caused nor contributed in any manner to the existence of the nuisance;

(b) That they have no legal authority to control the actions of the lawful possessor or to remove the lawful possessor from possession upon being notified of the existence of the nuisance.

Sec. C.3.2. Abatement.

(1) All nuisances and dangerous objects in and about County roads, streets and other public places may be removed at once by the County, without any notice, and the expense incurred in the removal shall be paid by the owner of the dangerous objects or of the person maintaining the nuisance.

(2) It shall be unlawful for the person creating or maintaining any nuisance within the unincorporated areas of the County to fail or refuse to abate and remove same after having been ordered to do so in accordance with the provisions of the Code and laws of the County.

(3) Any nuisance on private property in the unincorporated areas of the County may be removed on the written complaint of any officer or inhabitant of the County, which complaint must set forth particularly the nature and location of same and the person complained against. On such complaint being filed with the County magistrate court, the court shall issue a summons to the person charged with maintaining such nuisance, requiring him to show cause before the court at some time therein specified, within not more than 10 days after service is perfected in accordance with sec. C.3.3. herein, unless said time period should be extended to allow for service by publication, why said nuisance complained of should not be abated. Such notice shall be served personally by any marshal at least one (1) day before the hearing. At the trial, the court shall hear evidence as to the facts and pass an order as may be just. If the thing complained of is a nuisance, the order shall specify within what time it is to be abated by the defendant. If it is not abated within the time specified in the order, the court shall issue a writ directed to the chief marshal directing and requiring the abatement of the nuisance.

(4) Whenever the person creating or maintaining any nuisance within the unincorporated areas of the County shall fail to abate after notice to do so, and it shall become necessary to issue a writ, directed to the chief marshal, requiring him to remove same, it shall be the duty of the chief marshal to keep an account of the necessary expenses incurred and to render to the court a statement of same. The court shall issue an execution against such order for such amount, the same to be

levied upon and collected in any manner allowed by law, including but not limited to the manner as is provided for the levy in collection of executions for taxes.

Sec. C.3.3. Service of complaints.

(1) Complaints filed pursuant to this article shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure, if any, within three (3) business days of filing of the complaint and at least 15 days prior to the date of the hearing. A copy of the complaint and summons shall be served in one (1) of the following ways:
   (a) Personal service upon each owner and party in interest if such parties are residents of the County. Service shall be perfected at least 15 days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the County or municipality whose ordinance is being enforced; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
   (b) Pursuant to the provisions of O.C.G.A. § 48-4-75 et seq.; or
   (c) Statutory overnight delivery.

(2) If any owner or party in interest is a resident of this state but resides outside of the County, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in County tax filings and mailed at least 15 days prior to the date of the hearing.

(3) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least 15 prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such County once a week for two (2) consecutive weeks prior to the hearing.

(4) In the event either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the County or is a nonresident of this state, he shall be served as provided for in subsection (c) of this section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the probate court of the County wherein such property is located at least 15 days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.

(5) In the event of unknown persons or unborn remainderman who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the County wherein such property or interest is located shall be personally served at least 15 days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remainderman.
(6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (3) of this section, and such publication shall be sufficient proof that service was perfected.
(7) A notice of Lis pendens shall be filed in the office of the clerk of superior court in the County in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
(8) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. C.3.4. Findings of the existence of nuisances.

(1) The Board of Commissioners finds and declares that within the unincorporated areas of the County there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with the applicable state construction codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the County; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of this state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.
(2) It is further found and declared that in the unincorporated areas of the County, where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the County and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The

Board of Commissioners finds that there exist in the unincorporated areas of the County dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the County, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(3) It is the intention of the Board of Commissioners that this section shall comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the unincorporated areas of the County.

Sec. C.3.5. Unsafe and unhealthful premises.

(1) Intent. It is the intent of the County that nothing in sec. C.3.4 shall be construed to abrogate or impair the powers of the courts or of any department of the County to enforce any provisions of any local law, ordinance, or regulation nor to prevent or punish any violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation or regulation.

(2) Duties of owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful.

(a) It is the duty of the owner of every dwelling, building, structure, or property within the unincorporated areas of the County to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the unincorporated areas of the County or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.

(b) The Board of Commissioners shall appoint the Community Development Director and the chief marshal and his designees as public officers to exercise the powers prescribed by this article.

(3) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the County charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the

commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate road or street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain and at a place within the County where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(4) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

(a) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

(b) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a state appraiser classification as provided in O.C.G.A. § 43-39A-1 et seq., qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction;

(5) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(6) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(7) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs

necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(a) The lien provided for in this subsection (7) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the County where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g). The clerk of superior court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall forward a copy of the order and a final statement of costs to the County tax commissioner. It shall be the duty of the County tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-1 et seq.; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of the County or municipality whose ordinance is being enforced. 30 days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

(b) The County may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county agreeing to a timetable for rehabilitation of the real property of the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(c) Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

(d) The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this article.

Sec. C.3.6. Determination by public officer that under existing ordinances dwellings, buildings, or structures are vacant and sample conditions of nuisances.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of such County or municipality. Such conditions may include the following, without limiting the generality of the foregoing:

(1) Defects therein increasing the hazards of fire, accidents, or other calamities;
(2) Lack of adequate ventilation, light, or sanitary facilities;
(3) Dilapidation;
(4) Disrepair;
(5) Structural defects;
(6) Uncleanliness; and
(7) Other additional standards which may from time to time be adopted and referenced herein by ordinance amendment.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Sec. C.3.7. Powers of public officers.

The public officers designated in this article shall have the following powers:

(1) To investigate the dwelling conditions in the unincorporated area of the County or in the municipality in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
(2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
(3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
(4) To appoint and fix the duties of such officers, agents, and employees as deemed necessary to carry out the purpose of the ordinances; and

(5) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Sec. C.3.8. Service of complaints.

(1) Complaints issued by a public officer pursuant to this article shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least 10 days prior to the date of the hearing. A copy of the complaint and summons shall be served in one (1) of the following ways:
   (a) Personal service upon each owner and party in interest if such parties are residents of the County. Service shall be perfected at least 10 days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the County or municipality whose ordinance is being enforced; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
   (b) Pursuant to the provisions of O.C.G.A. § 48-4-75 et seq.; or
   (c) Statutory overnight delivery.
(2) If any owner or party in interest is a resident of this state but resides outside of the County, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in County tax filings and mailed at least 14 days prior to the date of the hearing.
(3) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least 14 days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such County once a week for two (2) consecutive weeks prior to the hearing.
(4) In the event either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the County or is a nonresident of this state, he shall be served as provided for in subsection (c) of this section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the probate court of the County wherein such property is located at least 30 days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.

(5) In the event of unknown persons or unborn remainderman who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the County wherein such property or interest is located shall be personally served at least 30 days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remainderman.
(6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (3) of this section, and such publication shall be sufficient proof that service was perfected.
(7) A notice of lis pendens shall be filed in the office of the clerk of superior court in the County in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
(8) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. C.3.9. Reduced-phosphate laundry detergents.

(1) Declaration of policy. The Board of Commissioners does hereby declare it to be the public policy of this County to encourage the use of clean, reduced-phosphate household laundry detergents and to prohibit the sale of household laundry detergents which contain more than 1/2 of one (1) percent phosphorus by weight. The Board of Commissioners hereby finds that such use and sale will be a cost-effective way to reduce the amount of phosphorus in wastewater discharge so as to protect the County's rivers and lakes, as well as Lake West Point, and promotes health, safety and welfare, prevent injury to human health, plant and animal life, and property. The Board of Commissioners hereby finds that it is vital to the health, well-being, and welfare of present and future inhabitants of this County that these water sources are protected against contamination and pollution.
(2) Prohibited acts. It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than 1/2 of one (1) percent phosphorus by weight and is intended to be used for domestic clothes cleaning purposes.

(3) Actions or proceedings in court. The County may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this article.
(4) Limitation. Nothing in this article shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property arising out of a violation of this article and to maintain any action or other appropriate proceeding therefor.

Sec. C.3.10. Soil erosion, sedimentation, and pollution control.

(1) Title. This section will be known as the "Troup County Soil Erosion, Sedimentation and Pollution Control Ordinance."
(2) Exemptions. This article shall apply to any land disturbing activity undertaken by any person on any land except for the following:
    (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968;"
    (b) Granite quarrying and land clearing for such quarrying;
    (c) Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
    (d) The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this subsection. For single-family residence construction covered by the provisions of this subsection, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Community Development Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum

requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this subsection shall be enforced by the local issuing authority;

(e) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a buffer, as established in sec. C.3.11(3)(o) and (p), no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;

(g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(h) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this subsection, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by subsections (a), (b), (c), (d), (e), (f), (g), (i) or (j) of this section;

(i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any County or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road and tollway authority which disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-

7.1; except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

(j) Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United states engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 2-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

(k) Any public water system reservoir.

Sec. C.3.11. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

(1) General provisions. Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the article and the NPDES general permit are not met. Therefore, plans for those land disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections (2) and (3) of this section. The application of measures and practices shall apply to all features of the site, including road or street and utility installations, drainage facilities and other temporary and

permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land disturbing activity in accordance with requirements of this article and the NPDES general permit.

(2) Minimum requirements/BMPS.

(a) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Community Development Director or to any other allegation of noncompliance with subsection (2) of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

(b) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to of O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Community Development Director . This subsection shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

(c) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land- disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.

(d) The Community Development Director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

(e) The LIA may set more stringent buffer requirements than stated in subsections (3)(o) and (p), in light of O.C.G.A. § 12-7-6(c).

(3) The rules and regulations, ordinances or resolutions adopted pursuant to O.C.G.A. §§ 12-7-1 et seq. for the purpose of governing land disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia," published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbing activity was permitted, as well as the following:

(a) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(b) Cut-fill operations must be kept to a minimum;

(c) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

(d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(f) Disturbed soil shall be stabilized as quickly as practicable;

(g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(i) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this subsection, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. §§ 12-7-1 et seq.;

(j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(k) Cuts and fills may not endanger adjoining property;

(l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(n) Land disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments onsite or preclude

sedimentation of adjacent waters beyond the levels specified in subsection (2)(b) of this section;

(o) Except as provided in subsection (p) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Community Development Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Community Development Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: That under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to Part 6 of article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Community Development Director as provided in this subsection. The following requirements shall apply to any such buffer:

(i) No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(ii) The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

(p) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Community Development Director may grant a variance from such buffer to allow land disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(i) No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(ii) The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (A) Stream crossings for water lines; or (B) Stream crossings for sewer lines.

(4) Nothing contained in O.C.G.A. §§ 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (2) and (3) of this section.

(5) The fact that land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a

presumption of a violation of the standards provided for in this article or the terms of the permit.

(6) Application/permit process. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the Zoning Ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

(7) Application requirements.

(a) No person shall conduct any land disturbing activity within the jurisdictional boundaries of Troup County without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

(b) The application for a permit shall be submitted to the Community Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsection (2) and (3) of this section will be met. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

(c) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(5)(a), provided that such fees shall not exceed $80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(d) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and

approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by subsections (3)(o) and (p) has been obtained, all fees have been paid, and bonding, if required as per subsection (f) of this section have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

(e) If a permit applicant has had two (2) or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(f) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(8) Plan requirements.

(a) Plans must be prepared to meet the minimum requirements as contained in subsections (2) and (3) of this section, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this article. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps,

drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land disturbing activity was permitted.

(9) Permits.

(a) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(b) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by subsections (3)(o) and (p) of this section are obtained, bonding requirements, if necessary, as per subsection (7)(f) of this section are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(c) Any land disturbing activities by a local issuing authority shall be subject to the same requirements of this section, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

(d) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(e) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this section. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(f) The LIA may reject a permit application if the applicant has had two (2) or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three (3) years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

(10) Inspection and enforcement.

(a) The Community Development Department, by and through the Troup County Community Development Director or their designee, will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section.

(b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The Community Development Department, by and through the Troup County Community Development Director or their designee, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land disturbing activities.

(d) No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(e) The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8 (a). The district or the commission or both may provide technical assistance to any County or municipality for the purpose of improving the effectiveness of the County's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(f) The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any County or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the County or municipality in writing. The governing authority of any County or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the County or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the County or municipality as a local issuing authority.

(11) Penalties and incentives.

(a) Failure to obtain a permit for land disturbing activity. If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

(b) Stop-work orders.

(i) For the first and second violations of the provisions of this article, the Community Development Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) business days to correct the violation. If the violation is not corrected within five (5) business days, the Community Development Director or the local issuing authority shall issue a stop-work order requiring that land disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land disturbing activities are conducted without

obtaining the necessary permit, the Community Development Director or the local issuing Authority shall issue an immediate stop-work order in lieu of a warning;

(ii) For a third and each subsequent violation, the Community Development Director or the local issuing authority shall issue an immediate stop-work order;

(iii) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred; and

(iv) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Community Development Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the Community Development Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) Bond forfeiture. If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one (1) under the provisions of subsection 34-125(b)(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

(d) Monetary penalties. Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Community Development Director issued as provided in this article shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in the County Code to the contrary, municipal courts shall be authorized to

impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of County ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under County ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(12) Education and certification.

(a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one (1) person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.

(d) If a state general permittee who has operational control of land disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said subsection.

(13) Administrative appeal; judicial review.

(a) Administrative remedies. The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding

the permit to a hearing before the Troup County Building Board of Adjustments and Appeals within 30 days after receipt by the local issuing authority of written notice of appeal.

(b) Judicial review. Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Troup County, Georgia.

(14) Effectivity, validity and liability.

(a) Effectivity. This article shall become effective on the first day of January, 2010.

(b) Validity. If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this section.

(c) Liability.

(i) Neither the approval of a plan under the provisions of this section, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.

(ii) The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

(iii) No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

Sec. C.3.12. Outdoor watering of landscape.

(1) Restriction on outdoor watering of landscape. Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated area may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

(a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural,

horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

(b) Capture and reuse of cooling system condensate or stormwater in compliance with applicable Troup County ordinances and state guidelines;

(c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

(d) Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed wastewater;

(e) Watering personal food gardens;

(f) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;

(g) Drip irrigation or irrigation using soaker hoses;

(h) Hand watering with a hose with automatic cutoff or handheld container;

(i) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

(j) Watering horticultural crops held for sale, resale, or installation;

(k) Watering athletic fields, golf courses, or public turf grass recreational areas;

(l) Installation, maintenance, or calibration of irrigation systems; or

(m) Hydro seeding.

(2) Enforcement.

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in [this] section.

(b) The Community Development Department shall be the enforcement authority for this article. The County manager may also authorize other departments as may be deemed necessary to support enforcement.

(c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court or by any other legal means as set forth in this Code.

Sec. C.3.13. Foreclosure registry.

(1) Purpose. Neighborhoods are facing a significant threat of becoming blighted through the lack of adequate maintenance and security of properties that are abandoned, foreclosed, or where ownership has been transferred after foreclosure. Improperly maintained and secured abandoned and/or foreclosed properties can become a hazard to the health and safety of persons who may come on or near the property and can adversely affect the aesthetic and economic attributes of communities. Difficulties also often arise in locating the person responsible for the condition of

abandoned and/or foreclosed real property. There is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the provisions in this article.

This foreclosure registry will require creditors or mortgagees to provide the County with official information for contacting a party responsible for bringing abandoned and/or foreclosed real property into compliance with applicable provisions of this UDO.

(2) Registry of foreclosed real property. Any creditor or mortgagee who obtains foreclosed real property by way of a foreclosure sale or proceeding shall, within 91 days of obtaining such property, pay to the County a registration fee for each foreclosed real property in accordance with the fee schedules set by the Board of Commissioners, not to exceed $100.00 per foreclosed real property and register with the County at the time by completing and turning in the form, providing the following information:

(a) Creditor's or mortgagee's official contact information, including a name, title, road or street address, telephone number and e-mail address;

(b) Agent's name, road or street address, mailing address, telephone number, facsimile number, and e-mail address;

(c) The road or street address, including tax map and parcel identification number, of the foreclosed property;

(d) The date the property was transferred, as stated on the instrument conveying the real property, whether that instrument has been recorded or not; and

(e) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(3) Registry of transferred foreclosed real property. Any creditor or mortgagee who has foreclosed on real property and then transfers said foreclosed real property to a person or entity shall, within 91 days of said transfer shall pay to the County a registration fee for each transferred foreclosed real property in accordance with the fee schedules set by the Board of Commissioners, not to exceed $100.00, and register with the County at the time by completing and turning in the form, providing the following information:

(a) Transferee’s official contact information, including a name, title, road or street address, telephone number and e-mail address;

(b) Agent's name, road or street address, mailing address, telephone number, facsimile number, and e-mail address;

(c) The road or street address, including tax map and parcel identification number, of the foreclosed property;

(d) The date the property was transferred, as stated on the instrument conveying the real property, whether that instrument has been recorded or not; and

(e) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(4) Exemption from registration requirements. No creditor or other owner of foreclosed real property shall be required to register such foreclosed real property under subsections (2) or (3) of this section, nor shall such creditor or owner be required to pay any registration fee, if:

(a) The deed under power of sale or deed in lieu of foreclosure under which the creditor or owner takes the property contains the information specified in paragraphs (a) through (e) of subsections (2) or (3) of this section;

(b) The deed is filed with the clerk of superior court within 60 days of the transfer; and

(c) Proof of the following is provided to the office or officer in charge of the County foreclosed real property registry:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) A recorded copy of the entire deed under power of sale, or entire deed in lieu of foreclosure.

(5) Removal from registry. A vacant or foreclosed real property owner, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry at such time as the real property no longer constitutes vacant or foreclosed real property. Such application shall be made on forms provided by the County, and shall include the following:

(a) The reason the property is no longer vacant or foreclosed real property;

(b) The current owner's name, road or street address, mailing address, telephone number and e-mail address;

(c) The road or street address, including tax map and parcel identification number, of the foreclosed real property;

(d) The date on which the property was no longer vacant or foreclosed real property; and

(e) If the reason for removal is the transfer of the property to a new owner who has inhabited the property or is actively engaged in improving the property pursuant to a valid building permit, then at such time as it becomes available, provide the recording information, including deed book and page numbers, of the instrument conveying the real property to the new owner.

The registry official shall grant or deny such application within 30 days of receipt of a fully completed application, and if no such determination is made within 30 days, the application shall be deemed granted.

(6) Administration, enforcement, violation and penalties.

(a) All creditors or mortgagees subject to registration or registered pursuant to this article shall:

(i) Comply with applicable provisions of this article; and
(ii) Report any change in required information set forth in sections 34-155 and 34-156 to the County within 30 days of the change, regardless of whether such information was in the deed under power of sale or deed in lieu of foreclosure.

(b) County may make foreclosure registry information accessible online.

(c) Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this article.

(d) Registry official is in charge of administering the provisions of this article, and as such has the sole authority and discretion to determine compliance, to grant or deny applications removal from registry, and to determine whether a creditor, transferee, or owner is required to register property pursuant to this article. Nothing contained in this subsection shall be construed to prohibit or limit the ability of other enforcement officers from issuing citations [for] violations of this section.

(e) Any person aggrieved of a decision by the registry official may appeal that decision to the Magistrate Court of Troup County within 30 days of:
(i) The issuance of a citation for violating this section; or
(ii) The date of the written decision denying the application or request. The person aggrieved shall have three (3) additional days added to the 30 days if the written decision is mailed, rather than hand-delivered.

(f) Violation of this article shall be treated as a strict liability offense regardless of intent and shall be punishable by a fine not to exceed $1,000.00 per violation.

ARTICLE C.4. FLOODS

Sec. C.4.1. Flood damage prevention.

(1) Authorization. Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Troup County, Georgia, does ordain this article:

(2) Findings of fact.

(a) The flood hazard areas of Troup County, Georgia, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(3) Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(c) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

(e) Control the alteration of natural floodplains, stream channels, and natural

(4) Objectives. The objectives of this article are:

(a) To protect human life and health;

(b) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roads, streets and bridges located in floodplains;

(c) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,

(d) To minimize expenditure of public money for costly flood control projects;

(e) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(f) To minimize prolonged business interruptions; and
(g) To insure that potential homebuyers are notified that property is in a flood area.

Sec. C.4.2. General provisions.

(1) Lands to which this article applies. This section shall apply to all areas of special flood hazard within the jurisdiction of unincorporated Troup County, Georgia.
(2) Basis for area of special flood hazard.
(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated April 19, 2017, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.
(b) For those land areas acquired by a municipality through annexation, the current effective FIS dated April 19, 2017, with accompanying maps and other supporting data and any revision thereto, for Troup County are hereby adopted by reference.
(c) Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.
(d) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located: 100 Ridley Avenue, Suite 1300, LaGrange, Georgia.
(3) Establishment of development permit. A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.
(4) Compliance. No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.
(5) Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(6) Interpretation. In the interpretation and application of this section all provisions shall be:
(a) Considered as minimum requirements;
(b) Liberally construed in favor of the governing body; and
(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Troup County or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Failure to comply with the provisions of this section or with any of its requirements, including conditions and safeguards established in connection with grants of section or special exceptions shall constitute a violation. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to penalties as provided in chapter 1, section 1-19 of the County Code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues to exist shall be considered a separate offense. Nothing herein contained shall prevent Troup County from taking such other lawful actions as is necessary to prevent or remedy any violation.

Sec. C.4.3. Administration.

(1) Designation of article administrator. The Community Development Director or designee is hereby appointed to administer and implement the provisions of this section.

(2) Permit procedures. Application for a development permit shall be made to the Community Development Director or designee on forms furnished by the Community Development department prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage.

(i) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(ii) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

(iii) Design certification from a registered professional engineer, architect, or landscape architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of sec. C.4.4(2)(b);

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(b) Construction stage.

(i) For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer, or landscape architect and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer, landscape architect, or architect and certified by same.

(ii) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

(iii) The Community Development Director or designee shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the Community Development Director or designee shall include, but shall not be limited to:

(a) Review proposed development to assure that the permit requirements of this article have been satisfied.

(b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

(c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(d) When base flood elevation data or floodway data have not been provided in accordance with sec. C.4.2(2), then the Community Development Director or designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of sec. C.4.4.

(e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with subsection (2)(b) of this section.

(f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with subsection (2)(b) of this section.

(g) When floodproofing is utilized for a structure, the Community Development Director or designee shall obtain certification of design criteria from a registered professional engineer, landscape architect, or architect in accordance with subsection (2)(a)(iii) and sec. Sec. C.4.4(2)(b) or Sec. C.4.4(4)(b).

(h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(k) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Community Development Director or designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

(l) All records pertaining to the provisions of this section shall be maintained in the office of the Community Development Director or designee and shall be open for public inspection.

Sec. C.4.4. Provisions for flood hazard reduction.

(1) General standards. In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(c) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(d) Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;

(e) Designs for complying with this requirement must either be certified by a professional engineer, landscape architect, or architect or meet the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one (1) foot above grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(f) So as not to violate the "lowest floor" criteria of this section, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area;

(g) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;

(h) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(i) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(j) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(k) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(l) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(m) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

(2) Specific standards. In all areas of special flood hazard the following provisions are required:

(a) New construction and/or substantial improvements. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection (1)(d) of this section, "elevated buildings."

(i) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.

(b) Nonresidential construction. New construction and/or the substantial improvement of any structure located in a1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and in sec. C.4.3(3)(f).

(c) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:

(i) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one (1) foot above the base flood elevation.

(ii) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: (A) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation; or (B) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (See subsection (2)(c)(ii) of this section).

(e) All recreational vehicles placed on sites must either:

(i) Be on the site for fewer than 180 consecutive days.

(ii) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(iii) The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of subsection (2)(c), above.

(f) Floodway. Located within areas of special flood hazard established in this article, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(i) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer or landscape architect must provide supporting technical data and certification thereof.

(ii) Only if subsection (f)(i) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this section Sec. C.4.4.

(3) Building standards for streams without established base flood elevations and/or floodway (A-zones). Located within the areas of special flood hazard established in

sec. C.4.2, where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with sec. C.4.2, then the Community Development Director or designee shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this section C.4.4. Only if data are not available from these sources, then the following provisions (b) and (c) shall apply.

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer or landscape architect is provided demonstrating that such encroachment shall not result in more than a one (1)-foot increase in flood levels during the occurrence of the base flood discharge.

(c) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one (1) foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (1)(d) of this section, "elevated buildings."

(d) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three (3) feet above the highest adjacent grade at the building site. The Community Development Director or designee shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(4) Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways. Located within the areas of special flood hazard established in sec. C.4.2(2), where streams with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer or landscape architect is provided demonstrating that the cumulative effect of the proposed development,

when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with sec. C.4.4(2).

(5) Standards for areas of shallow flooding (AO zones). Areas of special flood hazard established in section 38-62, may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

(a) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (1)(d) of this section, "elevated buildings." The Community Development Director or designee shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(b) New construction or the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer, landscape architect or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in sec. C.4.3(2)(a)(iii) and sec. C.4.3(2)(b).

(c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(6) Standards for subdivisions.

(a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) For subdivisions and/or developments greater than 50 lots or five (5) acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

(7) Standards for critical facilities.

(a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(8) Substantial damage/repetitive loss. The National Flood Insurance Program (NFIP) requires participating communities to conduct assessments for substantial damage following a flooding event. A building is considered to be substantially damaged when:

"Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."

If a substantially damaged building is rebuilt in violation of a community's floodplain management ordinance including not properly elevated or floodproofed (nonresidential buildings only), flood insurance will be significantly higher. In addition, the property owner will not be eligible for an increased cost of compliance (ICC) claim payment. The NFIP has implemented a new coverage called ICC, which is an endorsement to the standard flood insurance policy. It applies to all new and renewed flood insurance policies effective on and after June 1, 1997. Structures that have suffered substantial damage from flooding may be required to elevate, demolish, relocate, or flood proof (nonresidential buildings only) the damaged structure upon rebuilding. Through ICC coverage, funds are available to the property owner to pay for flood protection measures that meet NFIP standards.

Property owners may file for ICC coverage in two (2) instances:

(a) If the community determines that the home or business is damaged by flood to the point that repairs will cost 50 percent or more of the building's pre-damaged market value. This is substantial damage.

(b) If the community has a repetitive loss provision in its floodplain management ordinance and determines that the home or business was damaged by a flood two (2) times within a 10-year period, where the cost of repairing the flood damage, on average, equaled or exceeded 25 percent of its market value at the time of each flood event. This is repetitive damage. Additionally, there must have been flood insurance claim payments for each of the two (2) flood losses.

If a community chooses to adopt a repetitive loss provision, the following language developed by FEMA must be adopted, at a minimum, in order for buildings to qualify for a claim payment under ICC coverage.

Sec. C.4.5. Provisions for flood hazard reduction.

(1) Variance procedures.

(a) The Board of Zoning Appeals & Planning Commission shall hear and decide requests for appeals or variance from the requirements of this section.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Community Development Director or designee in the enforcement or administration of this section.

(c) Any person aggrieved by the decision of the Board of Zoning Appeals & Planning Commission may appeal such decision to the superior court of Troup County.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this division are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the Board of Zoning Appeals and Planning Commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other parts of this section.

(h) Conditions for variances:

(i) A variance shall be issued only when there is: (A) A finding of good and sufficient cause; (B) A determination that failure to grant the variance would result in exceptional hardship; and (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(ii) The provisions of this section are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(iii) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(iv) The Community Development Director or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(i) Upon consideration of the factors listed above and the purposes of this section, the Board of Zoning Appeals and Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

ARTICLE C.5. FIRE PREVENTION AND PROTECTION

Sec. C.5.1. Adoption and purpose.

Whereas, the Board of Commissioners desires to protect the lives and property of the citizens from fire and explosion hazards, there is hereby adopted for enforcement the rules and regulations of the safety fire commissioner chapter 120-3-3 Rules and Regulations for the State Minimum Fire Safety Standards hereafter referred to as 120-3-3 as specified in the O.C.G.A. § 25-2-4. Any changes, amendments, or modifications made to chapter 120-3-3 shall apply automatically to the Troup County Fire Prevention Code. Those more stringent rules and regulations contained within this article shall control.

This article has been enacted to establish the minimum fire safety standards and requirements for the prevention of loss of life from fire, panic from fear of fire, explosions or other related hazards in all buildings, structures, and facilities. Further, this article provides for rules and regulations to improve public safety by promoting the control of fire hazards; regulating the use of structures; premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of objectives.

Sec. C.5.2. Applicability.

The fire prevention codes shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every open area, building, structure or appurtenances connected to or attached to such buildings or structures located in unincorporated Troup County, except for single and two family dwellings. The fire marshal shall have the authority to enforce emergency vehicle access and hydrant placement requirements for single and two family dwellings, residential subdivisions and commercial developments. (See sec. C.5.11 Site plan submittal).

Sec. C.5.3. Establishment of the fire prevention division.

The fire prevention division is hereby established as follows and shall be operated under the supervision of the fire marshal.

Sec. C.5.4. Fire prevention division duties and responsibilities.

(1) It shall be the duties of the fire prevention division to enforce all rules, regulations, codes or ordinances related to any of the following:
    (a) Fire prevention code(s).
    (b) Life safety code(s).
    (c) Prevention of fire(s).

(d) Storage, sale and use of combustible, flammable or explosive material(s).
(e) Installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment.
(f) Maintenance and regulations of fire escapes.
(g) Means and adequacy of exit(s) in case of fire for places in which numbers of people work, live, or congregate from time to time.
(h) Improper or illegal outdoor burning.
(i) Investigation of the cause(s), origin(s) and circumstances of fires.
(j) Maintenance of fire cause(s) and loss records.
(k) Hydrant placement requirements for water line extensions within unincorporated Troup County.

(2) The fire marshal shall examine plans for evidence of compliance with applicable requirements of specific code sections.
(3) The fire marshal may require tests or other investigations to be conducted by an agency satisfactory to the jurisdiction when appliances, devices, equipment, or systems intended for installation do not specifically meet the requirements of the Code but meet the intent of this Code.
(4) The fire marshal shall have other powers and perform other duties as set forth in other sections of the Code, and as may be conferred and imposed from time to time by law.

Sec. C.5.5. Inspections, investigations, and enforcement.

(1) The fire marshal shall inspect or cause to be inspected at various intervals all construction work pertaining to fire codes and shall make any orders as may be necessary for the enforcement of the laws and ordinances governing the same. A final inspection shall be made of every building, structure, site, premises, or facility for the safeguarding of life and property from fire, explosion, and other hazards for use and occupancy of such.
(2) Owners, their agents or designees, of all buildings, tenant spaces, and/or commercial sites covered by this article are required to submit plans and specifications of the project to the fire marshal prior to obtaining the necessary construction permits. An 80-percent completion inspection and a final inspection shall be performed by the fire marshal's office prior to the issuance of the certificate of occupancy.
(3) The fire marshal shall investigate or cause to be investigated every fire covered by this article by which property has been destroyed or damaged and, so far as possible, shall determine the cause. Such investigation shall begin immediately upon the occurrence of such fire. The fire marshal shall cooperate with other authorities designated by law to pursue the investigation of such matters and shall further

cooperate with such agencies in the collection of evidence and the prosecution of any resulting case.

(4) Whenever an investigator or inspector, as defined above, shall find any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with operations of the fire department or egress of occupants in case of fire, the investigator or inspector shall order same to be removed or remedied. Such order shall be complied with by the owner or occupant of such premises or building, subject to the appeal procedure provided for in this article. Any owner or occupant failing to comply with such order within a reasonable period after the service of said order shall be liable to penalties as herein provided. The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by leaving it with any person in charge of the premises.

Sec. C.5.6. Fees.

Fees for plan review, inspections, re-inspections, and certificates of occupancy shall be as established from time to time by the Board of Commissioners and as defined in the Troup County Building, Community Development Department Fee Schedule. All fees shall be paid in advance and before any work is performed by the fire marshal's office. All payments shall be paid along with submittal to the building, planning, and zoning payable to Troup County.

Sec. C.5.7. Violations.

(1) It shall be unlawful for any person to violate the provisions or intent of these rules, regulations, codes or ordinances, to permit or maintain such a violation, to refuse to obey any provision thereof, or fail to comply with any such provision, rule, regulation or code except as variation may be allowed by the action of the fire marshal in writing.

(2) If investigators or inspectors of the fire department find conditions which are unsafe and/or in violation of the provisions or intent of the rules, regulations, codes or ordinances enforced by the fire marshal, written notice, which has been approved by the fire marshal, shall be given to the owner, owner's agent, occupant, occupant's representative, or person in control of the premises requiring that any activities impacted by said condition(s) shall cease until the condition(s) is corrected. Said notice shall state the conditions under which work may be resumed.

(3) Permits or approvals may be revoked by the fire marshal or his designee when there has been any false statement or misrepresentation as to any materials or facts contained in plans or other information on which the permit or approval has been based.
(4) Proof of any such violation or unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner, owner's agent, occupant, occupant's representative, or person in control of the premises. Prosecution or lack thereof of the owner, owner's agent, occupant, occupant's representative, or person in charge shall not be deemed to relieve any of the others.

Sec. C.5.8. Penalties.

(1) Any person, firm, corporation, or agent who shall violate any of the provisions of this article or the codes adopted herein by reference or fail to comply therewith or who shall violate or fail to comply with any order made hereunder or who shall erect, construct, alter, or install in violation of any detailed statement, specification, or drawing submitted and permitted thereunder, or shall operate not in accordance with the provision(s) of any certificate, permit or approval issued hereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction within the timeframe fixed herein shall be guilty of a misdemeanor punishable by a fine up to $1,000.00 per day per violation. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue.
(2) All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of the prohibited conditions.
(3) Violations of this article may incur the liability of civil penalties up to $1,000.00 per occurrence per day.

Sec. C.5.9. Application for interpretation and equivalency.

(1) In the event that an individual has a request concerning the interpretation of this article or concerning the appropriateness of equivalent alternatives to the requirements of this article, such requests shall be submitted in the form of an application to the fire marshal. The application shall be in the form as approved by the fire marshal's office, but shall at a minimum include:

(a) Reference to specific fire code(s) applicant is requesting an interpretation or equivalency from;
(b) Justification of interpretation or equivalency as well as identifying relief being requested; and
(c) Identification of an alternative method to the code requirement.

(2) Upon receipt of an application, the fire marshal may require tests or other investigation to be conducted by an agency satisfactory to the jurisdiction when appliances, devices, equipment, or systems intended for installation do not specifically meet the requirements of the code, but meet the intent of the code. Any expenditures resulting from these requirements would be the responsibility of the applicant. The fire marshal may also request a letter from the applicant's attorney and/or insurance company requesting confirmation of the applicant's request for code interpretation and statement of support or objection to applicant's interpretation of the fire code. The fire marshal, in their discretion, may take such other investigatory steps as deemed appropriate to fully evaluate the application, including requesting additional information from the applicant.

(3) The fire marshal shall issue a decision on the application within 10 business days of receipt of a completed application. An application shall not be deemed complete if the fire marshal has requested any information from the applicant, which has not been provided.

Sec. C.5.10. Appeals.

(1) Anyone who disagrees with the decision of the fire marshal may appeal such decision to the fire chief by submitting a written appeal to the fire chief within 10 business days of the issuance of the fire marshal's decision that is the subject of the appeal.

(2) The fire chief, or their designee, shall review, consider and take action on any such appeal. The fire chief, or their designee, may undertake such investigation as is necessary to fully evaluate the appeal, including requesting additional information from the applicant or requesting a confirmation letter as discussed above from the applicant's attorney and/or insurance company.

(3) Within 10 business days of receipt of an appeal, the fire chief, or their designee, shall issue a written determination affirming, modifying, or vacating the fire marshal’s decision.

(4) Any person aggrieved by any decision of the fire chief may petition the Board of Commissioners for review to determine whether the fire marshal’s decision is arbitrary, capricious, or illegal. The petition is barred unless it is filed within 30 business days of the date the fire chief or their designee issues a written determination decision and findings. The decision of the Board of Commissioners shall be final.

Sec. C.5.11. Site plan submittal.

(1) Site plans shall be submitted to and distributed by the Community Development Department in accordance with the policies and procedures set by the Community Development Department.
(2) The fire marshal shall have the authority to enforce emergency vehicle access and hydrant placement for one (1)- and two (2)-family dwellings, residential subdivisions, and commercial developments.

Sec. C.5.12. Construction plan submittal.

(1) Two (2) full sets of construction plans for any new construction or renovations shall be submitted for the fire marshal's office review. Plan submittals must contain a life safety plan sheet that includes: project data, applicable codes, egress and occupancy calculations, life safety notes and a legend referencing symbols used on the drawing. All plans will be submitted to the Community Development Department.
(2) Plans that are rejected and require a resubmittal shall contain two (2) full sets of plans to be resubmitted.
(3) Partial plans and sheets will not be accepted for initial submissions or for resubmissions.
(4) A separate submittal is required for the following:
    (a) Building and architectural.
    (b) Fire alarm systems.
    (c) Sprinkler systems, fire pumps, specialized suppression systems and hydrant locations.
    (d) Kitchen hood and ducts.
    (e) Kitchen hood suppression systems.
(5) Building and architectural plans must be reviewed and approved before fire alarm system, sprinkler system, or other system plans will be reviewed.
(6) Approved plans will be stamped by the fire marshal's office. A copy of the fire marshal's stamped plans must be on the job site. Inspections by the fire marshal's office will not be conducted if the plans stamped by the fire marshal's office are not on the job site.
(7) The fire marshal shall have the authority to enforce emergency vehicle access requirements for the construction of all new structures, buildings, facilities, and dwellings prior to the issuance of a certificate of occupancy. The fire marshal shall have the authority to enforce hydrant placement requirements for the construction of all new water line extensions within unincorporated Troup County.

Sec. C.5.13. Premises identification.

The buildings, structures, and facilities applicable to this chapter shall be addressed in accordance with the Troup County Code of Ordinances.

Sec. C.5.14. Commercial hood systems.

(1) Plans shall be submitted to the fire marshal's office for installation of commercial hoods. Plans must be approved before work shall begin.
(2) No commercial hood system shall be approved without passing a blow down (balloon test), a light test and a hood-to-duct test of the entire duct system conducted in accordance with the specifications of the fire marshal's office. No test will be accepted unless a representative of the fire marshal's office is present to witness the test when conducted.
(3) A representative of the fire marshal's office shall be present to witness a light test on all new installations of commercial hood exhaust systems. The light test shall be performed by passing a lamp having a power rating of not less than 300 watts through the entire section of ductwork to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. The ductwork shall be permitted to be tested in sections, provided that every joint is tested.
(4) Documentation shall be provided to the fire marshal's office certifying that the commercial kitchen hood is constructed according to NFPA guidelines and that it passed a light test.
(5) Documentation shall be provided to the fire marshal's office certifying that the system is installed according to the manufacturer's instructions, NFPA guidelines, and chapter 120-3-3 and that the system is operational. The Georgia license number and installer permit number shall be provided to the fire marshal's office, and a blue tag must be on the system.
(6) Documentation of the required semi-annual test on commercial hood systems shall be kept on the premises for a period of three (3) years and made available for inspection upon request.
(7) Documentation of the required cleaning of commercial hood systems shall be kept on the premises for a period of three (3) years and made available for inspection upon request.
(8) Any deficiencies in a commercial hood system that prevent the system from having a blue tag shall be repaired immediately. The fire marshal's office shall be notified within 24 hours of any commercial hood system with a red non-compliance tag.

Sec. C.5.15. Fire alarm systems.

(1) Plans must be submitted to the fire marshal's office for review on new fire alarm systems and modifications to existing fire alarm systems.
(2) A representative of the fire marshal's office must be present for a final test of all new and modified fire alarm systems.

(3) The following documents must be provided to the fire marshal's office at the time of the final test:
   (a) Battery calculations for fire alarm system.
   (b) Fire alarm system record of completion.
   (c) Fire alarm certification letter from an installer licensed with the State of Georgia.
   (d) Fire alarm certification for interconnection to auxiliary systems such as kitchen hood suppression, air handling duct detectors, smoke removal systems, elevator recall systems, and fire door release systems.
(4) Documentation on the annual required test on fire alarm systems shall be kept on the premises for a period of three (3) years and made available for inspection upon request.

Sec. C.5.16. Sprinkler system certification.

(1) A representative of the fire marshal's office shall be present to witness a flow test on all sprinkler systems.
(2) The following documents must be provided to the fire marshal's office at the time of the final inspection:
   (a) Sprinkler certification that the sprinkler system is installed according to NFPA guidelines and the manufacturer's instructions.
   (b) Contractor's material and test certification for aboveground piping (signed by certificate of competency holder).
   (c) Contractor's material and test certification for underground piping (signed by approved GA [Georgia] licensed contractor).
   (d) Fire sprinkler piping welder certification (current license holder).
   (e) A fire pump installation acceptance testing data and flow graph (if a fire pump is installed).

Sec. C.5.17. Fire safety compliance certificate.

(1) All buildings, structures, and facilities shall acquire a fire safety compliance certificate issued by the fire marshal's office prior to occupancy. The certificate shall be displayed in a conspicuous place in the business establishment at which address the certificate was issued. Any change of business or change in occupancy shall require a new certificate prior to occupancy or issuance of a business license.
(2) The fire safety compliance certificate shall state:
   (a) The name of the business license holder.
   (b) The name and address of the licensed premises.
   (c) The occupancy classification of the premises.
   (d) The occupant load of the premises.
   (e) The name and signature of the fire marshal or fire inspector.

Sec. C.5.18. Fire department connections (FDC).

(1) A fire hydrant shall be located within 50 feet of the fire department sprinkler connections (FDC).
(2) A post indicator valve (PIV) shall be installed on all sprinkler systems and shall be provided with a tamper switch and lock and shall be monitored by the fire alarm system.
(3) At least one (1) fire hydrant with a minimum flow of 1,000 gpm will be located within 250 linear feet of any newly constructed commercial occupancy where an approved water system exists.
(4) The location of fire hydrants, fire department connections (FDC), and post indicator valves (PIV) shall be approved by the fire marshal.

ARTICLE C.6. ROADS, STREETS, AND OTHER PUBLIC PLACES

Sec. C.6.1. Official County roads and streets; maintenance.

(1) Only those roads and streets shown on the list and map accompanying the ordinance from which this section is derived, by number, shall be maintained by the County. Such list and map, when signed and attested, shall be incorporated and made a part of this article by reference.
(2) The list and map shall be amended automatically upon the recording of any plat which has met the requirements of the County subdivision regulations and has been approved and accepted by the Board of Commissioners at a regular or special called meeting.
(3) The list and map may be amended by the Board of Commissioners accepting a deed for a street or road which has met the requirements of the County road regulations. No deed dedicating real estate to the County for public use shall be deemed to have been accepted unless and until such dedication is approved and such deed is accepted by the Board of Commissioners, and such acceptance is noted on the official minutes of the Board of Commissioners. Additions or deletions to this list, due to errors in the inventory of roads, must be approved by the board only during a regular or special meeting of the board.
(4) Any recordation in the Records of the Clerk of the Superior Court of Troup County, Georgia or other action made in the attempt to bypass the requirements of road

acceptance set forth in this section, or to assist others in an attempt to bypass the requirements of this section, is prohibited.

(5) Any individual violating this ordinance, or knowingly assisting an individual in the violation of this ordinance, upon conviction, shall be punishable by a fine not to exceed $1,000.00 per violation or imprisonment not to exceed 60 days, or both.

Sec. C.6.2. Drainage.

(1) Driveway permit.

(a) Required. It shall be unlawful for any person to install a driveway or driveway culvert pipe in the right-of-way of a County road without having secured a permit from the Board of Commissioners or its authorized agent.

(b) Application. Prior to the installation of a driveway or driveway culvert pipe, a permit shall be secured from the Board of Commissioners or designee, the application for which shall contain, but not be limited to, the following information:

(i) Property owners and/or contractors;

(ii) Mailing address;

(iii) Description of the property including a legal description or plat; the location, road, subdivision, etc.; and the acreage;

(iv) Existing driveways;

(v) The size and location of culvert pipe and a description of the work to be completed. The property owner shall also clearly identify the proposed location of culvert pipe by stakes at the property line; and

(vi) The signature of applicant or authorized agent.

(c) Fee. A permit application fee as set forth in the schedule of fees and charges on file in the office of the Community Development department shall be assessed for every driveway installed by the property owner across the County right-of-way.

(2) Public right-of-way nuisance.

(a) No contractor/homebuilder shall allow dirt, mud or other debris resulting from contractor/homebuilder construction operations to accumulate upon the right-of-way of any public road to such an extent that it becomes a nuisance or a hazard to persons traveling upon such roads, or that it creates an unsightly condition upon the public right-of-way.

(b) No contractor/homebuilder shall allow dirt, mud or other debris resulting from construction operations to accumulate in ditches and drainage areas on public right-of-way to such an extent that the usual flow of water or runoff is stopped, disturbed, changed or interrupted.

(c) No contractor/homebuilder shall create any other type of public nuisance on rights-of-way within the unincorporated County.

(d) No contractor/homebuilder or person shall park or leave unattended a truck or other motor vehicle or trailer upon the right-of-way of any County road.
(e) No contractor/homebuilder shall commence construction without first installing and maintaining soil erosion and sedimentation controls sufficient to prevent dirt, mud and other debris from accumulating in the County drainage ditches and on the County roads.
(f) The contractor/homebuilder shall give notification upon completion of construction to the County engineering department within 72 hours.
(g) Upon site inspection by the County engineering department and the determination that the road and access site are in a proper state of repair from construction operations, the superintendent shall provide a written notice of release of liability to the contractor/homebuilder within 10 days of notification from the contractor/ homebuilder. Should such notice of the release of liability not be made on a timely basis, contractor/homebuilder shall not be held responsible or liable under this section.
(h) If it is determined by the County engineer during or at the conclusion of operations that the County road and access site are not in a proper state of repair, the contractor/homebuilder shall have 10 days to correct the site, at contractor/homebuilder expense or to appeal the decision to the Board of Commissioners.
(i) Upon receipt of a written appeal, the Board of Commissioners shall have no more than 30 days from the receipt of the letter of appeal in which to reach a decision. The decision of the Board of Commissioners shall be final.
(j) Failure to comply with the requirements of this section for repair will give the County the right to make the repairs and charge the expense therefor to the contractor/homebuilder.

(3) Driveway and culvert pipe specifications. Driveways and culvert pipes shall be installed to the latest County specifications which may be obtained from the office of the Community Development department.

(4) Culvert pipe material and size.
(a) Material and size of culvert pipe shall be approved by the County road superintendent or engineer prior to construction. A 15-inch culvert pipe shall be the minimum; however, where drainage and grade conditions warrant, the road superintendent or engineer shall require a larger size.
(b) Culvert pipe for agricultural and residential purposes should not be less than 20 feet in length, nor more than 30 feet in length. For commercial and industrial uses culvert pipe shall not exceed 40 feet in length.
(c) Culvert pipe ends should be riprapped when required by the County road superintendent or engineer.

(5) Location of culvert pipes.

(a) The end of a culvert pipe shall not be less than five (5) feet from the side property line extended.
(b) The distance between culvert pipes shall not be less than 20 feet.
(c) The total length of all culvert pipes shall not exceed 20 percent of the lot frontage in single-family residential dwelling uses and 40 percent for all other uses. If lot frontage is less than 100 feet, the property owner shall be entitled to one (1) 20-foot driveway culvert pipe.

(6) Temporary driveways. Temporary driveways for logging, clearing and construction shall have a culvert pipe unless otherwise authorized by the road superintendent or engineer. Temporary driveways and pipe shall be removed and drainage ditch restored to original condition at the completion of the project. Any damage occurring to the road and drainage ditch shall be corrected at the property owner's expense.

(7) Obstruction of drainage. No debris, trash, dirt, or other obstruction shall be placed in a road drainage ditch or drainage easement.

(8) Unlawful use of right-of-way. It shall be unlawful to utilize the right-of-way of a County road for storage, logging, loading and unloading, construction or landscaping without the express permission of the Board of Commissioners.

(9) Variance. Where, due to unusual conditions, the Board of Commissioners finds that strict compliance with the regulations of this article may result in excessive hardship or practical difficulties, certain variances may be authorized by it, provided that substantial justice is done, the public interest secured, and the variance will not nullify the intent or purpose of this article.

(10) Violations.
(a) Any person installing a driveway or driveway culvert pipe without having secured a permit or obstructing a drainage easement shall be subject to punishment as provided in chapter 1, section 1-19 of the County Code. Each day of violation may be considered a separate offense.
(b) Any person or contractor installing a driveway or driveway culvert which does not meet County specifications shall immediately remove the same upon notification by the County. If the person refuses or fails to remove such driveway and driveway culvert, the County road superintendent or engineer shall remove the same, and a lien will be filed against the property owner for cost of equipment and labor.

(11) More stringent requirements apply. The regulations of this article are not intended to interfere with or annul any easement, covenant, or other agreement between parties. Where the regulations of this article impose a greater restriction upon the use of property or require greater space than is imposed by other regulations, covenants, or agreements, the provisions of this article shall govern; however, the regulations of this article are not intended in any way to supersede the requirements of the state department of transportation.

Sec. C.6.3. Utility facility encroachments and road crossings.

(1) Permit.

(a) Required; strict construction, work limited.

(i) It shall be unlawful for any person to cause any utility facility encroachment in, or any crossing of, a public road maintained by the County outside of the corporate limits of any municipality in the County, without a permit therefor from the Board of Commissioners.

(ii) The permit is to be strictly construed, and no work other than that specifically described therein is authorized.

(iii) The permit shall have a fee as provided in the established fee schedule.

(b) Definition of qualified applicant. Applications for permits under the rules of this section will be accepted only from a political entity, an individual, partnership or corporation, or other body recognized by law as owning all or the major interest in the property abutting the road right-of-way, or the proposed facility, which will be principally affected by the performance of the work covered by the permit or by the lessee of property of business. Such qualified persons will be referred to in this article as the "applicant."

(c) Information on application; filing. Applications for permits shall be filed with the Board of Commissioners and shall contain the following information:

(i) The name and a mailing address of the owner or lessee;

(ii) A description of the type of work intended and submission of a plan with three (3) copies. The plan should show the centerline and the right-of-way, indicating width, and also the width of pavement, the location of existing driveways and drainage structures, elevation and/or sections when necessary. It should also show the boundaries of the contemplated work. When the grading is proposed, the drainage plan shall be shown.

(iii) Give the County, state route number, and distance from geographical point such as intersecting highways, municipal corporate limits, or County highways.

(d) Scope; effect; transfer; damage liability. The provisions of any permit granted under the rules and regulations of this article shall be construed as regulatory and not as contractual. No interest or right of an applicant shall be transferred to another except by written consent of the Board of Commissioners. No inherent or retained right or privilege belonging to any abutting property owner is affected, interfered with or abridged through or because of this article or any permit issued under this article, nor is the County responsible for any damage claim which may arise as between the applicant and any property owner concerning such right-of-way or its occupancy or use. The decision of the chairman of the Board of

Commissioners (or the chairman's designated agent) shall be final and conclusive with respect to any of the conditions, terms, stipulations and provisions of the permit. This shall not foreclose the applicant's right of appeal to the Superior Court of Troup County.

(e) Revocation. Any permit granted by the Board of Commissioners shall be revocable at the pleasure of the board. If any facilities after construction become dangerous, unsafe or a nuisance to the traveling public using the highways, or if such facilities should create any unreasonable interference with the proper use of the highways by the traveling public, or in case it becomes necessary to use all of the right-of-way to widen the existing roadway or to construct service roads or to make any other revisions in location, alignment or grade of the roadway, making the approved entrance plan impractical, hazardous, or otherwise objectionable, the permit for the same may be revoked. However, in that event, there shall be given 10 days' written notice prior to such revocation.

(2) Allocation of costs.

(a) The entire cost of installing, maintaining, repairing, operating, or using the pole line, buried cable, pipeline, or miscellaneous facility; performing miscellaneous operations and any other expense whatsoever incidentil to the facilities or operations authorized by the permit shall be paid by the applicant.

(b) The applicant shall, in addition to compliance with subsection (a) of this section, reimburse the County for any reasonable and necessary expense that it may incur in connection with the facilities or operations authorized by the permit. The reimbursement to the County shall be made by the applicant within 30 days after receiving a statement from the chairman of the Board of Commissioners.

(c) The applicant upon notification in writing by the chairman of the Board of Commissioners, shall pay a reasonable market price for any materials removed from the right-of-way or destroyed as a result of operations authorized by the permit.

(3) Installation to comply with rules. The utility covered hereby shall be installed in accordance with the plan and subject to the printed rules and regulations for the control and protection of County-maintained roads and rights-of-way on file in the office of the Board of Commissioners, which rules and regulations are made a part of this article by reference thereto, and particularly to the applicable provisions of such rules and regulations shown on the permit and any special requirements set forth in this section. The applicant agrees to comply with and be bound by such rules and regulations.

(4) Protection of public from injury, and highway from damage.

(a) The applicant shall employee all methods in performing the operations authorized by the permit which the chairman of the Board of Commissioners or

designated agent may require in order to properly protect the public from injury and the highway from damage.

(b) During the initial installation or construction of the facilities authorized by the permit, or during any future repair, removal or relocation thereof, or during any miscellaneous operations, the applicant shall at all times maintain such flagmen, signs, lights, flares, barricades, and other safety devices as the chairman may reasonably deem necessary to properly protect traffic upon the highway, and to warn and safeguard the public against injury or damage. The applicant shall maintain a watchman, as required, to maintain such signs, flares, barricades and other safety devices during non-work hours, and shall upon request furnish the County road superintendent the telephone number and/or address of such watchman.

(c) The applicant shall so conduct the operations that there will be a minimum of interference with or interruption of traffic upon and along the highway. Except in emergencies there shall be no interference with or interruption of traffic upon and along the road or highway until a plan for the satisfactory handling of traffic has been worked out and approved by the chairman of the Board of Commissioners or the County Road superintendent as soon as practicable.

(d) All roads should be bored where feasibly possible (dry bored).

(e) Any supervision or control exercised by the County Road superintendent shall in no way relieve the applicant of any duty or responsibility to the general public, nor shall such supervision or control relieve the applicant from any liability for loss, damage or injury to persons or property.

(5) Regrassing; restoration of surface.

(a) Any area where grass is destroyed shall be regrassed.

(b) All applicants shall comply with County specifications for restoration of the surface. All cuts across or into County paved roads shall be:

(i) Tamped by pneumatic tamp.

(ii) Filled with concrete as required.

(iii) Finished with asphalt as required.

(c) Final inspection and approval shall be by either the County manager or the County Road superintendent.

Sec. C.6.4. Timber harvesting.

(1) Purpose and intent. This section is intended to require notice of timber harvesting operations within the unincorporated areas of Troup County pursuant to O.C.G.A. § 12-6-24, and, in accordance with Title 32 of the Official Code of Georgia, provide regulations further governing use of public roads by persons engaged in said timber

harvesting operations in order to assure the public safety and to protect the County roadways and environments.

(2) Notice. Written notice shall be required of any harvesting timber in the unincorporated areas of the County for each separate tract to be harvested. Said written notice shall be:

(a) Delivered to the Troup County Board of Assessors, which shall forward a copy to the road department, prior to entering onto the subject tract, if possible, but in no event later than 24 hours after entering onto said tract; and

(b) In such form and containing all information as set forth in O.C.G.A. § 12-6-24(b)(1). Notice shall be effective only as to the tract described therein upon receipt by the Troup County Board of Assessors (as confirmed by written acknowledgment from the same to the timber harvester) and compliance with all other applicable requirements of this article. Such notice may be given in person, by transmission of an electronic record via tele facsimile, e-mail, or such other means as approved by the governing authority of the County, or by mail.

Prior to and at all times during any timber harvesting operations subject to this article, the timber harvester shall additionally ensure that the requisite notice is continuously posted and displayed in good condition and in a conspicuous location on each tract of land identified in said notice. For purposes of this section, the notice shall be deemed posted in a "conspicuous location" if clearly visible and located in the immediate vicinity where the entrance road or trail providing vehicular access to the subject tract meets the nearest public right-of-way.

(3) Surety bond.

(a) All timber harvesters subject to the notice requirement set forth in this article shall, prior to harvesting any timber in the unincorporated areas of the County, be required to deliver a valid surety bond in the amount of $5,000.00, executed by a surety corporation authorized to transact business in this state, protecting the County against any damage caused by such timber harvester to the chief appraiser of the County board of tax assessors. In lieu of providing a surety bond, a timber harvester may provide a valid irrevocable letter of credit in the amount of $5,000.00 issued by a bank or savings and loan association, as defined in O.C.G.A. § 7-1-4, protecting the County against any damage caused by such timber harvesters. The surety bond/letter of credit shall be delivered to the road department, and the required notice shall not be or remain effective for harvesting operations unless and until the person or firm providing such notice has delivered the surety bond/letter of credit to the road department.

(b) The amount of the bond/letter of credit shall not exceed $5,000.00. The bond shall indemnify the County against any and all damage caused, as a result of the harvesting and related activities, to any County roads, rights-of-way, points of egress or other public property. The surety bond shall also indemnify the County

for any costs incurred in the cleanup of waste or debris left on public property as a result of the timber harvesting.

(c) Upon completion of any necessary repairs to public property and removal of all waste and debris, the County will release the timber harvester from the surety bond/letter of credit.

(d) In no event shall the delivery of a surety bond/letter of credit limit the liability of any person engaged in timber harvesting and related activities for damages to public property or rights-of-way or for other personal injury or property damage.

(e) No more than one (1) surety bond shall be required at any one (1) time from a timber harvester hereunder regardless of the number of tracts harvested in the unincorporated areas of the County so long as said surety bond remains in effect; provided that a valid replacement surety bond must be obtained and delivered to the road department no later than the close of business on the fifth day following the day that the County files a claim to recover damages against the then-existing surety bond. Upon filing such claim, the road department or other designee of the County shall immediately provide notice thereof, including the date such claim was filed, to the person causing the damage. Such notice may be given by person, by transmission of an electronic record via tele facsimile, or by e-mail. For purposes of the section, any such surety bond shall be valid only for the calendar year in which delivered.

(4) Requirements.

(a) It shall be unlawful for any timber harvester subject to this article to obstruct, encroach upon, or injure materially any part of any County road.

(b) Any timber harvester who unlawfully obstructs, encroaches upon, or injures any part of any County road shall be responsible for reimbursing the County for the costs of removal of said obstructions or encroachments and the costs of repairs to the County road incurred by the County, including any costs associated with traffic management; provided, however, that such costs shall be limited to those costs which are directly incurred from such damages. Costs incurred for traffic management may include, but are not limited to, costs incurred for flagging, signing, or provision of detours, provided that these activities are directly caused by the obstruction, encroachment, or injury to the County road system.

(c) The County shall periodically make an inspection of County roads and shall notify each timber harvester then conducting harvesting operations of all actions reasonably necessary to maintain and ensure the return of the condition of the County roads to a state equal to that existing immediately prior to the instituting of harvesting operations. Upon notice from the road department work on any project that is being done contrary to the provisions of this article shall be immediately stopped. Such notice shall be in writing and shall be given to the timber harvester and the owner of the subject property and shall state the

conditions under which work may resume. When an emergency exists, written notice shall not be required. If the timber harvester does not complete such repairs as are reasonably periodically necessary within five (5) days of notice, the County may, at its sole option, complete the repairs and charge the costs of the same (including any costs associated with traffic management which are directly incurred from the obstruction, encroachment upon or injury to any County road caused by the harvesting operations) to the timber harvester and against the posted bond or irrevocable letter of credit. The timber harvester shall remain liable for any additional maintenance cost, traffic management cost, and the cost of returning the County roads to their prior condition upon the completion of harvesting operations.

(d) No timber harvester shall commence timber harvesting operations until they have first posted or caused to be posted along the County road onto which the timber operator will enter from the timber harvesting operations at least the following signs: one sign in each direction located 500 feet from the entrance which states "slow trucks entering highway;" one (1) sign in each direction located 1,000 feet from the entrance stating "warning: logging operation ahead." Each such sign shall be 36 inches by 36 inches, orange in color and posted at least three (3) feet from the road surface of said County road.

(e) No timber harvester shall park or leave unattended a truck or other motor vehicle or trailer upon a County road.

(f) All harvesting operations shall be conducted on the tract identified in the notice and off public roads and rights-of-way. Logging and skidding of logs on public roads and rights-of-way are strictly prohibited.

(g) Ditches constituting a part of the public drainage system or otherwise benefitting a public right-of-way shall be kept clear of all debris and residue at all times to permit proper drainage.

(h) Prior to commencing any timber harvesting operations, the road department shall inspect the point of access to the public road from the tract described in the notice in order to determine its suitability. If graveling or a culvert is required at the point of access, it shall be promptly installed by the timber harvester as directed and to the design specifications required by the road department. The County engineer may also impose such other design specifications and requirements as in their sole discretion are necessary to protect and to provide for the safe and efficient use of the County road system. The point of access shall be maintained by the timber harvester so long as timber harvesting operations are ongoing.

(i) The timber harvester shall give written notification to the road department within 24 hours following completion of the timber harvesting operations. The road department shall inspect all affected public property and public rights-of-way to

assure that the same has not been damaged or has been restored to its original condition, including any shaping of ditches, grading or seeding as required. The timber harvester shall be notified in writing of any deficiencies and given 15 business days to correct said deficiencies. If not accomplished during that period, the road department (or its designee) shall be authorized to complete the work at the cost of the timber harvester.

(5) Violations.

(a) Any person violating any of the provisions of this article shall be guilty of a misdemeanor prosecutable in the Magistrate Court of Troup County and punishable by a fine not to exceed $500.00 and imprisonment in the County jail for a period of no longer than 12 months. The court may, in addition to any other sentence authorized by law, order a person convicted of violating this article to make such restitution for the offense.

(b) The County code enforcement officer(s) shall be authorized to issue citations in order to initiate such prosecution.

(c) The imposition of any fine or other sentence pursuant to this section shall in no way limit the liability of any person for damage done to public property or public rights-of-way, and all means permitted by law or in equity, to include, without limitation the filing of a suit for damages, or the seeking of injunctive relief to stop any such damage.

(d) The payment of any fine imposed does not relieve the offending person or firm from the obligation to pay for all costs incurred by the County as provided in this article.

Sec. C.6.5. County roads and rights-of-way.

(1) Truck traffic.

(a) Truck routes mandatory. All through trucks are required to travel upon truck routes. All other trucks are required to travel upon truck routes, except in any of the following limited circumstances:

(i) Local pickups and deliveries. If the terminal, parking lot, repair garage, headquarters, or place of pickup or delivery of the truck is not on a truck route, then the vehicle may travel on non-truck routes only by the shortest (least mileage), most direct route between such places and the nearest truck route. The shortest route between such places and the nearest truck route may be specifically designated by the County to prevent truck traffic on County roads that are deemed inadequate for such travel. Trucks shall not use any restricted roads, unless the origination or destination of the truck is on a restricted road, in which case, the truck shall travel by the shortest, most

direct route between the nearest truck route, and then the nearest non-truck route to or from the origination/destination.

(ii) Agricultural products and equipment. Trucks hauling farm animals, farm materials, farm equipment, farm machinery, farm supplies, or farm products to or from a location in the County shall not be required to use a truck route, but shall be required to use a non-truck route, unless the origination or destination of the truck is on a restricted road, in which case, the truck shall travel by the shortest, most direct route between the nearest truck route or non-truck route to or from the origination/destination. Delivery slips, bills of lading, invoices, receipts, or other documentation may be presented by truck drivers as evidence that certain materials, equipment, machinery or supplies that are not used exclusively for farm or agricultural purposes are in fact for farm or agricultural purposes.

(iii) Forest products. Upon providing the notice and posting the bond required by this article, a truck hauling forest products to or from a location within the County shall not be required to use a truck route, but shall be required to use a non-truck route, unless the origination or destination of the truck is on a restricted road, in which case, the truck shall travel by the shortest, most direct route between the nearest truck route or non-truck route to or from the origination/destination.

(b) Interstate pickups and deliveries. All trucks picking up or delivering a majority of their load within one (1) mile of an interchange with Interstate 85 or 185 shall use said interstate instead of County roads, except for those trucks listed above in subsections (a)(ii) and (iii).

(c) Proof of destination. Drivers of trucks shall be prepared to show law enforcement officers the log book, weight slips, delivery slips, bills of lading, and other written evidence of destination and point of origin to justify any presence of the truck on a County road other than a truck route.

(d) Bridges. Notwithstanding any provision of this section, no truck or vehicle of any kind shall be operated over a County bridge with a posted limit less than the total gross weight of the truck or vehicle and its load.

(e) Temporary closures. If any designated route, or portion thereof, shall be under repair or otherwise temporarily out of use, trucks shall use such other temporary route as may be designated by the County.

(f) Emergency closures. When the County engineer or his or her designated agent determines that an emergency situation has arisen wherein trucks are damaging or destroying roads, streets or avenues which are not designed or constructed to withstand heavy truck traffic, the County engineer is authorized to prohibit truck traffic to alleviate the situation. Such prohibition shall be defined and official signs erected designating the maximum gross weight of vehicles to include load

thereon and/or maximum length. Within 30 days after taking such action, the County engineer shall report the same to the Board of Commissioners for confirmation by Code amendment and/or resolution.

(g) Rain or inclement weather. Delivery or transport vehicles shall not proceed over any unpaved County road or unpaved portion of a County road during periods of rain or inclement weather when clearly said travel causes excessive damage and maintenance to the road system such that road conditions for the passage of smaller and lighter passenger vehicles has been substantially hampered.

(h) Penalties for violation. Violation of any part of this section shall be punishable by a fine up to $1,000.00 and/or imprisonment of up to 60 days. Violation of subsection (a) shall subject the violating operator of a truck or restricted motor vehicle, to the following minimum penalties:

(i) First offense: $150.00;

(ii) Second offense within 24 months: $500.00;

(iii) Third offense within 24 months: $1,000.00;

(iv) Additional offenses within 24 months: $1,000.00 and up to 60 days in jail.

(2) Maximum weights and dimensions.

(a) Gross weight. No vehicle with a total gross weight in excess of 80,000 pounds shall be operated on any street or road maintained by the County. The County may lower the gross vehicle weight of trucks on non-truck routes and restricted roads unless such vehicles are exempted by O.C.G.A § 32-6-26.

(b) Weight per wheel/axle. No wheel on any vehicle operated on any street or road maintained by the County equipped with low pressure pneumatic tires shall carry a load which exceeds 10,000 pounds or any axle load which exceeds 20,000 pounds. An axle load shall be defined as the total load on all wheels the centers of which may be included between two (2) parallel transverse vertical planes 40 inches apart. If the driver of any vehicle can comply with the requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be found in violation of this section.

(c) State permit. All motor vehicles in excess of weight limitation as prescribed by the state department of transportation, which apply to state routes, are prohibited from using any road or street in the County except when applicable state department of transportation permits have been secured by vehicles which are in excess of the provisions contained in the state law before said vehicles will be allowed to travel on the roads, streets and highways of the County.

(d) Length/width. No vehicle using any public road or street within the County shall exceed a total outside width, including load thereon, of 96 inches, not including mirrors and accessories attached thereto; no vehicle un-laden or with load shall exceed a height of 13 feet, six (6) inches; no vehicle or combination of vehicles

shall exceed a total length of 55 feet; single trip movements for necessary purposes of materials, objects or vehicles of dimensions which exceed the limits provided in this subsection and which are of such nature that they cannot be readily dismantled or separated may be permitted, but only when applicable state department of transportation permits have been secured. The state law provides that load of poles; logs, lumber, structural steel, piping and timber may exceed the length fixed without requiring special permit. Vehicle combinations, the power unit of which is designed to be used primarily as self-contained united (i.e., dump truck), shall not be subject to the 55-foot length limitations when pulling a trailer or another vehicle.

(3) County rights-of-way, prohibited acts.

(a) It shall be unlawful for any person, through the nonemergency operation and use of a motorized vehicle upon a County right-of-way, or through any other means, to:

(i) Damage a County right-of-way by rutting, gouging, undercutting, digging up, displacing earth from, excavating, denuding, and/or defoliating the right-of-way.

(ii) Cause dirt, mud or other debris to accumulate upon a County road or County right-of-way to such an extent that it becomes a nuisance or hazard to persons traveling upon such roads or right-of-way, or that it creates an unsightly condition upon the County road or County right-of-way.

(iii) Cause any other type of public nuisance on County roads or County rights-of-way within the unincorporated County.

(iv) Allow dirt, mud or other debris resulting from that person's use of the County right-of-way to accumulate in ditches and drainage areas of such right-of-way to such an extent that the usual flow of water on runoff is stopped, disturbed, altered, impeded, changed or interrupted.

(b) Any violation of this section shall be punishable pursuant to chapter 1, section 1-19 of the County Code.

(c) Any person who violates subsection (a) of this section shall further be liable to County for the actual damage to County rights-of-way, as well as consequential damages.

(4) Limitation. Nothing in this section shall be construed to abridge, limit, or otherwise impair the right of any person or the County to damages or other relief on account of injuries to persons or property arising out of a violation of this article and to maintain any action or other appropriate proceeding therefor.

Sec. C.6.6. Special events.

(1) Penalties for violation. Violation of any of the sections of this article or any part thereof shall be punished as provided in chapter 1, section 1-19 of the County Code.
(2) Permit conditions.
  (a) It shall be unlawful for a special event to occur in the County without having first obtained a permit for such special event.
  (b) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit.
  (c) The location of a special event must comply with all existing zoning requirements of the County, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the County Community Development Director to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the County manager.
  (d) Parades, marches, and processions shall follow such designated route or routes as may be on file with the County manager and shall be preceded by a sheriff's vehicle.
  (e) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the County.
(3) Application.
  (a) The producer of a special event shall make application for a permit for the special event on a form prescribed by the County.
  (b) An application for a special event permit shall be filed at least 60 days prior to the date the special event is scheduled to take place; provided, however, no application shall be accepted earlier than one (1) year prior to the date of the special event.
  (c) Each application for a special event permit shall be accompanied by a nonrefundable application fee as established by the County.
  (d) All producers of a special event shall be properly identified on the application; provided, however, a special event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the special event, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.
  (e) The application shall include the following information:
    (i) Purpose of the special event;
    (ii) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this section;
    (iii) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. or later than 11:00 p.m. in residential zoned locations and in no

event earlier than 8:00 a.m. or later than 12:00 midnight in commercial zoned locations;

(iv) Schedule of proposed activities;

(v) Projected attendance at the special event;

(vi) Plans for parking, restroom facilities, and sanitation concerns;

(vii) Plan for crowd and traffic control.

In addition, the County or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this section.

(f) Two (2) copies of a to-scale survey of the proposed location for the special event shall accompany the application and shall accurately depict the proposed location of the special event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the County's standards for setbacks.

(g) Each County department and/or agency whose services would be impacted by the special event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the County manager, or their designee, shall become a condition of the permit.

(h) The following standards shall be considered in reviewing the application:

(i) A special event permit may be issued only after an adequate plan for crowd and traffic control, as well as, security and when deemed necessary, the employment of off-duty, uniformed and P.O.S.T. certified police officers has been verified by the County and obtained by the producer.

(ii) A special event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty, uniformed fire personnel has been verified by the County and obtained by the producer.

(iii) A special event permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics has been verified by the County and obtained by the producer.

(iv) A special event permit may be issued only after adequate waste disposal facilities have been determined by the County and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within 24 hours of the conclusion of the special event. If the producer fails to clean up

such refuse, cleanup shall be arranged by the County, and the costs incurred for this service shall be charged to the applicant.

(v) A special event permit granted by the County may provide for the County to close designated streets, roads and intersections to allow use of the public right-of-way for the special event during designated hours and days.

(i) After all of the requested information pertaining to the special event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The special event permit, as well as any other permits required in conjunction with the special event, shall be posted on site during the special event.

(j) Should a permit be denied, the producer shall be notified in writing of the denial.

(4) Permit fees.

(a) Each County department and/or agency whose services would be impacted by the special event shall itemize the departmental activity required for the special event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the County" shall be the sum of each department's costs. The permit shall have a fee as provided in the established fee schedule.

(b) A cash bond may be determined to be appropriate by the County, and in this event the County shall advise the producer of the amount, and this bond shall be remitted to the County before the special event permit is issued.

(c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than 72 hours prior to the date of the event.

(d) The fees required in this section shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.

(e) No producer of any special event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this section.

(f) Should a producer desire to have use of any equipment owned by the County, such as barriers, traffic cones, and the like, an additional fee, as may be established from time to time by resolution of the Board of Commissioners, shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items by County employees.

(g) Notwithstanding any provision to the contrary, the producer of any special event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code, may be excused by the County manager from the permit fee requirement, but may be required to post the bond described in subsection (b) of this section. Criterion to be considered in determining the appropriateness of requiring a bond shall include the impact of the event on the cost of services to

be provided by the County and on the general public health, welfare, or safety of the County.

(5) Liability.

(a) At the discretion of the County, prior to issuance of a permit, the producer shall provide to the County proof of comprehensive liability insurance naming the County as an additional insured. The insurance requirement is a minimum of $300,000.00 personal injury per person, $1,000,000.00 maximum, and $100,000.00 property damage against all claims arising from permits issued pursuant to this section.

(b) The producer of any special event shall provide a written agreement in a form satisfactory to the County providing the producer shall defend, pay, and save harmless the County, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.

(c) The County, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The County, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

(6) Vendors of food and merchandise.

(a) The sale of food and/or merchandise by vendors shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.

(b) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.

(c) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.

(d) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the County health department as to the preparation and service of food.

(7) Vendors of alcoholic beverages. The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of a special event provided each vendor

is authorized to participate by the producer and provided further each vendor dispensing alcoholic beverages shall have been duly licensed by the state and the County or another local governing authority and shall further have complied with all provisions of this Code relating to the sale of alcoholic beverages off-premises at an authorized function or event.

(8) Miscellaneous provisions regarding vendors.

(a) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.

(b) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one (1) hour before the start of the special event, and until one (1) hour after the special event.

(c) A special event permit granted by the County may provide for the County to close designated streets, roads and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for reopening of all roads or streets.

(9) Other permits.

(a) The purpose of this article is to allow the County's departments and staffs to review an application for a special event permit outside the regular ordinance standards in order to determine how disruptive a special event may be to the ordinary use of parks, public roads or streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the County zoning department shall be followed by the County in allowing specified signage and advertising which may not be in compliance with existing zoning or other ordinances for banners and vendors. Upon approval by the County manager, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.

(b) Notwithstanding subsection (a) of this section:

(i) The holder of a license to sell and dispense alcoholic beverages shall obtain an off-premises license and event permit for pouring alcoholic beverages for an authorized function or event as provided in chapter 6 of the County Code if he is authorized to participate by the producer; and

(ii) A permit allowing fireworks shall be approved and permitted by the chief of the County's fire department or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.

(10) Denial or revocation of a special event permit.

(a) Reasons for denial of a special event permit include, but are not limited to:

(i) The special event will unnecessarily disrupt traffic within the County beyond practical solution;

(ii) The special event will interfere with access to fire stations and fire hydrants;

(iii) The location of the special event will cause undue hardship to adjacent businesses or residents;

(iv) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the County;

(v) The application contains incomplete or false information; and

(vi) The producer fails to comply with any terms required by this article.

(b) Reasons for revocation of a special events permit include, but are not limited to:

(i) False or incomplete information on the application;

(ii) Failure to comply with all terms and conditions of the permit;

(iii) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the County; and

(iv) Existence of disaster, public calamity, riot or other emergency as the County determines, in its sole discretion, to be an impact upon the public health, safety and welfare.

(v) Further, a special event permit may be denied, suspended, or revoked by the County, if the sheriff, the chief of the fire department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

(11) Appeals.

(a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the County manager. This request must be in writing and received by the County manager within five (5) days of the permit denial or revocation.

(b) The County manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five (5) days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the County manager may deem justified by the evidence.

(c) Should the producer be dissatisfied with the decision of the County manager, an appeal may be filed with the Board of Commissioners within five (5) days of the decision of the City manager. The Board of Commissioners shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the County manager addressing why the permit was denied or revoked. The Board of Commissioners shall determine whether the

denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

ARTICLE C.7. SOLID WASTE DISPOSAL

Sec. C.7.1. In general.

(1) Administration and enforcement.
   (a) The Board of Commissioners shall be responsible for the administration of the provisions of this article through a designee referred to as the "sanitation officer."
   (b) The sanitation officer's duties shall be to make routine inspections of all commercial, private and public refuse collection systems to determine if any unsanitary or unsightly condition or any other violation of this article exists.
   (c) The County marshal's department shall have the authority to enforce all provisions of this article and shall have the authority to serve warrants of arrest and to collect fines from any person who is in violation of the provisions of this article.

(2) Collections of refuse generally; conditions for collections by County.
   (a) Refuse may be collected for disposal by the County, by municipalities or by persons or commercial sanitation firms meeting the requirements of subsection 7 of this section.
   (b) Collectors and sanitary contractors will collect refuse under the following conditions:
      (i) Garbage shall be collected by sanitary contractors when licensed and under contract a minimum of once each week from residential dwellings.
      (ii) Refuse shall be collected a minimum of twice a week from commercial uses.
      (iii) Collection service shall be discontinued where containers are inadequate or have been condemned as unit by a sanitary inspector and notice of the condemnation has been given to the owner who has refused to correct the situation then existing.
   (c) The County shall not be responsible for collecting or hauling industrial waste, discarded building material, dirt, rock, discarded furniture and appliances, nor shall it be responsible for collecting or hauling trees, bushes or other vegetation from commercial tree trimmers, landscapers or building contractors, nor shall the County collect or haul garbage from residential dwellings.

(3) Disposal of refuse at official sites and private landfills; dumping of fill.
   (a) It shall be unlawful for any person to dump or cause to be dumped any garbage, refuse, litter, cans, bottles or paper except at sites and/or transfer stations designated by the Board of Commissioners. These designations shall be made from time to time by resolution of the Board of Commissioners.
   (b) It shall be unlawful for any person to dump or cause to be dumped any junk, appliances, equipment, lumber, trees, tree limbs, brush or parts thereof

anywhere in the unincorporated areas of the County except at the official sites designated by resolution of the Board of Commissioners.

(c) It shall be unlawful for any person to dump or cause to be dumped or buried on any private property any of the garbage, refuse and related materials described in subsection (a) of this section, unless the same shall be approved by the state department of natural resources and the Board of Commissioners as a private sanitary landfill.

(d) Sand, dirt, broken brick, or broken pavement or other suitable material may be used as a fill to raise the elevation of the land, provided that the same is not maintained in unsightly condition and provided that the owners of the property on which such material is dumped agree to level such dumped material with appropriate grading equipment, and to cover it with dirt, upon direction of the Board of Commissioners, or, in lieu thereof, agrees to permit the County to level and cover such material so dumped with appropriate grading equipment and assess the cost thereof against the owner of the real property on which such material is dumped.

(4) Preparation and storage of residential refuse for collection; prohibited placement of certain refuse for collection.

(a) It shall be unlawful for any nonresident of the County to utilize the County-owned transfer stations or landfills or dispose of rubbish in the County in any manner whatsoever without the express permission of the Board of Commissioners.

(b) Garbage shall be stored in transfer stations.

(c) Each owner shall prevent excessive and unsightly accumulation of refuse upon the property occupied by such person or upon public thoroughfares adjoining such person's property.

(d) It shall be unlawful to place or cause to be placed in any refuse can or transfer station for collection any acid, explosive material, flammable liquid, dangerous or corrosive material, or hazardous material of any kind.

(e) It shall be unlawful to place or cause to be placed any refuse upon the ground in the area of County maintained transfer stations.

(f) It shall be unlawful to place wood, brush, furniture, metal, appliances, manufacturing waste, or building construction waste in County-owned transfers stations or on the ground surrounding such stations.

(g) It shall be unlawful to set fire to any refuse or refuse transfer station or to place material in such transfer station that would cause refuse to burn (i.e., lighted cigarettes, hot coals, etc.).

(h) Scavenging from transfer stations or any landfill is prohibited.

(5) Maintenance of area surrounding container.

(a) Where the occupants of two (2) or more commercial establishments share the use of a refuse can or container, it shall be the joint responsibility of the users to

maintain the area surrounding such cans or containers clean and free of accumulation of refuse. All rubbish from commercial operations shall be transported to a dumping site designated by the Board of Commissioners.

(b) Where multiple dwellings or manufactured homes are served by containers, it shall be the responsibility of the management of such property to maintain the area surrounding such containers clean and free of accumulation of refuse.

(6) Regulation of transportation of refuse.

(a) It shall be unlawful for any person, including city or County collectors and sanitary contractors, to haul, convey or cause to be conveyed any refuse, including discarded building material or discarded furniture, upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking, or being blown from transporting vehicles. The operator of the offending vehicle shall be personally responsible for any violation of this subsection.

(b) It shall be unlawful for any person, without a business license approved by the Board of Commissioners, to collect and haul for hire any refuse other than that arising from such licensee's own accumulation within any area of the County in which refuse collection service is maintained by the County.

(7) License and regulation of commercial sanitation firms.

(a) None of the provisions of this section shall apply to private individuals disposing of garbage or rubbish generated by their own household.

(b) No person shall engage in or carry on any garbage or refuse collection or disposal service without first obtaining the appropriate business license in accordance with Chapter 50 of the County Code.

(c) Each truck used to collect and transport solid waste shall bear an identification acceptable to the Board of Commissioners which shows it has been authorized to operate in the County and shall also bear the name and telephone number of the owner of the truck.

(d) A commercial sanitation firm applying for a business license to collect solid waste shall certify at the time of application that neither the applicant nor any agent or representative of such firm, is engaged in any illegal servicing of any commercial containers of refuse collection of any type in the County.

(e) It shall be unlawful for any commercial hauler to dump at any site other than that designated by the County by way of resolution.

(8) Operational procedure for depositing of solid waste in County landfill.

(a) Hours of operation. The County landfill shall be opened for the reception of solid waste on as directed by the Board of Commissioners. Dumping of any waste other than as allowed by the Board of Commissioners or at times other than during the hours of operation is hereby prohibited. In this regard, the gates to the landfill shall be locked other than those hours in which the landfill is operating.

(b) Fees. All incoming solid waste shall be weighed and records maintained by the landfill personnel regarding such weight. There shall be imposed on the person bringing the waste to the landfill a fee as set forth in the schedule of fees and charges on file in the office of the sanitation department per ton for all solid waste disposed at the facility. This fee shall be paid at the time the waste is deposited at the landfill.

(c) Waste transported to be covered. No person shall be allowed to deposit solid waste at the landfill unless such waste is covered in the vehicle used to transport the same to the landfill.

(d) Dumping of non-permitted waste. In addition to the penalties provided for by subsection (e) below, any person determined to be responsible for depositing waste other than solid waste shall be required to remove such waste at that party's expense from the facility. All reparation costs, remediation costs and/or fines imposed by the state or federal government associated with the placement of such restricted waste shall be paid by the person responsible for depositing the same.

(e) Penalties. In addition to those penalties imposed by subsection (d) above, violations of this section shall be punished as provided by chapter 1, section 1-19 of the County Code.

(9) Dumping of construction and/or agricultural rubbish and debris. It shall be unlawful for anyone to dump and/or bury construction and/or landscaping waste, debris, etc. on any lot upon which a residence is to be constructed in the unincorporated area of the County when such building lot is 1.5 acres or less in size.

(10) Solid waste service district.

(a) A special solid waste service district is created and established which shall correspond with and be coterminous with the geographical boundaries of Troup County, Georgia.

(b) A tax upon each parcel subject to ad valorem taxation in the special solid waste service district in an amount to be established by the Board of Commissioners shall be levied and collected on a yearly basis.

(c) The tax provided for in this section shall be enforced in the same manner as authorized by law for the enforcement of the collection and payment of state taxes, fees or assessments, and the tax commissioner of Troup County shall be the officer charged with the enforcement of its collection and payment.

(d) The proceeds of the tax provided for herein shall be used only to pay, in whole or part, the cost of solid waste collection and disposal services, and to construct and maintain facilities therefor, within the special district.

(11) C&D Waste Disposal.

(a) Purpose. The purposes and goals of this section are to:

(i) Ensure the health, safety and welfare of the public, citizens and residents of Troup County, Georgia;

(ii) Maintain the economic viability of the publicly owned and operated County landfill(s);

(iii) Enable the County by and through the revenue generated by its landfill operations to continue and expand its efforts to promote public awareness and reduce the volume of C&D waste disposal through source reduction, recycling, reuse and resource recovery;

(iv) Limit the potential for later chain of title liabilities with respect to the handling or disposal of C&D waste; and

(v) Increase efficiency in the collection of C&D waste and the provision of environmental benefits through cooperation with Troup County, Georgia.

(b) Disposal of C&D waste. Any person, firm, partnership, corporation or other entity which transports, pursuant to a contract, whether oral or otherwise, construction/demolition waste generated within the unincorporated area of Troup County shall be required to deliver such construction/demolition waste to the Troup County C&D Landfill. For purposes of this section, the term "construction/demolition waste" shall be as defined in Georgia Department of Natural Resources Rule 391-3-4-.01."

Sec. C.7.2. Yard trimmings disposal.

(1) Placement and disposal; prohibited acts. It shall be unlawful to place or mix yard trimmings with any other type solid waste within the unincorporated County.

(2) Mixing of yard trimmings and municipal solid waste. It shall be unlawful for anyone to deposit yard trimmings into any container designated for the collection of any other solid waste.

Sec. C.7.3. Litter.

(1) Prohibited acts.

(a) It shall be unlawful for any person or persons or legal entity in person or its agent or employees to dump, deposit, throw or leave, or to cause, or to permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in the County or any waters in the County unless:

(i) Such property is designated by the state or by any of its agencies, or political subdivisions, for the disposal of such litter, and such a person is authorized by the proper public authority to use such property in such manner. This exception specifically refers to, but is not limited to, all lands owned, leased, controlled, or operated by or on behalf of the County.

(ii) Such litter is placed into a litter receptacle or container installed upon such property for such purpose.

(iii) Such person or legal entity is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare and not in violation of any other law, statute, rule, or ordinance promulgated by any political subdivision having authority to do so.

(b) Upon conviction of violation of subsection (a) of this section, the court shall cause to be published in the ~~*LaGrange Daily News*~~ *County's choice for a legal organ,* the names and offenses of persons convicted of violating such section.

(2) Additional prohibitions. No person shall drive or move any vehicle within the unincorporated area of the County unless such vehicles are so constructed or loaded as to prevent any load, contents or litter contained therein from being blown or deposited upon any road, street, alley, or other public place.

(3) Evidence.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, bicycle, airplane, or other vehicle in violation of this section, it shall be prima facie evidence that the operator thereof has violated this section.

(b) Except as provided in subsection (a) above whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any items including, but not limited to, letters, bills, publications, or other writings which display the name of the person thereon in such a manner as to indicate that the item belongs to such person, it shall become a rebuttable presumption that such person has violated this section.

(4) Penalties for violation of article.

(a) Pursuant to the provisions contained within O.C.G.A. § 36-1-20(b), the jurisdiction of all alleged violations of this article shall be in the County magistrate court. The minimum punishment for violation of any provision of this article shall be no less than $100.00 for the first offense, and the maximum punishment for violation of any provision of this article shall not exceed a fine of $1,000.00 or imprisonment for 60 days, or both.

(b) In the sound discretion of the court, the person may be directed to pick up and remove from any public road, street, or highway, or public right-of-way for a distance not to exceed one (1) mile any litter he has deposited and any and all

litter deposited thereon by anyone else prior to the date of execution of the sentence.

(c) In the sound discretion of the court in which conviction is obtained, the person may be directed to pick up and remove from any public park, private right-of-way, or with prior permission of the legal owner, or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of the sentence.

(5) Enforcement of section provisions. All law enforcement agencies, officers, certified peace officers, and/or officials of the state or any code enforcement officer of the County or any enforcement agency, officer, or any official of any commission of this state, or any political subdivision thereof, are hereby authorized, empowered, and directed to enforce compliance with this section.

(6) Limitation. Nothing in this section shall be construed to abridge, limit, or otherwise impair the right of any person, or the County to damages or other relief on account of injuries to person or property arising out of a violation of this section and to maintain any action or other appropriate proceeding therefor.

ARTICLE C.8. UTILITIES

Sec. C.8.1. Water system expansion.

(1) Applicability of article provisions. This article shall apply to the development of all water systems constructed in unincorporated areas within the boundaries of the County.
(2) Withholding of construction or building permit until compliance with article provisions effected. The County may withhold the issuance of any construction or building permit and/or occupancy or use permit in any subdivision, development or improvement to which this article applies, until there is compliance with the regulations and specifications contained in this article.
(3) Water review board.
    (a) Established. The water review board is hereby established.
    (b) Composition; terms. The water review board shall consist of five (5) members. Initially, one (1) member shall be appointed for a term of one (1) year, a second member shall be appointed for a term of two (2) years, a third member shall be appointed for a term of three (3) years, a fourth member shall be appointed for a term of four (4) years, and a fifth member shall be appointed for a term of five (5) years. The term of each member shall end on June 30 of his expiration year. The five (5) members shall elect one (1) of their number to serve as chairman of the water review board.
    (c) Authority; responsibilities. The water review board shall have the following authority and responsibilities:
        (i) To review all applications for new and/or expansion of existing water lines and systems in the unincorporated areas of the County;
        (ii) To provide to the Board of Commissioners recommendations for the approval of or denial of applications pertaining to water systems in the unincorporated areas of the County;
        (iii) To offer any recommendations regarding matters concerning water systems, regulations, and/or finances;
        (iv) To work with the various cities located within the County in the improvement of water service in the unincorporated areas of the County;
        (v) To have the authority to recommend that the Board of Commissioners make variances, when it is feasible or necessary, from this article; and
        (vi) To work with the various County offices and state agencies to ensure an adequate and improved water system for the citizens of the County.

(d) Reception of construction plans and specifications. The water review board shall be the authorized officer of the County to receive construction plans and specifications as contemplated and required by subsection (6) of this section.

(4) Statement of intent and purpose of article.

(a) It is the intent of the Board of Commissioners to provide the citizens of the unincorporated County areas with a sufficient water supply for the purpose of their health, safety, welfare and convenience. It is also the intent of the Board of Commissioners that water expansion progress in an orderly fashion for the purpose of providing the most water at the least cost. Consideration for service will be based on the need for water and the feasibility of providing service.

(b) It is the purpose of this article to ensure that all public and private water systems, constructed in the unincorporated areas of the County, satisfy all existing and future County, state and federal regulations. Both public and privately owned water systems in the unincorporated areas of the County shall be constructed only after the plans have been approved as outlined in this article and a construction permit has been granted. Only systems approved and constructed in accordance with this article will be allowed to operate in the County.

(5) General design standards. General design requirements for both government owned and privately-owned public water systems are set out herein. The County requires a minimum of 500 gpm at a residual pressure of 20 psi at all fire hydrants. Where named products and materials are offered in this article, substitute products and materials may be used, but only with the approval of the County manager or the manager's authorized designated representative.

(a) The developer shall be required to install an adequate water supply system to, and with the area to be developed including service lines to each lot as shown, of the development.

(b) Water mains proposed along existing frontage roads or proposed main thoroughfares shall be sized consistent with the County water expansion map, designated as the master map dated 1987.

(c) All water mains shall be six (6) inches in size or larger, except for short (500 feet or less), dead-end or connecting road or street in residential areas.

(d) Dead-end lines shall be minimized by looping of all mains when possible.

(e) Minimum horizontal distances between water and sewer lines shall be 10 feet. The distances between water and sewer lines, when crossed, shall be 18 inches with the water line above the sewer line. Minimum horizontal and vertical distances between water lines and other underground utilities or structures shall be two (2) feet.

(f) Design for all creek crossings shall be approved by an authorized representative of the County.

(g) All crossings of paved roads or streets shall be by the bore method, unless otherwise approved prior to installation. All pipe six (6) inches and larger in diameter shall require casing to be carried with the bore. A County road or street may be open cut, or bored without casing, only after written permission has been received from the designer. All pipe placed in open cut trenches or uncased bores under paved roads or streets shall be ductile iron. All pipe shall have a minimum cover of four (4) feet from finish grade of street or road.

(h) All crossings of driveways shall be by means of uncased bore or open cut as may be determined by the County representative. Where open cut method is required, existing concrete and asphalt driveways shall be sawed and the debris removed prior to trenching. When pipe installation is complete, the driveway shall be backfilled, tamped, and damaged areas replaced with material consistent with the driveway as soon as possible.

(i) Tees, crosses, valves and other necessary fittings shall be provided at all major intersections and at all points required by the water review board to provide for future expansion.

(j) Magnetic detection tape shall be placed directly over all nonmetal pipe at a maximum depth of two (2) feet from finished grade.

(k) Fire hydrants shall be located at intervals not to exceed 1,000 linear feet along the road or street right-of-way. Generally, fire hydrants serving commercial, industrial, or residential dwelling uses shall be located at intervals not to exceed 500 linear feet along the road or street right-of-way. Final approval of fire hydrant placement shall be approved by the Troup County Fire Marshall.

(l) All fire hydrants shall be located on the right-of-way and shall have a valve installed between the main and the fire hydrant.

(m) All fire service lines and connections with private fire hydrants, hand hose connections, sprinkler heads, and any supply other than domestic lines shall have installed an underwriter approved double detector check valve.

(n) Shutoff valves shall be installed along the main line at intervals not greater than 2,000 feet.

(o) Shutoff valves shall be installed on all branch lines as well as on each side of the branch as close to the intersection as possible.

(p) Flush valves are required on dead-end water mains that do not have a fire hydrant at the end.

(q) Each underground valve shall include a valve box placed vertically to allow operation of the valve. Valve boxes not located in roadways shall have a precast concrete collar placed level around the top for protection.

(r) Service lines shall be provided to all residential lot property lines. Lines shall be three (3)-fourths-inch minimum diameter and furnished with meter box, curb and corporation stops.

(s) Water services for commercial, industrial, or multifamily residential shall be adequate to provide for the specific needs of the installation, including adequate fire protection.

(t) Location of service laterals shall be indicated precisely on drawings. Services shall extend from the water main to the property line of each lot. Each line shall have a meter stop placed on its end and stubbed into a meter box set by the developer.

(6) Submittal and approval standards.

(a) It is the purpose of the standards of this section to establish the minimum requirements for the information to be submitted to and approved by the Board of Commissioners or their designee.

(b) The developer shall submit to the authorized officer of the County two (2) sets of construction plans and specifications for approval. Approval of the plans and specifications may be given by the appropriate authority. Work shall not begin until all approvals regarding materials, methods of construction, environmental impact, railroad permits, department of transportation permits and other required approvals are received from the respective approving agencies.

(c) The information shall be submitted to the Board of Commissioners or their designee for approval at least 60 days prior to the start of construction. The information submitted with the plans shall include the following in addition to the construction plans and specifications:

(i) Number of customers to be served.

(ii) Location and depth of water mains.

(iii) Tap-on fees to be charged.

(7) Paying cost of main relocation for road work. The owner of any water system located on road rights-of-way of the County shall pay all cost of relocation of any water mains and appurtenances within the public rights-of-way which is necessary for roadway improvements.

(8) Construction standards. The standards to be used in the design, material, implementation, etc., of any water system located in the unincorporated area of the County shall meet or exceed the standards for design, material implementation, etc.,

then in effect for Troup County. All questions regarding such matters shall be submitted to the water review board whose determination shall be final.

ARTICLE C.9. TREE PRESERVATION

Sec. C.9.1. Vehicle use area plantings.

Any vehicle use area designed or intended as a parking lot to accommodate five (5) cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential or office zoning district or located adjacent to a public road or street, must provide a buffer adjoining such district or visual screening from such road or street in accordance with the requirements of this section. Landscaped planting areas are also required throughout the parking lot under the requirements of this section.

Sec. C.9.2. Landscape planting and maintenance plan required.

A landscape planting and maintenance plan including provisions for watering, maintenance and replacements is to be submitted to the planning director and approved prior to the issuance of a building permit. Installation of plant materials shall have been completed or bonded prior to the issuance of a certificate of occupancy. If bonded, such plant materials shall be installed within 30 days of the bond date.

Sec. C.9.3. Vehicle use area buffers.

Any vehicle use area designed or intended to accommodate five (5) cars or more for any purpose, or to accommodate the parking of any number of light trucks or vans, which is located adjacent to any residential zoning district must provide a buffer as follows:

(1) The buffer shall meet the minimum width for a zoning buffer as required under sec. C.9.8, but in no case shall be less than 10 feet wide.
(2) Vehicle use area buffers adjacent to any residential use or zoning district shall meet the buffer design standards of sec. C.9.10, whether or not the parking lot buffer is also required as a zoning buffer under sec. C.9.8.

Sec. C.9.4. Vehicle use area screening.

(1) Required vehicle use area screening.

1. Any vehicle use area which is visible from a road or street right-of-way, must provide a landscaped visual screen that meets the requirements of this section. Any vehicle use areas planned as a parking lot designed or intended to accommodate less than five (5) cars for any purpose is exempt from this section.
2. Decorative visual screening shall be provided to a height of three (3) feet above the elevation of the vehicle use area (measured at the edge or top of curb nearest the adjacent road or street) or the adjacent road or street (measured at the right-of-way line), whichever is highest.
3. The screening may be included within any frontage landscape strip required by this UDO, but in no case shall be less than 10 feet wide.
4. Any vehicle use area that is setback greater than 50 feet from the adjacent road or street right-of-way is exempt from screening requirements.

b. Screening alternatives. The decorative visual screening may be provided in any of (or any combination of) the following ways that achieves a total height of three (3) feet:
   1. Planted only. A planting consisting of shrubs spaced appropriately for their width at maturity but not exceeding six (6) feet on center that will spread into a continuous visual screen within two (2) growing seasons. Shrubs must be at least 12 inches tall at the time of planting, be of a species that will exceed three (3) feet in height at maturity and be adapted for vehicle use area conditions. Where space allows, plants shall be planted in multiple, staggered rows. A maximum of 20 percent of these shrubs may be deciduous. Plantings must be set back at least four (4) feet from the road or street right-of-way line. See chart for allowable species and varieties.
   2. Recessed vehicle use area. If grading permits such that the proposed parking lot pavement, excluding curb and gutter, will sit three (3) feet or more below the adjacent road grade, then recessed parking is allowed in lieu of planted material as a screening alternative.
   3. Wall. A wall of brick, stone or finished and textured concrete, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Community Development Director . The wall must be set back at least four feet from the road or street right-of-way line.
   4. Decorative fence. A fence constructed of imitation-wood vinyl pickets, or of wrought iron with masonry columns, landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Community Development Director . "Open design" decorative fencing of wood or imitation-wood vinyl, such as split rail or slat fencing, are allowed with supplemental plantings to achieve the required screening effect. Fences must be set back at least four (4) feet from the road or street right-of-way line.

5. Combination. Any combination of hedge, recessed parking, wall or fence that effectively provides a visual screen of the parking lot or loading area to a height of three (3) feet and achieves a decorative effect through appropriate use of landscaping and plant material.

Sec. C.9.5. Vehicle use area planting requirements.

a. Trees required. An average of at least one (1) large tree (as defined in this development code), occupying a planting area of at least 300 square feet is required per each 3,600 square feet of vehicle use area. Landscape strips as required in sec. C.9.4(1) may be counted toward this requirement. Trees located in any required buffer that is within 20 feet of a vehicle use area may also be counted toward this requirement.

   (a) Trees must be placed in or around the parking lot such that every parking space is within 70 feet of a large tree. The 70-foot distance is measured from the center of the tree to any point within the parking space.
   (b) New large trees shall have a caliper of no less than two (2) inches and a height of no less than eight (8) feet upon planting, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.

b. Standards for vehicle use area plantings.

   (a) Landscape islands, strips, or other planting areas shall be landscaped with any combination of such plant materials as large, medium, or small trees, shrubs, grass, or ground cover, except for those areas that are mulched. Such planting areas, except for those areas that are mulched, shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
   (b) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall extend the length of the parking bay and shall be no less than nine (9) feet wide from the face of curb to the face of curb for at least one (1)-half the length of the adjacent parking space.
   (c) Landscape islands between side-by-side parking spaces shall be no less than nine (9) feet in width from the face of curb to the face of curb and extend for at least one (1)-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than eight (8) feet in width

face of curb to face of curb without wheel stops, or five (5) feet in width face of curb to face of curb when provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

(d) Reduction to vehicle use area planting requirements.

(i) Permeable or porous pavements may be used within a parking lot or paved access in which case the required vehicle use area planting requirement may be reduced by up to 20 percent. Reduction shall be a 1:1 ratio of percentage of porous pavement in the overall lot to percentage of vehicle use area planting reduction. A plan shall be submitted demonstrating the required landscaping without the reduction and shall be the starting point for the potential 20 percent reduction.

(ii) The required planting area may be reduced by up to 50 percent if an approved structural soil mix containing 80 percent rock aggregate, 15 percent mineral soil and a sticking agent is used. At least 700 cubic feet of total rooting volume shall be provided for large trees and at least 400 cubic feet of rooting volume for small and medium trees as listed in the Suggested Species List in Table 9.2.

Sec. C.9.6. Obstructions to sight distance.

All landscaping and other screening devices placed along road or street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this UDO regarding visibility clearance.

Sec. C.9.7. Landscape strips.

Landscape strips shall be required along any developed portion of the property adjacent to public roads, streets or rights-of-way.

a. Plant materials shall consist of at least one (1) large tree (as defined in this development code) for each thirty five (35) linear feet of landscape strip. These large trees are not required to be planted in a uniformly spaced single row, but may be clustered and/or staggered as space allows within the landscape strip as long as the total number of trees required is met and no large tree is within twenty (25) feet of any other large tree. For purposes of this section, such tree may be any large tree which, when planted, is a minimum height of ten (10) feet. When approved by the

Community Development Director , medium or small trees may be substituted when permanent obstructions are present that prevent a large tree from growing to its natural size or where a visual hazard is created by a large tree and not by a medium or small tree. Existing trees which are preserved within the landscape strips and properly protected during construction by keeping seventy five (75) percent of the tree's existing dripline undisturbed may be counted toward tree planting requirements.

b. Plant materials shall not be planted any closer than three (3) feet to the public right-of-way.

Sec. C.9.8. Buffers; where required.

A buffer meeting or exceeding the following widths shall be required between any single family, multi-family, manufactured home park and nonresidential use along a side or rear lot line that abuts a less intense land use, as follows:

Table 9.1: Situations Where Buffer Required

BUFFERS AND SETBACKS			
Commercial Zoning	Single or Two-Family Dwelling uses	Multi-Family Dwellings / Manufactured Home Park uses	Drain field encroachment within buffer – setback requirements
LC (to includeCRV Parks)	30 feet	25 feet	0
HC	50 feet	25 feet	25 feet
LI	100 feet	25 feet	50 feet
HI	200 feet	25 feet	50 feet

Multi-Family / Manufactured Home Parks	30 feet	0	0
Public Institution	Will be determined by staff		
Sanitary / Landfill	200 feet from property line; 500 feet from occupied dwelling and the dwellings' operational private, domestic water supply well. *(4)	200 feet from property line; 500 feet from occupied dwelling and the dwellings' operational private, domestic water supply well. *(4)	50 feet

(1) A buffer must be provided between any multi-family residential use and any agricultural zoning district or single-family or two-family use or zoning district;
(2) A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use; and
(3) A buffer must be provided between any industrial use and any AG, SU-R, SU-VL, UR-VL, or LR zoning district.
(4) The five hundred (500) foot buffer may be reduced if the current owner of the dwelling provides written waiver consenting to waste disposal boundary being closer than five hundred (500) feet.

Sec. C.9.9. Buffers; timing of installation.

Buffers are required to be created at the time of construction of any infrastructure or new development of a building or site.

Sec. C.9.10. Buffer design standards.

(1) General.

(a) Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this article.
(b) Underground utilities including closed storm drains are permitted to cross a buffer if the screening standards of this article will be subsequently achieved.

(c) Vehicular access through a buffer may be allowed only as a condition of rezoning.

(2) Width of buffer.

(a) Buffers required along any lot line shall be no less than the minimum required width as shown on Table 9.1, or as may be reduced under sec. C.9.12.
(b) When a proposed development adjoins an existing development of a higher intensity, but the full width of the required buffer does not exist on the existing development, the new development shall provide a buffer of adequate width to meet the full width required on Table 9.1 when considered in combination with any existing buffer on the property of the adjoining existing development.

(3) Minimum required screening.

(a) A buffer shall be provided that creates a barrier between differing land uses or adjoining properties which substantially block the sight lines, reduce noise transmission and the transfer of artificial light and reflected light between said differing land uses or adjoining properties including all components of said differing land uses or adjoining properties.
(b) A buffer, as defined herein, shall also incorporate optimal placement of the foregoing components on the property and in relationship to the adjoining property, so as to provide the most effective barrier described above. This shall include particular consideration to the vertical relationship, lines of sight and resulting view angles between differing land uses and adjoining properties and may involve the grading design, building heights, architectural styles, and placement of design elements on the property being developed.

(4) Types of buffers allowed.

(a) Natural buffers.

(i) An existing natural buffer may be incorporated into the required buffer area. When necessary, as determined by the Community Development Director , supplemental evergreen plant materials shall be installed within the natural buffer area to create an effective barrier between incompatible land uses.
(ii) Natural buffers may contain deciduous, evergreen or perennial vegetation, but shall contain shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year. To protect existing natural buffers, retaining walls will be allowed to be installed to

maintain the natural grade for the health of these trees and shrubs, however, the retaining walls cannot obstruct utility elements within this barrier.

(iii) Additional buffer width may be provided, if necessary, to achieve the visual screen.

(b) Structural buffers. Structural buffers shall meet the following criteria:

(i) Structural buffers shall be vegetated throughout the minimum area required for the buffer including around any fences, walls and upon any earthen berms. This vegetation may include ground covers, grasses, shrubs and trees.

(ii) Trees shall be located or planted within all structural buffers at a density of no less than one (1) large tree for each 40 feet of buffer length or portion thereof. Exclusions to this include areas where topographical, geotechnical, or soil constraints exist that would prohibit material to be installed or newly planted material to become established. Examples of such locations include rocky outcrops, floodplains, wetlands/low lying areas or utility corridors, above or below ground. Newly planted deciduous large trees shall have a caliper of no less than two (2) inches upon planting and newly planted evergreen trees grown full to the ground shall be at least six (6) feet tall and a minimum of one (1)-inch caliper when planted.

(iii) The required width shall be as shown in Table 9.1.

(iv) At least one (1) of the following components shall be provided: Fence; berm; free-standing wall; or evergreen plant material.

(v) The required width of a buffer may be reduced by a maximum of 20 percent by utilizing two (2) or more of the structural buffer components listed above in subsection (iv) along with evergreen plant material. Any plan submitted for a reduction shall be subject to review of the Community Development Director .

(vi) Standards for fencing.

a. Fences shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than three (3) feet.

b. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design. Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.

(vii) Standards for berms.

a. All earthen berms shall have a maximum side slope of 50 percent (one (1) foot of vertical rise to two (2) feet of horizontal run).

b. Earthen berms shall be a two (2) feet to six (6) feet tall and varying in height, except where the berm tapers and areas necessary for drainage purposes.
c. Berms may be tapered and offset to create a visual aesthetic. In the gaps created, six (6)-feet-tall evergreen shrubs are required to create a visual screen.
d. Berms are required to be vegetated throughout. The combination of the berm and the density of the planting are to be determined by the natural growth pattern of the different species and required to be staggered to create a six (6)-feet-tall opaque visual screen within two (2) years of installation. All shrubs must be evergreen with the exception of a maximum of 20 percent flowering, deciduous plants.

(v) Standards for free-standing walls.
a. Freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than three (3) feet.
b. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

(vi) Evergreen plant material.
a. All large shrubs must be evergreen with the exception of a maximum of 20 percent flowering, deciduous plants.
b. All large shrubs must have a minimum install height of 3.5 feet.
c. The density of the planting is to be determined by the natural growth pattern of the different species.
d. Large shrubs shall be staggered to create a six (6)-feet-tall opaque visual screen within two (2) years of planting.

Sec. C.9.11. Maintenance of buffers.

Every buffer required under this division II shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of six (6) feet on a continuous, year-round basis. Dead or dying plants or trees must be replaced immediately with the same or an equivalent species.

Sec. C.9.12. Waiver or reduction for unnecessary buffers.

Following a review and recommendation by the Community Development Department, the Board of Commissioners may waive a landscape buffer otherwise required by this

section, or reduce its extent to an appropriate dimension, provided that the board deems such waiver or reduction as adequate to protect the health, safety or general welfare of the public, and provided that reasonable objections from adjoining property owners shall be considered in making such waiver or reduction and that such reduction or elimination follows anticipated future land use patterns. Such action shall be handled as a special administrative permit.

Sec. C.9.13. Site landscaping plans.

(1) Site landscaping plans; when required.

(a) Site landscaping plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening or buffer requirements apply.
(b) The location and detail of all zoning buffers and screening shall be depicted on the required site landscaping plan.

(2) Site landscaping plans; criteria. The technical specifications for site landscaping plans are found under the procedures and permits article of the UDO.
(3) Exemptions from site landscaping plan requirements.

(a) The provisions of this section shall not apply to structures for which site landscaping plans previously have been submitted and approved.
(b) Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. C.9.14. Plant materials; standards.

(1) Acceptable plant materials. The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this article. Acceptable plant materials for landscaping, screening and zoning buffers shall be as approved by a Georgia registered landscape architect.

(a) New plant materials.

(i) Parking lot screening plants: must primarily be evergreen, however a maximum of 20 percent of these shrubs may be deciduous, minimum of 12 inches tall at the time of planting and must mature to three (3) feet within two (2) years of planting. 18 by 24-inch balled and burlapped or two (2)-gallon container plant material is acceptable.
(ii) Shrubs for buffers between incompatible uses: minimum of three and one-half (3½) feet tall at the time of planting and must mature to six (6) feet within two

(2) years of planting. 24 by 30-inch balled and burlapped or three (3)-gallon container plant material is acceptable. See chart for allowable species and varieties.

(iii) Ground cover, four (4) inch pot.

(iv) Large trees: minimum two (2)-inch caliper and 10 feet in height. Large evergreen trees grown full to the ground: minimum six (6) feet tall and minimum one (1)-inch caliper. See chart for allowable species and varieties.

(v) Small to medium trees: minimum one (1)-inch caliper and six (6) to eight (8) feet in height. See chart for allowable species and varieties.

(vi) No more than 40 percent of any one (1) tree species shall be planted on a lot site.

(b) The American Standard for Nursery Stock, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.

(c) Existing trees that are to be retained to satisfy the requirements of the UDO shall meet the following standards:

(i) Trees shall be free from mechanical and natural injuries, insect infestations and disease.

(ii) Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

(2) Approval of plant materials. Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by the Community Development Director that the proposed material is the most appropriate for:

(a) The specific location, given surrounding land uses and the type of screening used on nearby properties, and

(b) The specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

(c) Table 9.2 includes examples of plant materials that may be appropriate for various applications. The Community Development Director may be consulted if clarification is required.

(3) Alternate species may be approved by the Community Development Director provided they meet the required growth criteria and the plans area stamped by a Georgia registered landscape architect.

Table 9.2 Allowable Species List for Proposed New Trees and Shrubs

LARGE TREES (35' in height by 35' in width)	
Acer barbatum	Southern (Florida) Sugar Maple
Acer x freemanii	Maple: Autumn Blaze
Acer leucoderme	Chalkbark Maple
Acer rubrum	Maples: Brandywine, Florida Flame, Summer Red, October Glory, Red Sunset etc.
Acer saccharum	Sugar Maple: Green Mountain, Legacy etc.
Betula nigra	River Birch: Dura-Heat, Heritage
Carpinus betulus	European Hornbeam: Fastigiata
Carpinus caroliniana	American Hornbeam
Cladrastis kentukea	American Yellowwood
Fagus grandifolia	American Beech
Fraxinus pennsylvanica	Green Ash: Oconee
Ginkgo biloba (male only)	Gingko: Golden Globe, Princeton Sentry
Lirodendron tulipfera	Tulip Poplar
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica, aquatic, etc.	Black Gum, Water Tupelo: Wildfire

LARGE TREES (35' in height by 35' in width)	
Ostyra virginiana	Iron wood, Musclewood
Oxydendrum arboretum	Sourwood
Pistacia chinensis	Chinese Pistache
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak

Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus lyrata	Overcup Oak
Quercus michauxii	Swamp Chestnut Oak
Quercus myrsinifolia	Chinese Evergreen Oak
Quercus nigra	Water Oak
Quercus nuttallii	Nuttall Oak
Quercus palustris	Pin Oak (cultivars available)
Quercus phellos	Willow Oak: Hightower, Upperton
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Quercus virginiana	Live Oak (cultivars available)
Sophora japonica	Japanese Pagodatree
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
Ulmus americana	American Elm: Princeton
Ulmus parvifolia	Elm: Allee, Everclear, Bosque, Drake
Zelkova serrata	Japanese Zelkova: Green Vase
ADDITIONAL LARGE TREES FOR BUFFER ZONES	
Magnolia macrophylla, ashei, fraseri	Big Leaf Magnolia types
Platanus occidentilis	Sycamore
Salix alba	White Willow ex Tristis
Salix babylonica	Weeping Willow

ADDITIONAL LARGE TREES (Evergreen, full to the ground)	
Cedrus deodara	Deodar Cedar: Bill's Blue Ice, Montana Verdea

Cryptomeria japonica	Japanese Cedar: Radicans, Yoshino
Cupressocyparis leylandii	Leyland Cypress: Murray, Good Hedges
Cupresso glabra	Cypress: Silver Smoke
Cupressus arizonica	Arizona Cypress: Blue Ice, Carolina Sapphire
Ilex attenuata	East Palatka, Foster No. 2, Savannah
Ilex cornuta	Chinese Holly: Burford
Ilex x Emily Brunner	Emily Brunner Holly
Ilex x Mary Nell	Mary Nell Holly
Ilex x Nellie R Stevens	Nellie R Stevens Holly
Ilex koehneana	Wirt L. Winn Holly
Ilex vomitoria	Pendula
Juniperus chinensis	Chinese Juniper: Hetz Column, Robusta Green, Hollywood
Magnolia grandiflora cultivars	ex. DD Blanchard, Claudia Wannamaker, Little Gem, Bracken's Brown Beauty, Alta
Pinus thunbergil	Japanese Black Pine
Thuja plicata 'Green Giant'	Green Giant Arbovitae
Thuja x Steeplechase	Steeplechase Arbovitae
Thuja occidentilis	Arborvitae: DeGrout Spire, Emerald, Malonyana
SMALL TREES TO MEDIUM TREES (15’ to 25’ in height)	
Acer barbatum	Southern [Florida] Sugar Maple
Acer buergerianum	Trident Maple
Acer japonica	Large Leaf Japanese Maples
Acer palmatum	Japanese Maple: Osakazuki, Bloodgood, Coral Bark
Amelanchier grandiflora	Downy Serviceberry: Autumn Brilliance
Carpinus betulus	European Hornbeam: Fastigiata
Carpinus caroliniana	Ironwood, Musclewood

Cercis canadensis	Redbud: Forest Pansy, Hearts of Gold
Cercis reniformis	Redbud: Oklahoma

SMALL TREES TO MEDIUM TREES (15’ to 25’ in height)	
Chionanthus retusus	Chinese Fringe Tree
Chionanthus virginicus	White Fringe Tree, Grancy Gray Beard
Cornus Constellation	Dogwood: Constellation, etc.
Cornus florida	Dogwood: cultivars
Cornus kousa	Kousa Dogwood: cultivars
Cupressus sempervirens	Italian Cypress
Ilex opaca	American Holly
Ilex attenuata	Foster Holly: East Palatka, Savannah
Ilex vomitoria	Yaupon Holly: Shadows Female
Juniperus virginiana	Eastern Red Cedar: Brodie, Burkii, High Shoals
Koelreuteria panicula	Golden Rain Tree
Lagerstroemia indica	Crape Myrtle: medium: Acoma, Catawba, Tonto, large: Dynamite, Natchez, Muskogee
Magnolia liliiflora Little Girl Hybrids	Jane, Betty
Magnolia loebneri cultivars	Leonard Messel, Alexandrina, Dr. Merrill
Magnolia soulangiana	Saucer Magnolia
Magnolia virginiana	Sweetbay Magnolia: Moonglow
Malus - many cultivars	Crabapple
Osmanthus fragrans - tree form	Fragrant Tea Olive
Parrotia persica	Persian Ironwood
Prunus campanulate	Okame Cherry
Prunus caroliniana	Cherry Laurel: Bright & Tight
Prunus yedoensis	Yoshino Cherry

Stewartia koreana, monodelpha, pseudocamellia	Koreana, Tall Stewartia, Japanese Stewardia
Quercus georgiana	Georgia Oak
Vitex agnus-castus	Vitex Tree: Shoal Creek

SHRUBS FOR BUFFERS BETWEEN INCOMPATIBLE LAND USES (6’ minimum height at maturity)	
Evergreen	
Abelia chinensis	Chinese Abelia
Agarista populifolia	Leucothoe
Camellia sasanqua	Sasanqua
Chamaecyparis pisifera	False Cypress: Gold Mop, Crippsii, Well's Special, Gold Spangle
Cryptomeria japonica	Japanese Cedar: Radicans, Yoshino
Cupressocyparis leylandii	Leyland Cypress: Murray, Good Hedges
Cupressus arizonica	Arizona Cypress: Blue Ice, Carolina Sapphire
Eriobotrya japonica	Japanese Loquat
Ilex cornuta	Burfordii, Dwarf Burford Holly
Ilex glabra	Inkberry Holly
Ilex latifolia	Lusterleaf Holly
Ilex x	Holly: Mary Nell, Nellie R. Stevens, Emily Brunner
Ilex attenuata	Foster, Savannah, E. Palatka Holly
Illicium floidanum	Florida Anise
Illicium parviflorum	Anise
Ligustrum japonicum	Japanese Privet: Recurvifolium, Rotundifolium
Lorapetulum chinensis	Chinese Fringe: Zhuzhou Fuchsia [tall var.]
Magnolia grandiflora - cultivars	ex. DD Blanchard, Claudia Wannamaker, etc.
Myrica cerifera	Southern Wax Myrtle
Osmanthus fortunei	Fortune's Tea Olive
Osmanthus fragrans	Fragrant Tea Olive
Podocarpus macrophyllus maki	Podocarpus

Raphiolepsis minor	Indian Hawthorn - tall variety
Rhododendron - azalea	Southern Indica types
Ternstroemia gymnanthera	Japanese Cleyera

SHRUBS FOR BUFFERS BETWEEN INCOMPATIBLE LAND USES (6’ minimum height at maturity)	
Evergreen	
Thuja plicata 'Green Giant'	Green Giant Arbovitae
Thuja x Steeplechase	Steeplechase Arbovitae
Viburnum awabuki	Awabuki Viburnum
Viburnum pragense	Pragense Viburnum
Viburnum rhytidophylum	Leatherleaf Viburnum
Deciduous	
Calycanthus floridus	Sweet Shrub
Chimonanthus praecox	Winter Sweet
Cotinus coggygria	Smoke Tree: Grace
Exochorda racemosa	Common Pearlbush
Forsythia intermedia	Forsythia: Lynwood
Hamanelis virginiana	Witch Hazel
Hydranagea paniculata	Panical Hydrangea: Limelight, etc.
Hydrangea quercifolia	Oakleaf Hydrangea: large cultivars
Lonicera fragrantissima	Winter Honeysuckle
Magnolia liliiflora Little Girl Hybrids	Jane, Betty
Magnolia loebneri cultivars	Leonard Messel, etc.
Magnolia stellata	Star Magnolia
Magnolia virginiana	Sweet Bay Magnolia, cultivars
Miscanthus sinensis and other grasses	Gracillimus, Variegatus, Zebrinus Strictus

Philadelphus coronaries	Sweet Mockorange
Punica granatum	Pomegranate - tall cultivars
Spiraea vanhouttei	Vanhoutte Spirea
Viburnum delatatum 'Michael Dodge'	Michael Dodge Viburnum
Viburnum macrocephalum	Chinese Snowball Viburnum

SHRUBS FOR BUFFERS BETWEEN INCOMPATIBLE LAND USES (6’ minimum height at maturity)	
Deciduous	
Viburnum plicatum var tor. Double File V	Shasta Viburnum
Viburnum plicatum var tor. Dlouble File V	Popcorn Viburnum
Viburnum trilobum	American Cranberry Viburnum
SHRUBS FOR VEHICLE USE AREA SCREENING	
Evergreen	
Abelia grandiflora 'Rose Creek'	
Azaleas	
Buxus microphylla 'Winter Green'	
Buxus sempervirens 'American Boxwood'	
Chamaecyparis pisifera 'Golden Mop Cypress'	
Cryptomeria japonica 'Globosa Nana'	
Distylium 'Vintage Jade', 'Cinnamon Girl'	
Gardenia jasminoides 'August Beauty', 'First Frost'	
Ilex crenata 'Helleri', 'Soft Touch', 'Compacta'	
Ilex cornuta 'Carissa', 'Burford Nana Holly'	
Ilex glabra 'Compacta' [Inkberry Holly]	
Ilex vomitoria 'Dwarf Yaupon Holly - Schillings'	
Juniperus chinensis 'Sargents' [on 2 foot berm]	
Juniperus conferta 'Blue Pacific' - Shore Juniper [on 2 foot berm]	
Juniperus davurica 'Parsonii'	
Juniperus virginiana 'Gray Owl'	
Lorapetalum chinense 'Everred', 'Ruby', 'Crimson Fare'	
Pittosporum tobira 'Variegata'	
Rhaphiolepis umbellate - Indian Hawthorn	

SHRUBS FOR VEHICLE USE AREA SCREENING
Deciduous
Althea ex. 'Blue Angel'
Camellia japonica 'Endless Summer Snow'
Chaenomeles speciosa - Flowering Quince
Euonymus alatus 'Compactus'
Forsythia ex. 'Lynnwood Gold'
Fothergilla gardenia ex. 'Mount Airy'
Hydrangea arborescens 'Annabelle
Hydrangea macrophylla ex. 'Endless Summer'
Hydrangea paniculata 'Little Lime'
Itea virginica Virginia Sweetsspire
Jasminum nudiflorum Winter Jasmine
Miscanthus sinensis 'Adagio', 'Rigaletto', 'Gracillimus'
Miscanthus sinensis 'Morning Light', 'Zebrinis', 'Strictus'
Mullenbergia 'Pink Muhly Grass'
Roses 'Knock Out' and other introductions
Rose 'Drift' [on 2 foot berm]
Spirea nipponica 'Snowmound'
Spiraea thunbergii 'Fujino Pink'
Spiraea arguta 'Ogon'

Sec. C.9.15. Installation and maintenance of plant materials.

(1) Installation of plant materials.

(a) Plant materials, as required by the provisions of this article, shall be installed prior to issuance of a Certificate of Occupancy. The Community Development Director may allow one (1) planting season in a 12-month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.

(b) Performance surety. In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to six (6) months; provided that performance security is posted with Troup County in accordance with the following criteria:

(i) Security shall be in cash held in escrow or an irrevocable letter of credit submitted to the Community Development Director , with the appropriate documentation.
(ii) Security shall be provided in an amount equal to 110 percent of the cost of materials, installation and 2-year guarantee as demonstrated by a signed contract between the owner and a qualified landscape contractor, and as approved by the Community Development Director .

(c) An inspection shall be made by the Community Development Director of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Troup County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One (1) six (6)-month (6) extension may be permitted with documented justification acceptable to the Community Development Director . Any inspections performed after the final inspection (for project release) are subject to re-inspection fee schedules.
(d) Maintenance bond.

(i) Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, or prior to release of a performance surety provided under this section (whichever last occurs), a maintenance bond, letter of credit or escrow account in a form acceptable to the Community Development Director is required for all plant materials installed as a result of the requirements of this article. The developer shall be responsible for maintenance of all such plant materials for two (2) years from the date of acceptance of the maintenance bond.
(ii) The value of the maintenance bond shall be equal to 25 percent of the actual cost of installation of the plant materials. The cost of installation shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Community Development Director in accordance with generally established costs for the industry.

(2) Maintenance of required plant materials.

(a) The owner, tenant and their agent, if any, and their successors and assigns shall be jointly and severably responsible for the maintenance in good condition of the

plant materials used to meet the minimum landscaping and buffer requirements of this article. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer.

(b) Plants that are diseased, unsurvivably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivar, as acceptable to the Community Development Director .

(c) Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

(d) Existing buffer plantings, street tree plantings, or other landscaping installed under previous codes may be thinned or removed if any plant materials are found to be in a dangerous situation or horticulturally distressed, diseased, or dying because of the inherent site situations or incorrect spacing as long as the provisions of the applicable code sections contained herein are met and maintained.

Sec. C.9.16. Trash, loading, and commercial and industrial corridors.

(1) Generally.

(a) Screening options below should not be used to produce monotonous, linear designs. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.

(b) In no case shall trash removal, loading, or delivery activities hinder or obstruct the free movement of vehicles, and pedestrians over a road, street, sidewalk, or alley.

(2) Screening requirements. In an effort to properly screen views of trash containment areas the following criteria has been established:

(a) All trash containment devices, including waste grease containers, compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent roads, streets and properties.

(b) All trash containment areas shall be enclosed so as not to be seen from off-site.

(c) The enclosure shall be a minimum of eight (8) feet in height or two (2) feet taller than the highest point of the waste grease containers, compactors or dumpsters, whichever is greater.

(d) The enclosure shall be constructed of material that is opaque and compatible with the design, materials and color selections used on the principal building. The building materials shall be masonry with solid metal gates. Where the interior of the dumpster enclosure will be visible from within or off-site, all unfinished surfaces on the interior of the dumpster enclosure shall be painted or stained black or dark brown.

(e) The enclosure shall contain gates for access and security, which must be maintained in good working order and kept closed when the dumpster is not being used.

(f) Trash containment areas shall be placed in the rear or side yard and shall be located a minimum of five (5) feet from property lines.

(g) Access to trash containment areas shall be provided via a paved, dust-free surface.

(h) Trash removal activities within 150 feet of residential uses shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m.

(i) Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as the certificate of occupancy is issued.

(j) In the commercial and industrial corridor areas, dumpster enclosures shall be gated and constructed with a material matching the primary building or other similar material.

(3) Heating, ventilation, air conditioning and other mechanical utility equipment, which is located on, beside or adjacent to any building or development, shall be fully screened from view from roads, streets and adjoining properties. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall utilize building materials and design which are compatible with those used for the exterior of the building.

(4) Loading spaces, loading docks, maintenance areas, and access driveways adjoining these areas shall be screened from adjacent properties, roads and streets. Necessary screening shall be accomplished using one (1) or a combination of the following methods:

(a) Six-foot (6) high sight-tight fence or wall; or

(b) Minimum two (2)-foot (2) high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or

(c) Six-foot (6) high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).

(5) Outdoor storage areas shall be screened from adjacent properties, roads and streets using one (1) or a combination of the following methods:

(a) Six-foot (6) high sight-tight fence or wall; or

(b) Minimum two (2)-foot (2) high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or

(c) Six-foot high (6) evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).

(6) Commercial and Industrial Corridor areas. The following additional buffering and screening standards shall apply within the Commercial and Industrial Corridor areas:

(a) Development setback. All developments with commercial and industrial uses shall maintain a 100-foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings from the right-of-way.

(b) Roadway buffer. A roadway buffer of at least 40 feet shall be provided within the required commercial and industrial development setback, abutting the right-of-way of the commercial and industrial corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the Community Development Director . Where such existing trees and significant vegetation are sparse, they may require re-vegetation as directed by the Community Development Director . Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the Community Development Director .

(c) Tree requirement. All development subject to the roadway buffer shall provide a minimum of one (1) tree for each 35 linear feet of road frontage along the commercial and industrial corridor. All trees required by this section shall be located within the required development setback and randomly placed on the parcel. All required trees planted within the development setback shall be of a shade-type variety with a minimum caliper of two (2) and one (1)-half inches at planting and an expected height at maturity of at least 30 feet.

(d) Uses within roadway buffer. Signage and other minor accessory features of the development may be included within the roadway buffer only if compatible with the purpose of the roadway buffer, subject to the approval of the Community Development Director .

(e) Exceptions to roadway buffer for scenic viewshed protection. When the application of the roadway buffer requirement of this article would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the Community Development Director may permit a modification of these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view scenery from commercial and industrial corridors.

(f) Exceptions for product viewing. For developments containing commercial uses and which require the display of goods in view from the road, the Community Development Director may, upon application, permit a modification of the

development setback, roadway buffer and screening requirements of this article to allow for reasonable but limited view of commercial products from the road, provided that no such product view area shall extend more than 20 percent of the total length of the property frontage along the commercial and industrial corridor.

(g) Landscaping plan. A landscaping plan showing all existing and proposed features, including trees, roadway buffer and other relevant features of the landscape within the development setback, shall be required to be approved by the Community Development Director . Landscaping shall be installed by the development applicant in accordance with the approved landscape plan. Native plant materials are particularly encouraged, although the use of ornamental plant materials (such as azaleas) may be approved by the Community Development Director if planted in a naturalistic manner and allowed to develop in their natural form.

(h) Screening. To the extent that the required roadway buffer does not provide screening of buildings, structures, parking lots and service and loading zones included in a development, except for approved product viewing areas, there shall be additional landscaping, walls, fences, hedges, shrubbery and/or earthen berms required to provide the necessary screening.

(i) Height. No building or structure shall exceed the following height limits, which are designed to have a “step-back” effect to preserve viewsheds. Cross-section drawings showing how proposed structures meet the height requirements of this article may be required by the Community Development Director to ensure compliance with this section.

Distance Measured from Road Corridor Right-of-Way	**Description of Area**	**Maximum Height of Building or Structure, if Permitted**
0—40	Roadway Buffer	10 feet
41—100	Development Setback	20 feet
101—200	Development Area	35 feet
201—300	Development Area	45 feet

(j) All commercial uses shall provide a 30-foot buffer strip abutting a property with residential uses or zoned residential.

(k) All industrial uses shall provide a 50-foot buffer strip if abutting a property with residential uses, zoned residential, commercial use or commercial zoning.

Sec. C.9.17. Parking lot landscaping.

The following parking, parking islands and paving material requirements shall apply to all surface parking lots in the commercial and industrial corridor areas and within UR-VL zoning districts.

(1) Parking islands shall be provided, thereby creating separated parking areas to aid in safe and orderly use of the lot and confine vehicular movement to marked drives. Raised or curbed circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. Required parking spaces shall be permanently marked.
(2) Height of island from the pavement surface shall be six (6) inches or more; length of island shall be equal to the length of the parking row; width of the island shall be eight (8) feet minimum if used for landscaping, six (6) feet minimum if not used for landscaping, 40 feet minimum at ends of rows to form an “I” configuration.
(3) There shall be a minimum curb radii of three (3) feet required on the corners of all landscape islands and medians to allow free movement of motor vehicles around planting materials. All islands and medians shall have raised curbs around them to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Striping of parking islands is not permitted (islands have to raised, not striped islands).
(4) All rows of parking spaces shall provide a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways, and provide space for landscaping. A terminal island for a single row of parking spaces shall plant at least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) shade/canopy trees.
(5) All landscape islands within parking lots shall be 100 percent landscaped with deciduous trees, evergreen shrubs (not to exceed three (3) feet high at maturity), ground cover (which does not require mowing) and/or flowers in mulched beds.
(6) Interior landscape islands are required within parking areas of 20 or more spaces. No more than 16 adjacent parking spaces may exist without a landscaped separation of at least eight (8) feet (back of curb to back of curb) in width. There shall be a minimum eight (8)-foot wide curbed landscape island at the end of every row of parking, equal in length to the adjoining parking space. Each island or strip shall contain a minimum of 125 square feet. If significant tree save areas or natural

areas exist within a parking area, the design committee (or authorized agent) may make an exception to this requirement, as appropriate.

(7) Areas used principally for storage of vehicles or display areas do not require interior Islands if such areas are screened from adjacent properties and public roads or streets.

(8) Existing parking lots that have concrete or asphalt covering may be exempt from any additional requirements, providing the parking area is not sinking, cracking excessively or covered with sand or dirt and has adequate parking for the use as required in article B.8 of this UDO.

(9) The perimeter of any existing dirt parking lot should be delineated with ground cover plantings and those plantings approved by the Development Review Committee. A dirt parking lot should be edged and gravel spread over the entire parking area with parking space stops where necessary. Parking lots that have existing dirt or grass areas for parking should provide adequate parking in accordance with article B.8 of this UDO. These lots should also delineate parking areas with gravel and parking space stops. Required handicapped spaces should be delineated by signage or other means approved by Troup County.

(10) Configuration of parking lots with spaces that exceed 20 spaces shall be approved by the Troup County Engineering Department as part of the site plan review prior to any approval of the application.

(11) Curb and gutter with gravel may be required by County Engineer for Stormwater Management issues.

(12) If any parking lot contains six (6) or more parking spaces, peripheral parking lot landscaping shall be required as follows:

(a) Landscaping is required for the perimeter of all parking areas.

(b) Except where otherwise stated, a landscaping strip 10 feet in width measured from the back of curb shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.

(c) Peripheral plantings shall include a minimum of one (1) shrub per 20 linear feet of abutting land and one (1) of, or a combination of the following, which need not necessarily be installed on center: One (1) under story/flowering tree per 20 linear feet; One (1) shade/canopy tree per 35 linear feet.

(d) Trees shall be planted at a minimum of three (3) feet from any curb, to prevent injury to trees by vehicle bumpers. Where landscaped areas are located adjacent to vehicle overhangs, the trees shall be planted in line with the striping between parking spaces in order to avoid injury to trees by vehicle bumpers.

ARTICLE C.10. WATERSHED PROTECTION DISTRICT

Sec. C.10.1. Findings and purpose.

In order to provide for the health, safety, and welfare of the public and to continue to have a healthy economic climate, it is essential that adequate supplies of drinking water be ensured. Conflicts can arise in meeting this goal when development occurs within areas that are close to water supply reservoirs or the drainage areas supplying water to those reservoirs or to other sources of water. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of streams, rivers, or reservoirs. Stormwater runoff from developed areas can introduce toxicants, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive and rendering water treatment more complicated and expensive and rendering water resources unusable for recreation.

The purpose of the watershed protection district is to establish measures to protect the quality of the present and future water supply for Troup County; to minimize the transport of pollutants and sediment to a water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to the portions of watersheds which occur within the jurisdiction of Troup County and are herein identified as a water supply watershed of West Point.

Sec. C.10.2. Establishment of the watershed protection district.

This article will create one zoning district to be known as the West Point Watershed Protection District (hereinafter referred to as the "district"). The West Point Watershed District is hereby designated and shall comprise the land that drains to the water supply intake from the stream banks to the ridgeline of the West Point watersheds. The boundary of the watershed districts is defined by the ridgeline of the watershed within a radius of seven (7) miles upstream of the water supply intake or by the political boundaries of Troup County within the watershed. All lands in the district are within an area defined as a water quality critical area, pursuant to O.C.G.A. § 12-2-8. The boundary shall be set at places readily identifiable on the watershed district map. The watershed district overlies the Troup County Zoning Map which is hereby incorporated and made a part of this article by reference. The districts establish measures to protect the quality of the present and future water supply for Troup County. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the West Point Watershed Protection Districts is designed as an overlay district. Within the range of land uses which can be located within the districts, there are

established in sec. C.10.3 performance standards which apply to development within the districts.

Sec. C.10.3. Underlying zoning, conditions, and performance standards.

(1) Regulations of the Underlying Zoning District. Unless otherwise noted in the watershed district regulations, the regulations of the underlying zoning district shall be maintained and not affected.

(2) Conditions and Performance Standards. All uses in the watershed districts are subject to the following conditions and performance standards:

(a) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks and for a distance of 150 feet from the reservoir boundary of a water supply reservoir.

(b) No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks or within a 150-foot setback area from a reservoir boundary.

(c) Septic tanks and the drainfields of septic tanks are prohibited within 150 feet of a stream bank or of a reservoir boundary.

(3) Exemptions from buffer and setback requirements:

(a) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act from the provisions of water supply watershed protection plans.

(b) Utilities from the stream corridor buffer and setback area provisions of water supply watershed protection plans in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:

(i) The activity shall be consistent with best management practices established by the Georgia Forestry Commission of the Georgia Department of Agriculture.

(ii) The activity shall not impair the quality of the drinking water stream.

(4) Site plans required. Except for the exemptions listed in subsection (6) below, all forms of development within the watershed districts shall be required to have a site plan prepared and approved according to this article before any building permits or other development related permits may be issued or any land disturbing activity may take place. Each site plan submitted under this article shall include the following:

(a) A site plan drawn to a scale and showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads,

watercourses, and drainage ways; water, wastewater, and stormwater facilities; and utility installations.

(b) Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site.

(c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

(d) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five (5) feet.

(e) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentilly released hazardous or toxic materials. Calculations of the amount of cut and fill proposed and cross sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale, and vertical scale must be shown on cross sectional drawings.

(5) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of provisions of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Troup County Community Development Director. Minor changes such as realignment of roads, streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions are exempted from this requirement.

(6) Exemptions from site plan requirement. The following activities and developments are exempt from the requirement of detailed site plans:

(a) Single-family detached dwellings constructed within a subdivision of fewer than five (5) parcels.

(b) Repairs to a facility that is part of a previously approved and permitted development.

(c) Construction of minor structures such as sheds, or additions to single-family dwellings.

(d) Agriculture and forestry. Normal agricultural activities including planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices established by the Georgia Forestry Commission.

(e) Mining activities. All mining activities permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act are exempt.

(7) Use limitations. Within the watershed districts the following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:
   (a) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
   (b) New hazardous waste treatment or disposal facilities are prohibited.
   (c) New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

(8) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be based upon an assessment of the percentage of impervious surface present in the watershed district at the time of the adoption of this article. New impervious surface will be allowed up to the point where 25 percent of the watershed district as a whole is comprised of impervious surface.

ARTICLE C.11. WETLANDS PROTECTION DISTRICT

Sec. C.11.1. Findings of fact and purpose.

The wetlands within Troup County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study; and recreational opportunities. The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas.

Sec. C.11.2. District delineation.

These regulations shall apply to all lands within wetlands located within Troup County. The wetland district overlay map adopted as part of this ordinance shows the general locations of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-03, Criteria for Wetlands Protection.

Sec. C.11.3. Wetland development permit requirements.

No activity or use except those identified in sec. C.11.4 shall be allowed within the wetland district without a permit issued by the U.S. Army Corp of Engineers. If the subject property contains jurisdictional wetlands of the United States as delineated by the National Wetland Inventory Map or as determined by the U.S. Army Corp of Engineers, if jurisdictional wetlands are contained within the subject property, the applicant must document receipt of a nationwide, regional, general or individual permit, from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act before a development permit will be issued by Troup County.

Sec. C.11.4. Permitted and prohibited uses.

(1) Permitted uses. The following uses are permitted by right within the wetland district to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

(a) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission section 404 does not require

permits for normal ongoing silvicultural activities. However, section 404 does list some required road construction best management practices that must be followed in order to qualify for such exemption.

(b) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.

(c) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.

(d) Natural water quality treatment or purification.

(e) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approval by the Georgia Department of Agriculture.

(2) Prohibited uses.

(a) Receiving areas for toxic or hazardous waste or other contaminants are prohibited.

(b) Hazardous or sanitary landfills are prohibited.

ARTICLE C.12. CHATTAHOOCHEE RIVER CORRIDOR PROTECTION DISTRICT

Sec. C.12.1. Findings and purpose.

The Chattahoochee River has been designated as a protected river by the Georgia Department of Community Affairs. From West Point Dam, the Chattahoochee River flows through the southwestern corner of Troup County to the West Point city limits. A Chattahoochee River Corridor Protection Plan has been adopted by Troup County. The purpose of the Chattahoochee River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Chattahoochee River.

Sec. C.12.2. Comprehensive Plan compliance.

The natural and historic resources section of the Troup County Comprehensive Plan addresses the need for protection of the land adjacent to the Chattahoochee River. This protection is required by the Georgia Department of Community Affairs; the Georgia Department of Natural Resources provided minimum criteria. In December, the Board of Commissioners adopted the Chattahoochee River Corridor Protection Plan, which is a regional plan prepared by the Regional Commission. This plan commits the County to the adoption of protection measures per DNR Rule 391-3-16-04. The area of Troup County covered by this article is relatively small. The criteria are applied to the land within 100 feet of both banks of the Chattahoochee River. On the current tax maps, this involves 11 parcels, only one (1) that will be nonconforming.

Sec. C.12.3. Establishment of Chattahoochee River Corridor Protection District.

The Chattahoochee River Corridor Protection District is hereby designated and shall comprise the land within 100 feet horizontally on both sides of the Chattahoochee River, which has been designated as a protected river by the Georgia Department of Community Affairs. The boundary shall be set at places readily identifiable on the Zoning Map of Troup County. The district establishes measures to guide future growth and development in areas adjacent to the Chattahoochee River. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the district is designed as an overlay district. Within the range of land uses which can be located within the district, there are established in section 5 protection criteria which apply to development within the district.

Sec. C.12.4. Underlying zoning.

Unless otherwise noted in this article, the regulations of the underlying zoning district shall be maintained and not affected. The district will be an overlay zone and the following restrictions will apply, in addition to the underlying zoning district requirements:

(1) The following uses are prohibited:

(a) Hazardous waste.

(b) Solid waste landfills.

(c) Commercial uses.

(d) Industrial uses.

(2) A single-family dwelling requires two (2) acres, and septic tank drainfields may not be located within 100 feet of the river bank.

(3) An undisturbed vegetative buffer must be maintained within 100 feet of the river bank.

(4) All development within the Chattahoochee River Corridor shall maintain a natural vegetative buffer except as otherwise provided herein.

(5) The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity within the river corridor.

(6) Except as noted below, all construction within the buffer area is prohibited.

(7) Exemptions from protection requirements:

(a) Single-family dwellings, including the usual appurtenances, may be constructed within the buffer area subject to the following conditions:

(i) The dwelling shall be in compliance with all local zoning regulations.

(ii) The dwelling shall be located on a parcel of land containing at least two (2) acres. For the purpose of these standards, the size of the parcel shall not include any area within the protected river (that is, for parcels that include the area between the riverbanks, that portion cannot be counted towards the two (2)-acre minimum size).

(iii) There shall be only one (1) such dwelling on each two (2)-acre or larger parcel of land.

(iv) A septic tank or tanks serving such a dwelling may be located within the buffer area. However, the septic tank drainfields shall not be located within the buffer area.

(b) Construction of road crossings and utility crossings of river corridors are exempt provided that construction of such road and utility crossings shall meet all

requirements of the Erosion and Sedimentation Control Act of 1975, and of the applicable local ordinances on soil erosion and sedimentation control.

(c) Land uses existing prior to the promulgation of the Chattahoochee River Protection Plan subject to the following conditions:

(i) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and

(ii) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

(d) Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

(e) Utilities, (except as discussed above in subsection (b) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:

(i) The utilities shall be located as far from the river bank as reasonably possible;

(ii) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and

(iii) Utilities shall not impair the drinking quality of the river water.

(f) Specific forestry and agricultural activities except as discussed in subsection (8) of this section.

(8) The following acceptable uses of river corridors are allowed, provided that such uses do not impair the long-term functions of the protected river or the river corridor.

(a) Timber production and harvesting, subject to the following conditions:

(i) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and

(ii) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

(b) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.

(c) Wastewater treatment.

(d) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surfaced tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.

(e) Natural water quality treatment or purification.

(f) Agricultural production and management, subject to the following conditions:

(i) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
(ii) Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
(iii) Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

(g) Other uses permitted by the Department of Natural Resources or under section 404 of the Clean Water Act.

(9) Within the Chattahoochee River Corridor Protection District, the following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:

(a) Except as expressly provided for under subsection (7)(a) above of these criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.
(b) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors.
(c) Hazardous waste or solid waste landfills are prohibited within river corridors.

(10) Other uses unapproved by local governments shall not be acceptable within river corridors.

ARTICLE C.13. GROUNDWATER RECHARGE PROTECTION DISTRICT

Sec. C.13.1. Findings and purpose.

The Georgia Department of Natural Resources has mapped "significant recharge areas" for the State of Georgia. Several recharge areas have been identified in Troup County. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank affluence contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies. The purpose of the groundwater recharge area protection district is to establish measures to protect Troup County's identified recharge areas from potential sources of contamination by spills, discharges, leaks, impoundment's, application of chemicals, injections and other development pressures.

Sec. C.13.2. Establishment of the recharge protection district.

This article will create zoning districts to be known as the "groundwater recharge districts," hereinafter referred to as the "districts." The boundary shall be set at places readily identifiable on the groundwater recharge map. The groundwater recharge map overlies the Troup County Zoning Map, which is hereby incorporated and made a part of this article by referral.

The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources' "Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources "Pollution Susceptibility Map Hydrological Atlas 20 (1992 Edition)," standards for this district shall comply with the DNR Rule 391-2-02, Criteria for the Protection of Groundwater Recharge Areas.

Sec. C.13.3. Regulations of the underlying zoning district.

Unless otherwise noted in the groundwater recharge district regulations, the regulations of the underlying zoning district shall be maintained and not affected. The following criteria shall apply in significant recharge areas:

(1) New aboveground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tank or 110 percent of the volume of the largest tank in a cluster of tanks. Such

tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(2) New agricultural waste impoundment sites shall be lined if they are within:

(a) Allow pollution susceptibility area and exceed 50 acre feet.

(b) As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1)-foot and a vertical hydraulic conductivity of less than five (5) × 10-7 cm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundment's in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

(3) New homes served by septic tank/drainfield systems shall be on lots having the following minimum size limitations as identified on table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR table MT-1"):

(a) 110 percent of the subdivision minimum lot or space size of DHR table MT-1 if they are within a low pollution susceptibility area.

(4) New mobile home [manufactured home] parks served by septic tank/drainfield systems shall have lots or spaces having the following size limitation as identified on table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR table MT-2"):

(a) 110 percent of the subdivision minimum lot or space size of DHR table MT-2 if they are within a low pollution susceptibility area.

(5) All multifamily residential dwelling development located within a high pollution susceptibility groundwater recharge area shall be required to have the following minimum lot sizes: where individual on-site sewer systems are installed in conjunction with public water systems the minimum lot size for multifamily structure shall be 10,890 square feet per unit; where individual on-site sewer systems are installed in conjunction with an individual water system the minimum lot size shall be 21,780 square feet per unit. The Troup County health department shall approve all multifamily developments. If there are conflicts between provisions of these regulations, the stricter shall apply.

(6) If a local government requires a larger lot size than that required by subsection (3) above for homes or by subsection (d) above for mobile homes [manufactured homes], the larger lot size shall be used.

(7) Troup County at its option may exempt from the requirements of subsection (3) or (4) any lot of record on the date of their adoption of these lot size standards.

(8) No construction may proceed on a building or mobile home [manufactured home] to be served by a septic tank unless the County health department first approves the proposed septic tank installation as meeting the requirements of the DHR manual and subsections (3), (4), (6), and (7) above.

(9) New facilities which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one (1) day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire code requirements.

ARTICLE C.14. SUBDIVISIONS

Sec. C.14.1. Short title, purpose, jurisdiction.

(1) Title. These regulations shall officially be known, cited and referred to as the Subdivision Regulations of Troup County (hereinafter “these regulations”).
(2) Authority. As provided by the Constitution of the State of Georgia of 1983, the Board of Commissioners is empowered to provide for the regulation of division of land.
(3) Purposes. These regulations are adopted for the following purposes:

(a) To encourage the development of an economically sound and stable community so as to conserve and protect the natural, economic and scenic resources of the County.

(b) To assure the provision of required roads, streets, utilities and any other facilities and services to residential subdivision developments.

(c) To ensure the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian and to help insure that all lots will be accessible to firefighting equipment and other emergency and service vehicles.

(d) To ensure adequate drainage by providing for the proper layout of roads, streets and lots.

(e) To promote a safe and healthy environment.

(f) To encourage the wise development of the community in accordance with the adopted land use plan.

(4) Jurisdiction. From and after the date of the adoption, these regulations shall govern the subdivision of all land within the unincorporated area of Troup County. Any owner of land within said jurisdiction wishing to subdivide land shall submit to the Community Development Department, a plat of the subdivision that shall conform to all requirements set forth in these regulations. No plat of a subdivision, lying within such territory or part thereof, shall be recorded in the Office of the Clerk of Superior Court of Troup County and no subdivider shall proceed with the improvement or sale of lots in a subdivision until such subdivision plat shall have been approved by the Community Development department.

Sec. C.14.2. General approvals required.

(1) Name of subdivision. The name of the subdivision must have the approval of the Community Development Director at the time of preliminary plat submission. The

name shall not duplicate or closely approximate the name of an existing subdivision in such a manner as to cause confusion for emergency services.

(2) Name of roads and streets. The Community Development Director shall approve the names of roads and streets at the time of preliminary plat submission. The names shall not duplicate or closely approximate the name of roads and streets in any existing subdivision.

(3) Conflicting provisions. Where any of the provisions of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever is more restrictive or impose higher standards shall control.

(4) Saving provision. These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability or any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County, except as shall be expressly provided for in these regulations.

(5) Building permits. Building permits shall not be issued by the Community Development Department until roads and streets have been inspected and approved by the Troup County Engineer and the required maintenance bond has been accepted.

Sec. C.14.3. Procedures for major subdivisions.

(1) Major subdivision approval procedure. All major subdivisions as defined in these regulations shall be approved according to the following steps:

(a) Informal review with subdivider or his agent, Community Development Director, County Engineer, County Planner and Troup County Health Department representative.

(b) Rezone property if necessary.

(c) The preliminary plat will be forwarded to the Board of Commissioners for information and comment and then presented to the Troup County Board of Zoning Appeals and Planning Commission for approval.

(d) Submission of preliminary plat to Board of Zoning Appeals and Planning Commission.

(e) Submission of construction documents to County engineer and County health department for approval.

(f) Issuance of land disturbing activities (LDA) permit.

(g) Submission of final plat for approval by the Board of Commissioners, subject to required bonding.

(h) Record final plat and submit any required maintenance and performance bonds to the planning office and copy to road department.

(2) Informal review.

(a) Prior to the preparation of a subdivision preliminary plat, the subdivider or his agent is required to meet with the Community Development Director, County Planner, County Engineer, County Fire Marshall, and County environmental health officer (Troup County Health Department representative) in order to review the location of the proposed subdivision to determine whether it appears possible that the said subdivision could meet requirements of this regulation. This step does not require any formal application.

(b) The subdivider or his agent should provide a map of the surrounding area, topographic data taken from USGS Quadrangle maps or other sources, the property boundary, and a sketch of the proposed layout of roads and streets (multiple layouts could be considered).

(c) The sketch should also include any existing conditions on the property that require special attention of the subdivider or his agent. These may include but are not limited to: a private cemetery, general area of any wetlands, whether the property is located in groundwater recharge area or any other environmentally sensitive area, or any other conditions as can be deemed from existing records.

(d) Review of the Point Rating System of Development Criteria - The purpose of this article is to establish a land use management system using a rating procedure whereby points are awarded during a development review process for meeting standards and criteria established by this article. The land use guidance system established in this article is intended to promote the health, safety, and general welfare of the community:

(i) Agricultural (AG) and Agricultural Residential (AGR) - By development patterns that protect and preserve the rural character of Troup County. The rating system for the agricultural, agricultural/residential and lakeside residential zoning districts is based on environmental sustainable improvements to the development that protect and preserve natural resources such as water quality, air quality, wildlife habitat and/or topographic feature (steep slope, rock outcropping, streams, historic site, etc.).

(ii) Suburban Medium Density Residential (SU-R, SU-VL), Urban Village high density (UR-VL), Lakeside Residential (LR) and Planned Unit Development (PUD) zoning - By promoting contiguous and compact development patterns that are adequately served by urban or suburban level facilities.

(iii) The development must meet basic requirements (minimum score of ten points) of this article as set forth on a form specified by the Community Development Director, or their designee. If a given development does not attain the minimum score of ten points, the development application shall be disapproved by the review committee until the applicant can add features or modify the project to obtain more points. Additional points may only be accumulated after the minimum score (ten points) has been reached (SU-R, SU-VL, UR-VL, LR, and PUD). The additional points shall not be used to bring a development up to the minimum score of ten. Any development that reaches a score of 30 shall receive a density bonus of no more than ten percent. Any number of points awarded from 11—30 shall be a pro-rated density bonus up to ten percent.

(3) Preliminary plat procedures for approval of major subdivisions.

(a) Approval may be denied on a proposed major subdivision where the Board of Zoning Appeals and Planning Commission deems a public road to a proposed subdivision as being currently inadequate to service the proposed subdivision due to right-of-way width or construction.

(b) The preliminary plat shall show the proposed layout of roads or streets, number of lots, subdivision title, and other features in relation to existing conditions. The preliminary plat should include topographic data taken from USGS Quadrangle maps or other sources, and any other information necessary for consideration of the proposed subdivision.

(i) General information that shall be shown on the preliminary plat is the existing conditions of the site and the proposed development. This information shall include data on land characteristics, flood zones, wetlands, an outline of existing and proposed covenants, community facilities, roads, streets, information describing the subdivision proposal such as number of lots, lot width and depth, playgrounds, parks, and other areas.

(ii) Preliminary plats shall also show the building setback lines, lot area, roads with names and addresses on all lots.

(iii) If private roads are to be constructed, covenants for a homeowners association established by the developer shall be submitted with the preliminary plat.

(c) The preliminary plat shall be submitted to Community Development Department along with a completed subdivision review application and payment of required fees as adopted by the Board of Commissioners. The preliminary subdivision plat shall be submitted in paper format and a digital file acceptable to the County. The preliminary plat will be reviewed by the Community Development Director and Troup County Engineer for compliance with requirements of the zoning district in

which the property is located and road specifications as defined in these regulations.

(d) The preliminary plat will be presented to the Board of Commissioners for information and comment prior to the plat being considered by the Board of Zoning Appeals and Planning Commission for approval.

(e) Approval statement and expiration. Preliminary plats shall include the following statement:

"Approval of this preliminary plat shall expire 24 months from the date of approval by the Troup County Board of Zoning Appeals and Planning Commission, unless: 1) a final plat from at least one (1) phase has been approved; or 2) road or street base construction for at least 50 percent of the total linear footage of all roads approved on the preliminary plat has been completed and inspected. Upon expiration of the preliminary plat, a new preliminary plat shall be submitted in accordance with all current regulations and requirements."

(4) Construction documents review.

(a) After approval of the preliminary plat by the Board of Zoning Appeals and Planning Commission, the subdivider or his agent may submit construction documents demonstrating compliance with Article V, to the Troup County Engineer. A checklist of standard requirements, specifications and acceptable practices is available from the County engineer. On site sewerage treatment plans shall be submitted to the Troup County Health Department for approval.

(b) Plan review:

(i) Upon receipt of the construction documents, the Troup County Engineer shall determine, within 10 working days, if the construction documents appear to be complete. If all plans and related documents are in order, the construction documents shall be deemed to be officially received and the date of such official receipt shall establish the filing date.

(ii) Within 45 working days after the filing date of the construction documents, the Troup County Engineer, the Fire Department (if applicable) and the Water Review Board (if applicable) shall complete the review of such plans for compliance with the requirements and provisions of this ordinance and other applicable codes and ordinances. If such compliance requirements are not met, the construction documents shall not be approved. Specific reasons for disapproval shall be set forth in writing and shall identify deficiencies in the plans which cause disapproval. If multiple reviews are required, the County staff will complete the reviews within 21 working days for each re-submittal.

(iii) If for any reason the required review is not completed in the specified time allotment the construction documents will be deemed approved.

(c) When the construction documents are approved by the Troup County Engineer, the subdivider or his agent shall submit any maintenance bond required under

sec. C.14.7 and purchase a land disturbance permit to begin construction of required improvements.

(d) If no construction or permitting has taken place within two (2) years of construction document approval then the subdivider or his agent shall resubmit construction documents to Engineering Staff and the Fire Department (if applicable) to review for any changes in standards.

(5) Procedure for final plat approval of major subdivision.

(a) Application for final plat approval: After preliminary plat approval and construction has been completed up to and including curb and base, the final plat may be submitted to the Board of Zoning Appeals and Planning Commission for its consideration and recommendation to the Board of Commissioners. The Board of Commissioners may thereafter approve, deny, approve with conditions, or table the submitted final plat and accept the public roads identified on such plat.

(b) In order to record the final plat, the subdivider or his agent must submit the complete final plat showing all items specified on the “Final Plat Checklist” available in the Community Development Department including the following:

(i) Six (6) copies of the final plat.

(ii) One (1) copy of the final plat in a digital file acceptable to the County.

(iii) One (1) copy of any required covenants or homeowners association bylaws. These covenants shall be recorded with the final plat and identified on the final plat. The recording of the bylaws or covenants shall be written on the final plat retained by the Community Development Department.

(iv) Administrative fee shall be paid prior to recording the final plat. The fee amount is as adopted by the Board of Commissioners and posted in the Community Development Department.

(c) The final plat shall conform substantially to the preliminary plat as approved. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat that is to be recorded and developed at any one (1) time, provided that such portion conforms to all requirements of these regulations. The final plat, prepared according to the 1961 Georgia Plat Act, shall show, at a minimum, but shall not be limited to, the following:

(i) Sufficient data to locate readily and reproduce on the ground the bearing and length of every road or street line, lot line, boundary line, and building line. This shall include, but is not limited to, the radius, length of arch, chord and chord bearing for the centerline of curved streets and curved property lines that are not the boundary of curved roads or streets.

(ii) Tract boundary lines, road or street right-of-way lines, easement and other right-of-way lines, building setback lines and property lines of lots and other sites.

(iii) All dimensions shall be accurate to the nearest one-tenth of a foot and angles accurate to the nearest minute.
(iv) Name and width of all roads or streets or other rights-of-way.
(v) Subdivision name and location, north point and magnetic declination, date and scale.
(vi) Location, dimensions, purposes and holder of any easements, and any areas to be dedicated to public use or for uses other than residential with statement of purpose and limitations.
(vii) Lots listed in numerical order and blocks in alphabetical order.
(viii) Accurate location, description and material of monuments and markers.
(ix) Spaces shall be provided for certifications of approval or acceptance by the:
a. Troup County Health Department;
b. Troup County Board of Zoning Appeals and Planning Commission;
c. Troup County Engineer;
d. Board of Commissioners;
e. Engineer or surveyor;
f. Owner.

"State of Georgia
Troup County"

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision. All monuments and pins shown thereon actually exist or are marked "future," and their location, size, type and material are correctly shown. All of the requirements of the land subdivision regulations of Troup County, Georgia, have been fully complied with."

BY: _____	Registered C.E. No. _____
	Registered Land
Witness:	Surveyor No. _____
_____ Notary Public	_____ Date

"I/we, the owner of said property to be surveyed, do hereby join in the forgoing statement. I/we also, hereby certify that it was and is my/our intention to divide said land

into lots as shown by said plat and by execution of this Certificate. I/we do hereby dedicate and convey for public use such roads, streets, alleys and public ground to Troup County, Georgia as is shown on this plat. I/we further declare that title was vested solely in me/us as of the date of this dedication."

BY: _____	
Witness:	
_____ Notary Public	_____ Date

g. Community Development Director.

h. Board of Commissioners, Troup County

(x) Record: "Filed in this Office of the Clerk of Superior Court of Troup County, Georgia, Plat Book No. _____ , Page No. _____ ."

(xi) Covenants and restrictions (if any) shall be identified on the final plat by reference to deed book and page where recorded.

(xii) Public notice, drainage. The following note shall be place in a prominent place on the final plat.

"Note: Troup County assumes no responsibility for overflow or erosion of natural drains beyond the extent of the road or street right-of-way or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat."

(d) Approval of the final plat. The Community Development Director shall transmit to the Board of Commissioners before its next regularly scheduled meeting copies of the final plat. The Board of Commissioners shall review the plat for final approval.

(e) Recording of the final plat. If approved, the original plats are returned to the subdivider or his representative. The subdivider or their designee shall be responsible for recording the approved final plat and the payment of the recording fee.

(f) Any bonds required by sec. C.14.7 shall be submitted with the submittal of the final plat.

(g) In lieu of completing all required improvements in a subdivision at the time final plat approval is requested, the subdivider may provide a performance guarantee such as a performance bond (signed by a firm licensed and insured as a bonding

agency under Georgia Laws, furnishing written documentation for approval by the Board of Commissioners); or an irrevocable letter of credit or escrow agreement; in a form acceptable to the County and in the amount of 150 percent of the cost of the remaining required improvements payable to the County. If the required improvements and/or facilities are not completed the proceeds from the performance guarantee shall be used to pay for the required improvements or facilities. County personnel or outside contractor may be used to complete the required improvements or facilities.

Certificates of occupancy for buildings or structures will not be issued until the construction and installation of required improvements or facilities for which a performance guarantee is posted are completed in accordance with all applicable specifications and requirements.

Sec. C.14.4. Procedures for minor subdivisions.

(1) Procedure for approval of minor subdivision.
   (a) The subdivider shall submit three (3) copies of the final plat for administrative review to the Community Development Director.
   (b) The plat shall show all existing conditions and shall include all items specified on the “Final Plat Checklist” available in the Community Development Department including the following for minor subdivisions of more than one (1) lot and less than five (5) lots:
      (i) Subdivision name and copy of covenants or deed restrictions as are intended to cover all or part of tract, if such are proposed; and
      (ii) Certification by the Troup County Health Department that the lots meet the minimum specifications for onsite sanitation and water.
   (c) The Community Development Director or their designee, shall, approve or deny the plat.
   (d) If the Community Development Director or their designee denies the plat, the subdivider may appeal the decision by following the procedure for appeals in sec. C.14.18.
   (e) If the plat is approved, the subdivider shall be responsible for recording the plat in the Office of the Clerk of Superior Court of Troup County.

(2) Private subdivisions.

(a) A private subdivision shall meet the County subdivision regulations, including all roads, which shall be constructed to the latest County specifications.
(b) Roads, recreation areas, and other common grounds shall be perpetually owned and maintained by a legally established association of all owners of property within the subdivision. Troup County assumes no maintenance responsibilities within the boundaries of the private subdivision.
(c) Gates and/or security guards may be permitted. However, roads and other areas shall be open to the normal operation of emergency, police and public service vehicles and personnel.
(d) It is assumed that the roads within a private subdivision will perpetually remain privately maintained, however, in the event the owners of the subdivision desire to dedicate roads to Troup County, said roads must meet all County standards and specifications at the proposed time of dedication. The roads must pass inspections by the department of roads and engineering prior to dedication of the roads or streets to Troup County. There shall be no implied dedication of roads or streets to Troup County and no dedication shall be effective unless accepted in writing by the Board of Commissioners.
(e) All zoning, building permits, health department and other regulations of the County shall be met for individual lots within the subdivision.
(f) The minimum area of the subdivision shall be 20 acres.

(3) Family Division

(a) Family divisions are defined as the division of a lot into no more than three additional lots for the purpose of sale or gift to an eligible member or members of the immediate family of the property owner. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece or nephew of the property owner/grantor.

(b) The intent of this ordinance is to exclusively facilitate private family divisions, emphasizing non-commercial, and non-profit-driven endeavors. This ordinance does not serve to facilitate or support subdivision endeavors geared towards commercial residential development aimed at profit generation.

(a) Classification of family divisions. Troup County recognizes and permits two distinct categories of family divisions:

(i) Family division for Homestead Lots. In furtherance of preserving homesteads in rural areas and to maintain historic landscape and character of Troup County, a single parcel held in sole ownership may be

subdivided for exclusive utilization as a homestead by eligible family members. Transferred property may be allocated either by designation or deed to the heir (grantee) individually or jointly in the names of the grantor and grantee. The grantor shall not hold sole title to the transferred property.

Only one (1) homestead lot from a parent track may attain a special density not exceeding one unit per acre, contingent upon the presence of adequate water and septic systems on each one-acre lot, with the final lot size subject to determination by the Troup County Health Department. This provision supersedes other land use district density requirements except that it may not be used within an otherwise platted and approved subdivision. All other lots from the parent track must meet the dimensional requirements of the zoning district.

In order to qualify as a homestead the following criteria must be met:

a. Property must be in a continuous ownership by family for a minimum of ten (10) years prior to application for family homestead.
b. Minimum road frontage of 100 feet.
c. All roads constructed pursuant to these provisions must meet the standards for roads as established by Troup County.
d. Existing and proposed structures are required to conform to zoning space dimensions, with no creation of non-conforming lots permitted through family subdivision, unless explicitly permitted by the Community Development Director.
e. Voluntary transfer of the lot to a non-immediate family member is prohibited for a duration of at least five (5) years.

(ii) Family Division for Properties without Road Frontages. A family division may be considered for properties lacking road frontage on a standard road, based on an evaluation of the following factors to determine eligibility:

a. The applicant shall furnish evidence if the property has been in continuous family ownership prior to the year 1967.
b. Provide information that shows how long the property has been retained by the family.
c. Minimum lot size is 10 acres.
d. Existing and future buildings must adhere to dimensional standards and zoning regulations.

e. The applicant must provide proof of a perpetual access easement and a perpetual maintenance agreement for the access to the individual lots.
f. Private access easements are to conform to the specifications established by the Roads and Engineering Department.
g. A voluntary transfer of the lot to a non-immediate family member is impermissible for a minimum of ten (10) years, unless the roads have been improved to meet current county road standards.

(c) General Provisions for all Family Divisions.

i. Family divisions may be permitted within AG, AG-R, LR, and SU-R zoning districts.
ii. Only one family division shall be allowed per family member per parent track.
iii. It is expressly stated that Family Divisions are not intended to facilitate the circumvention of zoning regulations or the subdivision ordinance.
iv.. Involuntary transfers of property, including but not limited to bankruptcy, foreclosure, dissolution of marriage, and inheritance, are not considered voluntary transfers under this ordinance.

(d) Procedure for Approval of Family Divisions

i. Applicants are obligated to adhere to the procedure outlined in Troup County Code, Section C. 14.4: Procedures for Minor Subdivisions.
ii. At the time of application, the property must be titled in the name(s) of the family member(s), excluding any business or corporate entity.
iii. Applications for family divisions shall be reviewed by the Development Review Committee and comments will be provided to the Community Development Director prior to approval of the final plat.

(e) Plat and Recording Requirements

i. The deed for transferred property shall expressly state the grantee's relationship to the grantor.

ii. In the case of homestead lots, the final plat must designate the property as a family homestead and be duly recorded with the county clerk.
iii. The final plat shall explicitly state that additional subdivision is forbidden unless:
    1. The subdivision is for immediate family members, adhering to the specified minimum lot size and setbacks for family division ; or

2. The roads have been upgraded to meet the prevailing County road standards, and the proposed lots adhere to all mandated County standards.

Sec. C.14.5. Procedures for Subdivision on Substandard Roads

1.The purpose of this ordinance is to regulate the subdivision of land along substandard roads in Troup County to ensure compatibility with existing infrastructure, protect public safety, and promote the county's best interests. This ordinance establishes criteria for such subdivisions, requiring thorough review, justification, and impact analysis to safeguard the integrity of the county's transportation network and community welfare.

2. Subdivision Allowance on Substandard Roads

A. General Allowance

Subject to the conditions below, subdivisions of property with frontage on or access via a substandard road are permitted, notwithstanding other provisions of the Troup County Development Code:

1. Minimum Lot Size: Each resulting lot shall have a minimum area of 50 acres.
2. Access: Each lot must have verified legal and physical access to the substandard road, suitable for emergency vehicle use, as determined by the Troup County Community Development Department.
3. Compliance: The subdivision must adhere to all applicable zoning, environmental, and land use regulations of Troup County.

B. Prohibition and Improvement Requirement. Subdivisions creating lots smaller than 50 acres along substandard roads are prohibited unless the road is upgraded to meet Troup County Road Standards, as verified by the County Engineer, prior to approval.

C. Justification and Impact Analysis. Applicants proposing subdivisions along substandard roads must submit:

1. Statement of Necessity: The applicant shall provide a written statement detailing the justification of selecting a substandard road site, including why alternative locations with adequate road infrastructure are infeasible or less suitable.
2. Trip Generation Study: The applicant shall submit a trip generation study analyzing the projected vehicular traffic demand resulting from the proposed subdivision, consistent with the most current Institute of Transportation Engineers (ITE) Trip Generation Manual or equivalent methodology approved by the County Engineer.

3. Traffic Impact Study: As determined by the County Engineer, the applicant may be required to submit a traffic impact study evaluating the subdivision's effect on the existing road network, including but not limited to:
    i. Roadway capacity and operational analysis,
    ii. Sight distance and safety considerations, and
    iii. Potential mitigation measures if deemed necessary.

4. D. Waiver Provision. The Troup County Board of Commissioners may grant a waiver allowing lots smaller than 50 acres along a substandard road if the applicant demonstrates:
    i. A unique hardship or significant public benefit justifying the waiver,
    ii. Proposed road improvements or other mitigation measures deemed sufficient by the County Engineer, and
    iii. Compliance with all other requirements of this ordinance. Waiver requests must include a detailed justification and be approved by the Board of Commissioners.

Section 3: Review and Approval Process

A. Initial Review

1. The Troup County Engineer and Community Development Director shall evaluate subdivision requests along substandard roads for compliance with this ordinance and alignment with the county's best interests, including public safety, infrastructure capacity and the comprehensive plan.
2. If compliant and deemed beneficial, the request may proceed to the Board of Zoning Appeals and Planning Commission (BOZAPC) and the Troup County Board of Commissioners final review.

B. Subdivision Plan Submission

Applicants must submit a subdivision plan to the Troup County Planning Commission, including:

1. A survey showing proposed lot lines, acreages, and existing topography.
2. Documentation verifying legal and physical access to the substandard road.
3. The Statement of Necessity, Trip Generation Study, and any additional materials required by the County Engineer or Planning and Zoning Department.
4. Major or Minor Subdivision Requirements: If the request to subdivide on a substandard road is approved, the applicant shall then follow the requirements and approval process for a major or minor subdivision in accordance with the regulations of this ordinance and the Troup County Unified Development Ordinance.

Sec. C.14.6. Standards for required improvements.

(1) Blocks.
  (a) Length, width, and shape of blocks shall be determined with regard to:
    (i) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
    (ii) Zoning requirements as to lot size and dimensions.
    (iii) Need for convenient access, circulation, control, and safety of road and street traffic.
    (iv) Limitations and opportunities of topography.
  (b) Pedestrian easements, not less than 10 feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.
  (c) On cul-de-sacs or dead-end roads and streets, the desirable maximum length is 600 feet.
(2) Lot specifications and dimensions.
  (a) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with County regulations and in providing safe driveway access from an approved road or street with adequate sight distance to allow building on such lots.
  (b) In general, side lot lines shall be at right angles to road or street lines (or radial to curving street lines) unless a variation from this rule gives a better road, street or lot plan.
  (c) Lot size, dimensions and setback lines shall conform to the requirements of the Zoning Ordinance.
  (d) Lots meeting size requirements are not automatically approved for development. Troup County Health Department must approve all individual sewer systems and/or water supplies.
  (e) Corner lots for residential use shall have an extra width, to permit appropriate building setback from and orientation to both streets. The “front” setback distance shall be used along both road and street frontages according to the zoning district in which the property is located. The “rear” setback shall be determined by the orientation of the principle structure.

(f) Each lot shall front upon a public road or street, except as specified for Private Subdivisions.

(g) Double frontage, and reverse frontage lots, shall be avoided except where topography prevents single road or street frontage, or to provide separation of residential development from through road or street traffic. A planting screen reservation of at least 10 feet with no drive access shall be provided across the width of the property along the line of lots abutting such a through road or street.

(h) No subdivision shall occur wherein a lot will be created of a size ranging between five (5) acres and 10 acres, inclusive, unless said lot has a minimum ratio of one foot of road or street frontage for every four (4) feet of lot depth.

(i) “Flag” and “pie” lots shall be avoided (please see definitions). All lots shall meet the requirements of the zoning district in which the property is located. In the case of “slice of pie” lots no rear property line shall be less than five (5) feet.

(3) Additional standards for subdivisions in the Commercial and Industrial Corridor area, and the UR-VL zoning district: Major subdivision developments along scenic corridors shall be designed to contain all interior lots, where feasible.

(4) Additional standards for subdivisions along Commercial and Industrial Corridors and within UR-VL zoning districts:

(a) Circulation.

(i) Adequate circulation drives shall interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures, thereby creating an on-site circulation network which, together with any service drives abutting the lot, will provide a safe and convenient means for lot servicing and fire protection.

(ii) Circulation drives used by vehicles to reach a drive-by sales or service window, depository or similar facility shall be one (1)-way and shall be of sufficient length to prevent a line of waiting vehicles from backing up into a road or street or onto adjoining property.

(iii) Coordination of pedestrian and vehicular circulation patterns shall be encouraged between adjacent property owners.

(iv) For all uses providing clientele parking, all circulation drives shall be clearly defined and marked appropriately with signage, striping, arrows and the like to assist public circulation into, on and out of the property, and through parking lot areas.

(v) Unless a curb cut is along a state-maintained highway and is required to meet Georgia Department of Transportation Standards, then the driveway width shall not exceed 30 feet, unless approved by the County Engineer. Curb cuts shall be no closer than 45 feet to other curb cuts or closer than 100 feet to any road or street intersection. All separations are measured at the radius return back of curb to the right-of-way line. Distances between curb cuts shall

be measured from back of curb to back of curb at the radius return between the closest edges of the cuts. One (1) curb cut shall be allowed per 150 feet of frontage, up to two (2) cuts per single lot. Existing lots with less than 150 feet of frontage shall be allowed one (1) curb cut.

(vi) Vision clearance shall be provided at all intersections. No obstruction to vision between two (2) and one (1)-half feet and 10 feet from ground level shall be permitted within 20 feet of the intersection of two (2) roads or streets or railroad track, or of a road or street intersection with a railroad track.

(b) Access.

(i) Access shall be designed so as not to impede traffic on a public road or street intended to carry through traffic.

(ii) Access shall comply with the following requirements:

(A) Access to the site is provided by a public road or street other than one (1) intended to carry through traffic; and/or

(B) Access to the site is provided by a functional frontage road, street, service drive or joint driveway which provides controlled access to the site and/or several adjacent sites; and/or

(C) Acceleration/deceleration lanes, turning lanes and/or stacking lanes are provided to improve access to the site and/or several adjacent sites.

(iii) The Georgia Department of Transportation driveway manual “Regulations for Driveway and Encroachment Control” shall be used as a design guide.

(iv) All areas subject to vehicular traffic including frontage roads, access ways, loading areas and service areas shall be designed and constructed to withstand the expected traffic flows based upon the intended use.

(v) Sidewalks and handicap access. A five (5)-foot (5) sidewalk along all adjacent road or street R.O.W. is required. Handicapped access and ramps shall be located at the corner of all intersections, at any designated pedestrian crossing of any road or street at mid-block, and at any parking lot adjacent to any public or private use. Internal sidewalks, pedestrian paths and handicap access shall also be provided within the non-residential uses.

(vi) Curbs. All new roads or streets, whether public, private or internal parking lot driveways, shall be curbed with 24 inches vertical curb and gutter. Curb and gutter in D.O.T. right-of-way shall be 30 inches.

(5) Shared driveways. Shared driveways shall be permitted based on the following standards.

(a) Shared driveways shall be permitted for no more than two (2) adjoining lots.

(b) The shared driveway shall provide a minimum 20 feet of driveway width at the edge of the road, street or thoroughfare pavement.

(c) Shared driveways shall meet all applicable driveway spacing standards of this UDO.
(d) Variances may be applied for and approved by the Community Development Director, Community Development Director and County Engineer.

Sec. C.14.7. Streets and/or roads.

(1) Public streets and/or roads.
(a) Specifications not covered herein shall be performed in accordance with the latest Georgia Department of Transportation and AASHTO standard specifications.
(b) The arrangement, character, extent, width, grade and location of all roads and streets shall conform to the Comprehensive Plan. New roads and streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such roads and streets.
(c) When such is not shown in the Comprehensive Plan, the arrangement of roads and streets in a subdivision shall either:
(i) Provide for the continuation or appropriate connection to existing principal streets in surrounding areas; or
(ii) When future connectivity is required, the right-of-way for the future road or street may be recorded without constructing the street provided the right-of-way is no longer than one (1) lot depth.
(iii) Conform to a plan for a neighborhood approved or adopted by the County commissioners to meet a particular situation where topographical or other conditions make continuance or conformance to existing roads or streets impracticable.
(d) Minor roads and streets shall be so laid out that their use by high volumes of through traffic will be discouraged.
(e) Where a subdivision abuts or contains an existing or proposed through road or street with speed limit greater than 35 mph access shall be limited to ensure adequate protection of residential properties and maintain public safety. The following measures may be imposed by the Board of Commissioners:
(i) Deceleration stacking lane with taper.
(ii) Acceleration lane with taper.
(iii) Left turn stacking lanes with tapers.
(iv) Reverse frontage lots with screen planting strip along the rear property line or such other treatment as may be necessary to afford adequate separation from through road or street.

(v) The most recent version of the GDOT Driveway Manual “Regulations for Driveway and Encroachment Control” shall be used as a design guide.

(f) Where a subdivision borders on or contains a railroad right-of-way, or limited access highway right-of-way, the Board of Zoning Appeals and Planning Commission may require a road or street approximately parallel to, and on each of side of, such right-of-way, at a distance suitable for the appropriate use of the intervening land (such as parks in residential districts). Such distance shall also be determined with regard for the requirements of approach grades and future grade separations.

(g) Privately owned reserve strips controlling access to roads or streets shall be prohibited.

(h) Road and street jogs with centerline offsets of less than 125 feet shall be prohibited.

(i) Road and street intersections should be as nearly at right angles as practical.

(j) Roads and streets designed according to the provisions of sec. C.14.5(4)(b)(vi) shall not be required to have curb and gutter. All other road and street right-of-way widths shall be no less than 50 feet with curb and gutter. Larger right-of-way widths are required for some roads and streets.

(k) Dead-end roads and streets may be platted subject to the approval of the Board of Commissioners.

(i) Dead-end streets, designed to be so permanently, shall be provided with a turnaround or cul-de-sac at the closed end. Installation shall conform to the latest County road and street specifications.

(ii) Dead-end roads and streets that are designed to be so temporarily shall have a temporary turnaround or cul-de-sac as a part of the construction. Said condition shall be shown on the final plat presented to the commissioners for approval. Installation shall conform to the latest County road specifications. The temporary cul-de-sac may not lie on any portion of a lot in the subdivision phase to be approved by the commissioners. At the time the final plat is recorded, the subdivider or his agent shall present a bond payable to the County of a type approved by the County. In the event the road or street is not extended within two (2) years, the cul-de-sac shall be permanently constructed or the bond shall be payable to the County to make the cul-de-sac permanent or the bond may be extended at the discretion of the Troup County Commissioners.

(l) No road street name shall be used that will duplicate or be confused with the names of existing roads or streets. Proposed roads or streets in obvious alignment with existing and named roads or streets shall bear the name of the existing road

or street. Road or street names shall be subject to the approval of the board of County commissioners.

(m) Clearing. All trees, stumps, brush, topsoil, old foundations or other building materials shall be cleared from all rights-of-way. No tree stumps, or other debris shall be deposited within the right-of-way.

(n) Grading. Roads and streets shall be graded to provide for a width of pavement in the center of the right-of-way to conform to a profile and cross-section approved by the County engineer.

(o) Road and street grades shall conform to the latest Troup County road specifications and with allowance for reasonable vertical curves, shall not exceed a maximum of 12 percent. No roads or streets shall have a grade of less than one (1) percent except in vertical curve reversals.

(p) Roads and streets designed according to the provisions of sec. C.14.5(4)(b)(vi) shall not be required to have curb and gutter. Curb and gutter shall be required on all other roads and streets and shall be furnished and installed by the subdivider or his agent in conformance with the latest County road and street specifications. Distance from back of curb to back of curb must not be less than 25 feet.

(q) Base and paving: Paving of a minimum width of 25 feet from back of curb to back of curb shall be furnished and paid for by the subdivider or their agent. Installation shall conform to the latest County road department specifications. The typical paving cross section for a proposed County road or street shall be designed using the Georgia Department of Transportation's "APD" (Asphalt Pavement Design) calculator based on the 1972 AASHTO Interim Guide for Design of Pavement Structures. The minimum acceptable typical paving cross section shall be:

- 1½″ type "E" asphalt wearing course.
- 2″ type "B" binder.
- 6″ G.A.B. (Graded Aggregate Base).

The asphalt-wearing course must be laid after a period of at least one (1) year after the roads or streets have passed final inspection and the final plat has been recorded. A performance bond is required per sec. C.14.7.

(r) Cul-de-sac shall have a minimum radius of 50 feet to the right-of-way, and a minimum radius of 42 feet to the back of curb.

(s) Testing thickness and compaction. The County inspector shall make as many tests as necessary to determine the average thickness and compaction of the base

course prior to placing of surface course. Tests shall also be made on the finished courses if necessary. When the subdivider or his agent or contractor disagrees with the County inspector's tests and prefers a consulting firm to be employed, said consulting firm shall be employed at the subdivider or his agent's expense.

(t) Access to subdivisions shall be provided over a public street or road. Where subdivisions abut a public road or street that has a right-of-way width of less than 50 feet (Larger right-of-way widths are required for some roads), the subdivider or their agent shall dedicate additional land to provide a width of 25 feet (or half the total width required) on the subdivider's side of the centerline. Where public roads or streets less than 50 feet (Larger right-of-way widths are required for some roads) traverse subdivisions the subdivider or his agent shall dedicate additional land to provide a width of 25 feet (or half the total width required) on both sides of the centerline. Nothing herein shall be construed to obligate the County or subdivider or his agent to improve such road or street frontage.

(u) Approval may be denied on a proposed subdivision where the County commissioners deem a public road to the subdivision as being inadequate due to right-of-way width or construction until such time as the road has been brought up to County standards.

(v) Driveways within the right-of-way shall be constructed according to specifications of the County road department and article C.6 of this UDO.

(w) The subdivider or their agent shall furnish and install required striping and road or street name signs at all proposed road or street intersections during construction of the roads or streets. The signs shall use six (6)-inch (6) white letters on blue background. The Troup County Department of Roads and Engineering must approve road or street name signs of special design. Subdivision entrance markers are not permitted within the existing or proposed public right-of-way.

(x) Inspection. The County inspector shall be notified prior to each phase of construction. All road or street construction shall be done under the direct inspection of the County inspector.

(2) Private access roads.

(a) Private access roads shall be permitted in subdivisions in areas zoned in AG, AG-R, SU-R, LR, SU-VL, and UR-VL.

(b) Private access roads shall adhere to the following standards:

(i) All private access roads shall be a minimum of 50 feet in total width, shall have no less than a 20-foot wide paved section, and shall be constructed to the specifications shown on Figure 1 that is incorporated herein by reference. Existing unpaved private access roads that are documented on the Troup

County roads map shall be permitted to enable subdivisions for parcels having access to such roads.

(ii) All private access roads that dead end shall provide for a turnaround of sufficient size to allow for emergency vehicles to enter and leave without having to make more than one (1) backing movement. The turnaround and the entrance to the private road shall not be blocked in any manner so as to prevent the access and egress of emergency vehicles.

(iii) All private access roads shall be a jointly owned easement and maintained by all lots served by the easement. Prior to approval of the final subdivision plat, the owners and/or subdivider or his agents shall present an agreement binding on the property owners and their successors and/or assigns that shall provide a mechanism for the perpetual maintenance of the road. Said agreement must receive the approval of the Board of Commissioners prior to recording the final plat.

(iv) All lots served and/or accessed by the private access road shall comply with the frontage requirements as stated in sec. B.4.1 of this UDO.

(v) No private access road shall be allowed to serve as the means of ingress and egress for more than six (6) dwelling units.

(vi) Private access roads shall only provide ingress and egress for dwelling units that are located within the approved platted subdivision.

(vii) The final subdivision plat shall contain notations in a form acceptable to the County that all private access roads are private and are not maintained by Troup County. The homeowners of those lots shall jointly own all private access roads served by the road. All private access roads shall be perpetually maintained pursuant to an agreement binding the lot owners, their successors and assigns.

(3) Subterranean improvements.

(a) Utilities shall be installed within the right-of-way of a proposed road or street in accordance with the Troup County Utilities Standard available from the Troup County Engineer.

(b) No underground work shall be covered or concealed until inspected and approved by the County inspector.

(c) Water lines. Each lot within the subdivision shall be provided with a connection to a water supply. Individual water systems shall be subject to the approval of the Troup County Health Department. Public and private water systems and all connections shall comply with the regulations of the Georgia Department of Natural Resources and shall be subject to the inspection and approval of the County inspector.

(d) Sanitary sewers (where available). Each lot within the subdivision area shall be provided with a connection to a sanitary sewerage system. The sewerage system and all connections shall comply with the regulations of the Georgia Department of Natural Resources and the utility owner, and shall be subject to the inspection and approval of the utility inspector.

(e) Septic tanks may be permitted wherever sanitary sewerage is not available. Design data shall be submitted to the Troup County Health Department in accordance with regulations of said department.

(f) In the Commercial and Industrial Corridors and within UR-VL zoning districts:

(i) All utility lines serving uses proposed or developed within the commercial and industrial corridors, including electric, telephone, data and cable television, shall be installed underground within the roadway buffer and development setback area.

(ii) Underground utility trenches must be re-vegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the commercial and industrial corridors with existing vegetation and/or re-vegetation.

(iii) Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

(iv) All utilities meter, panels, disconnects, terminals, cabinets, etc. shall be located in the rear or side of the building and away from high traffic and high visibility areas.

(4) Surface drainage specifications.

(a) The size, length and location of all surface drainage pipe and structures shall be subject to the approval of the engineer. In no case shall water be allowed to discharge at a point where damage would be caused to any adjacent property.

(b) All storm drainage pipe shall conform to Georgia Department of Transportation Standards, particularly including but not limited to, designs of cross drain pipes, longitudinal pipes, gutter flows, side ditch flows and appurtenances thereto.

(c) Any lots within subdivisions that in the opinion of the County building inspector, are unfit for building due to bad drainage conditions shall be excluded, and no building shall be permitted until such conditions have been corrected.

(d) Installation, backfilling and compaction shall be in accordance with Georgia Department of Transportation Standard Specifications.

(5) Easements.

(a) Utility and drainage easements shall be provided as required by the Board of Commissioners.

(b) The easement is not necessarily maintained by Troup County.

(c) A 10-foot utility and drainage easement shall be located along the front, side, and rear lines of each lot. The easement is not necessarily maintained by Troup County.

(6) Soil erosion and sedimentation.

(a) Required plan. A plan, approved by the Natural Resources Conservation Service, that meets the criteria of the then current edition of the “Manual for Erosion and Sediment Control in Georgia,” shall be required on all subdivisions prior to any clearing or grading. Immediate action shall be taken by the subdivider or his agent, at his expense, to correct any soil erosion that occurs as result of his construction activities, whether in conformance with the plan or not.

(7) Appeals.

(a) The Appeals Board for Subdivisions and Road Specifications is hereby created.

(i) The board shall consist of three (3) regular members appointed by the Board of Commissioners. Initially, one (1) member shall be appointed for a term of one (1) year, a second member shall be appointed for a period of two (2) years, and a third member shall be appointed for a period of three (3) years. Thereafter, they shall be appointed for a term of three (3) years. An alternate member shall be appointed for a term of three (3) years to serve in the event of conflict of interest of a regular member.

(ii) The board shall have the power to hear and decide appeals of the subdivider or his agent regarding decisions made by the County engineer where there is an alleged error in the interpretation of the standards of this article or of the road design specifications.

(iii) Appeals from the decision of the subdivision review board shall be taken to the appropriate courts.

(b) The subdivider or his agent may appeal the decision of the County engineer in the application of the standards of this article or the Troup County road specifications to the subdivision review board.

(c) An appeal from the decision of the County engineer must be made in writing and filed with the Community Development Department within 15 days after the decision is rendered. A meeting of the subdivision review board will be called within 30 days of filing the appeal.

(d) The subdivision review board shall reach a decision without unnecessary delay and in all cases shall take action on an appeal within 30 days of submission.

Sec. C.14.8. Bonds.

(1) Maintenance bond for existing roads and streets.

(a) Prior to the start of construction the Board of Commissioners may require a maintenance bond to ensure that certain roads that will serve as an entrance for construction traffic through existing sections of a subdivision are restored to the condition existing at the time of construction in the new section or new subdivision was started. If said entrance road or street has 60 percent of the principal structures completed then no maintenance bond for existing roads and streets shall be required. The Board of Commissioners shall also consider the age of the existing road or street in determining the need for a maintenance bond. The amount of the performance bonds shall be based on the “Bond Fee Schedule” provided by the Community Development Department.

(b) Said maintenance bond shall cover the time period beginning at the date of issuance of the land disturbing activity (LDA) permit and ending concurrently with maintenance bond for new roads and streets. The maintenance bond shall only be released by the County engineer after completion of necessary repairs.

(2) Maintenance bond for new streets.

(a) A maintenance bond is required in order to record the final plat for a major subdivision. The amount of the performance bonds shall be based on the “Bond Fee Schedule” provided by the Community Development Department.

(b) Said maintenance bond shall cover the time period beginning at the date of acceptance of the roads or streets and ending after 60 percent of the buildings in the subdivision have been completed or two (2) years (whichever is shorter). The maintenance bond shall only be released by the Troup County Engineer.

(c) The subdivider or his agent, prior to recording the plat and after final plat approval by the Board of Commissioners, shall present the required maintenance bond.

(d) The subdivider or his agent shall maintain the required improvements that exist in or in any way affect the dedicated rights-of-way. Said maintenance shall consist of, but not be limited to the following:

- Repair of any areas of pavement or curb failure.
- Correcting any erosion.
- Removal of any sedimentation that occurs within the right-of-way.
- Cleaning any drainage structures.

(e) The Troup County Roads and Engineering department inspector shall inspect the required improvements within the last 90 days of the bond period and shall present to the subdivider or his agent a list of needed repairs. If inspection is not performed within the prescribed 90-day period the bond shall be released. The subdivider or his agent shall complete the listed repairs prior to the end of the bond period. If the repairs are not satisfactorily completed at the end of the bond period, an additional one (1)-year maintenance bond will be required. If no repairs are needed, the County shall release the maintenance bond.

(3) Performance bonds. For asphalt-wearing course: A performance guarantee such as a performance bond (signed by a firm licensed and insured as a bonding agency under Georgia Laws, furnishing written documentation for approval by the Board of Commissioners); or an irrevocable letter of credit or escrow agreement; in a form acceptable to the County and payable to the County, shall be required prior to recording the final plat. The purpose of the bond is to cover the cost of installing the asphalt-wearing course. The bond shall not be released by Troup County until the wearing course has been installed. In no case shall the asphalt-wearing course be installed less than one (1) year after recording neither the final plat nor more than the period of the maintenance bond. The amount of the performance bonds shall be based on the “Bond Fee Schedule” provided by the Community Development Department.

Sec. C.14.9. Variances.

(1) Hardship. Where, due to unusual circumstances, the strict compliance with these regulations may result in excessive hardship or practical difficulties, certain variances may be authorized by the Board of Zoning Appeals and Planning Commission, provided substantial justice is done, the public interest secured and the variance will not nullify the intent or purpose of the Comprehensive Plan, the Zoning Ordinance or these regulations.

(2) Conditions. In granting variances and modifications, the Community Development Director may recommend, and the Board of Zoning Appeals and Planning Commission and the Board of Commissioners may require such conditions as will secure substantially the objectives of the standards or requirements so varied and modified.

Sec. C.14.10. Legal status.

The Troup County Subdivision Regulations contain the subdivision requirements for the unincorporated area of Troup County. Provisions of these requirements are considered minimum requirements for the promotion of public safety, health, and general welfare.

(1) These regulations are not intended to interfere with or annul any easement, covenant or other agreement between parties. However, where these regulations

impose a greater restriction upon the use of the property or require greater space than is imposed by other regulations or by private easements, covenants, or agreements, the provisions of these regulations shall govern.

(2) Conflicting regulations. All resolutions and parts of any resolution, regulation, or ordinance passed by the Board of Commissioners of Troup County, Georgia, in conflict herewith are hereby repealed.

(3) Validity. Should any part, section, or provision of these regulations be declared invalid or unconstitutional, such decision shall not affect the validity of any remaining portion of these regulations.

ARTICLE C.15. HISTORIC PRESERVATION COMMISSION

Sec. C.15.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same, the Board of Commissioners hereby declares it to be the purpose and intent of this article to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the article.

Sec. C.15.2. Creation.

(1) Title. There is hereby created a commission the title of which shall be the “Troup County Historic Preservation Commission” (“commission” in this article).
(2) Members: number, appointment, terms and compensation. The commission shall consist of five (5) members appointed by the Board of Commissioners’ chairman and ratified by the Board of Commissioners. All members shall be residents of the County and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. To the extent available in the County, the five (5) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology or related professions, and building construction or real property appraisal. Members of the commission as of October 16, 2012, shall complete their current term of office. Members appointed on or after October 16, 2012, shall serve three (3)-year terms. All members shall be eligible for reappointment, shall not receive compensation, and shall serve at the pleasure of the Board of Commissioners. The Community Development Director shall serve as an ex officio, nonvoting, member of the commission.
(3) Statement of the commission’s powers. The commission shall be authorized to:
    (a) Prepare and maintain an inventory of all property within the County having the potential for designation as historic property;
    (b) Recommend to the board of commissioner’s specific districts, sites, buildings, structures or objects to be designated by ordinance as historic properties or historical districts;

(c) Review applications for certificates of appropriateness, and grant or deny the same in accordance with the provisions of this article;
(d) Recommend to the Board of Commissioners that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
(e) Advise the Board of Commissioners on the restoration or preservation of any historic properties acquired by the County.

Sec. C.15.3. Recommendation and designation of historic districts and properties.

(1) Preliminary research by commission.
(a) Commission's mandate to conduct a survey of local historical resources. The commission shall compile and collect information and conduct surveys of historic resources within the County.
(b) Commissioner's power to recommend districts and buildings to the Board of Commissioners for designation. The commission shall present to the Board of Commissioners recommendations for historic districts and properties.
(c) Commission's documentation of proposed designation. Prior to the commission's recommendation of a historic district or historic property to the Board of Commissioners for designation, the commission shall prepare a report for nomination consisting of:
(i) A physical description;
(ii) A statement of the historical, cultural, architectural and/or aesthetic significance;
(iii) A map showing district boundaries and classification (i.e., historic, non-historic, intrusive) of individual properties therein or showing boundaries of individual historic properties;
(iv) A statement justifying district or individual property boundaries; and
(v) Representative photographs.
(2) Designation of a historic district.
(a) Criteria for selection of historic districts. A historic district is a geographically definable area which contains buildings, structures, sites, objects and landscape features or a combination thereof which: a. Have special character or special historic/aesthetic value or interest; b. Represent one (1) or more periods, styles or types of architecture typical of one (1) or more eras in the history of the County.
(b) Boundaries of a historic district. Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official Zoning Map of the County.
(c) Evaluation of properties within historic districts. Individual properties within historic district shall be classified as:

(i) Historic (contributes to the district);
(ii) Non-historic (does not contribute but does not detract from the district, as provided for in subsection (2)(a) of this section); and
(iii) Intrusive (detracts from the district as provided for in subsection (2)(a) of this section).

(3) Designation of a historic property; criteria for selection. A historic property is a building, structure, site or object, including an adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the nation, the County or the state for one (1) of the following reasons:
(a) It is an outstanding example of a structure representative of its era.
(b) It is one (1) of the few remaining examples of a past architectural style.
(c) It is a place or structure associated with an event or persons of historic or cultural significance to the County, state, or the region.
(d) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, County, state or region.

(4) Requirements for adopting an ordinance for the designation of historic districts and historic properties.
(a) Application for designation of historic districts or property. Designations may be proposed by the Board of Commissioners, the commission, or:
(i) For historic districts, a historical society, neighborhood association or group of property owners may apply to the commission for designation;
(ii) For historic properties, a historical society, neighborhood association or property owner may apply to the commission for designation.
(b) Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:
(i) List each property in a proposed historic district or describe the proposed individual historic property;
(ii) Set forth the names of the owners of the designated property;
(iii) Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
(iv) Require that the property or district be shown on the official Zoning Map of the County, and kept as a public record to provide notice of such designation.
(c) Required public hearings. The commission and the Board of Commissioners shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the

commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than 15 nor more than 45 days prior to the date set for the public hearing. A notice sent via the United States mail to the last known owner of the property shown on the County tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification of the owner and occupant under this article.

(d) Notification of historic preservation section. No less than 30 days prior to making a recommendation on any ordinance designating a property or district as historic the commission must submit the report, required in subsection (1)(c) of this section to the historic preservation section of the state department of natural resources.

(e) The Board of Commissioners' action on commission recommendation. Following receipt of the commission's recommendation, the Board of Commissioners may adopt the designation as proposed, may adopt the designation with any amendments it deems necessary, or reject the designation.

(f) Notification of adoption of designation. Within 30 days following the adoption of the designation by the Board of Commissioners, the owners and occupant of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the County historic preservation commission, which notice shall apprise such owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic district designated. A notice sent via the United States mail to the last known owner of the property shown on the County tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this article.

(g) Notification of other agencies regarding designation. The commission shall notify all necessary agencies within the County of the ordinance for designation.

(h) Moratorium on applications for alteration or demolition while ordinance for designation is pending. If an ordinance for designation is being considered, the Board of Commissioners shall have the power to freeze the status of the involved property from the time of receipt of the commission's recommendation until final action by the Board of Commissioners.

Sec. C.15.4. Application to preservation commission for certificate of appropriateness.

(1) Approval of material change in appearance in historic districts or involving historic properties. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a historic or non-historic building, shall be made or be permitted to be made by the owner or occupant thereof unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission.
(2) Submission of plans to commission. An application for a certificate of appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the commission, as further set forth on the application for certificate of appropriateness.
(3) Interior alterations. In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.
(4) Technical advice. The commission shall have the power to seek technical advice from outside its members on any application.
(5) Public hearings on applications for certificates of appropriateness, notices and right to be heard. Prior to reviewing an application for a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. Notice of the public hearing shall be provided in the same manner as for zoning amendments and a fee as set forth in the schedule of fees and charges on file in the office of the Community Development department shall be required. The commission shall give the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.
(6) Acceptable commission reaction to applications or certificates of appropriateness. The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it. The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:
    (a) Reconstruction, alteration, new construction or renovation. The commission shall issue certificates of appropriateness for the above-proposed actions if those actions conform in design, scale, building material, setback and landscaping to the Secretary of Interior’s “Standards for Rehabilitation and

Guidelines for Rehabilitating Historic Buildings" and to any design guidelines adopted by the County.

(b) Relocation. A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure or object shall be guided by:
  (i) The historic character and aesthetic interest the building, structure or object contributes to its present setting.
  (ii) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
  (iii) Whether the building, structure or object can be moved without significant damage to its physical integrity.
  (iv) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(c) Demolition. A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites or object shall be guided by:
  (i) The historic, scenic or architectural significance of the building, structure, site or object.
  (ii) The importance of the building, structure, site or object to the ambiance of a district.
  (iii) The difficulty or the impossibility of reproducing such a building, structure, site or object because of its design, texture, material, detail or unique location.
  (iv) Whether the building, structure, site or object is one (1) of the last remaining examples of its kind in the neighborhood or the County.
  (v) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
  (vi) Whether reasonable measures can be taken to save the building, structure, site or object from collapse.
  (vii) Whether the building, structure, site or object is capable of earning reasonable economic return on its value.

(d) Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this article would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to such provisions or to interpret the meaning of such provisions so as to relieve such difficulty or hardship, provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of the provisions so that the

architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall not be a situation of the person's own making.

(e) Deadline for approval or rejection of application for certificate of appropriateness.

(i) The commission shall approve or reject an application for a certificate of appropriateness within 30 days after the filing thereof by the owner or occupant of a historic property or of a building, structure, site or object located within a historic district. Evidence of approval shall be by a certificate of appropriateness sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission.

(ii) Where the commission and applicant agree that additional time is required for evaluation of a proposed material change, an agreement may be reached to extend the deadline for commission action. Any such extension shall be signed by the applicant and the commission and shall become a part of the records of the commission.

(iii) In the absence of an extension agreement, failure of the commission to act within 30 days shall constitute approval and no other evidence of approval shall be needed.

(f) Necessary action to be taken by commission upon rejection of application for certificate of appropriateness.

(i) If the commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(ii) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and in such a case no building permit shall be issued.

(g) Requirement of conformance with certificate of appropriateness.

(i) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. If work is performed not in accordance with such certificate, the commission shall rescind the

certificate of appropriateness. The commission shall send written notification of the rescission to the building inspector who shall promptly issue a stop-work order.

(ii) The Board of Commissioners shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal act or conduct with respect to such historic property or historic district.

(h) Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable.

(i) Recording of applications for certificate of appropriateness. The commission shall keep a public record of all applications for certificates of appropriateness and of all the commission's proceedings in connection with such application.

(j) Appeals. Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Board of Commissioners. Any such appeal must be filed with the Board of Commissioners within 15 days after the issuance of the determination pursuant to subsection (e)(i) of this section or, in the case of a failure of the commission to act, within 15 days of the expiration of the 30-day period allowed for commission action in subsection (e)(ii) of this section. The Board of Commissioners may approve, modify or reject the determination made by the commission if the Board of Commissioners finds that the historic preservation commission abused its discretion in reaching its decision. Appeals from decision of the Board of Commissioners may be taken to the superior court in the manner provided by law for appeals from conviction for County ordinance violations.

Sec. C.15.5. Maintaining of historic properties and building and zoning code provisions.

(1) Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

(2) Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:
   (a) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
   (b) If the commission determines a failure to provide ordinary maintenance or repair, the commission will notify the owner of the property and will advise the owner of the steps which should to be taken to remedy the situation.
   (c) Affirmation of existing building and zoning codes. Nothing in this article shall be construed as to exempt property owners from complying with existing County building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

Sec. C.15.6. Penalty for violation of article.

Violations of any provisions of this article shall be punished in the same manner as provided for punishment of violations of validly enacted ordinances of the County.

ARTICLE C.16. SOLAR ENERGY SYSTEMS (SES)

Sec. C.16.1. Applicability.

(1) This article applies to the siting, construction, installation, and decommissioning of any SES to be constructed or installed within Troup County.
(2) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the UDO.

Sec. C.16.2. Requirements for integrated solar energy systems.

(1) Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq*., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
(2) Tree Removal. The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the UDO.

Sec. C.16.3. Requirements for rooftop solar energy systems.

a. Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq*., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.
b. Tree Removal. The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the UDO.
c. Height. A Rooftop SES shall be given an equivalent exemption, if any, to the applicable zoning district's height restrictions for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

Sec. C.16.4. General requirements for all ground mounted solar energy systems.

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this UDO that apply to Intermediate and Large Scale SESs respectively. For residential ground mounted SESs, the entirety of the system is classified as an accessory structure.

(1) Solar Access. Consistent with O.C.G.A. § 44-9-20 *et seq*., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.

(2) Impervious Surface. Ground mounted structures and components of the Ground Mounted SES, including transformers and foundations, shall be considered impervious. However, for purposes of compliance with the impervious surface coverage requirements of the UDO, the panels of a Ground Mounted SES shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.

(3) Lighting. To reduce light pollution, lighting of a Ground Mounted SES shall:
   (a) Be limited to the minimum reasonably necessary for its safe operation;
   (b) Be directed downward where reasonably feasible;
   (c) Incorporate full cut-off fixtures; and
   (d) Reasonably utilize motion sensors.

(4) Tree Removal. The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the UDO.

(5) Decommissioning. Unless otherwise approved by Troup County, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy:

   (a) For a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and

   (b) For a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Community Development Director, and as further described in the Special Use Permit provision of this UDO.

Sec. C.16.5. Specific requirements for intermediate scale solar energy systems.

The following requirements apply to Intermediate Scale SESs, in addition to the general requirements in this UDO that apply to all Ground Mounted SESs.

(1) Setbacks. An Intermediate Scale SES shall comply with the following setback requirements:
   (a) The Intermediate Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
   (b) The Intermediate Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
   (c) The Intermediate Scale SES shall be located no closer than 50 feet from any residential dwelling unit on an adjacent lot.

(2) Visual Buffers. An Intermediate Scale SES in a residential or agricultural district shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Community Development Director, and as further described in the Special Use Permit provision of this UDO.

(3) Signage. An Intermediate Scale SES:

   (a) Shall display signs (a) stating the risks that may result from contact with an Intermediate Scale SES, (b) identifying the owner or operator of the Intermediate Scale SES, and (c) providing a 24-hour emergency contact phone number;

   (b) Shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

   (c) May have signs that contain educational information about the Intermediate Scale SES.

Sec. C.16.6. Specific requirements for large scale solar energy systems.

The following requirements apply to Large Scale SESs, in addition to the general requirements in this UDO that apply to all Ground Mounted SESs.

(1) Setbacks. A Large Scale SES shall comply with the following setback requirements:

(a) The Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any;
(b) The Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and
(c) The Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

(2) Visual Buffers. A Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Community Development Director, and as further described in the Special Use Permit provision of this UDO.

(3) Signage. A Large Scale SES:

(a) Shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number;

(b) Shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

(c) May have signs that contain educational information about the Large Scale SES.

ARTICLE C.17. CEMETERIES

Sec. C.17.1. Burials.

It shall be unlawful for any undertaker or any other person to bury or cause to be buried, or to in any manner aid or assist in the burial of the dead body of any human being in any cemetery or location in the unincorporated area of the County other than an authorized public cemetery or a private cemetery established and approved pursuant to this article.

Sec. C.17.2. Authority of Community Development Director.

The Community Development Director shall be responsible for issuing permits and ensuring that the requirements of this article are satisfied. Other than maintaining in his office an original of the plat of survey of each private cemetery and maintaining an inventory of private cemeteries in the County, the Community Development Director and County shall have no responsibility for or duty to supervise the operation of any such private cemetery.

Sec. C.17.3. Records.

The Community Development Director shall maintain a record and inventory of the locations of all private cemeteries established and permitted pursuant to this article.

Sec. C.17.4. Enforcement officers.

All law enforcement agencies, officers, certified peace officers, and/or officials of the state, or any County code enforcement officer, are hereby authorized, empowered, and directed to enforce compliance with this article.

Sec. C.17.5. Penalties for violation of article.

Violators of the provisions of this article shall be subject to the penalties set forth in chapter 1, section 1-19 of the County Code.

Sec. C.17.6. Operation.

It shall be the sole responsibility and duty of the owner, creator, trust or other legal entity which shall own, supervise or have control of a private cemetery to ensure that the same shall not at any time constitute a health hazard or be or constitute a nuisance. The owner, creator, trust or other legal entity which shall own, supervise or have control of a private cemetery shall have the right and responsibility of creating rules and regulations necessary to or appropriate for the operation of such private cemetery.

Sec. C.17.7. Marketing and advertising.

No private cemetery established and approved pursuant to this article shall market, advertise or sell lots or burial spaces to the general public.

Sec. C.17.8. Use.

All private cemeteries created pursuant to this article shall be and remain purely private, and all lots and spaces shall be reserved for relatives, friends, neighbors or other members of an identifiable class of persons that can be reasonably distinguished from the general public or citizenry.

Sec. C.17.9. Creation of nuisances.

No owner, creator, trust or other legal entity which shall own, supervise or have control of a private cemetery shall allow such private cemetery to accumulate weeds, trash, junk, filth, or other unsanitary or unsafe conditions so as to create a public health hazard or a general nuisance to those persons residing in the vicinity.

Sec. C.17.10. Permit required.

It shall be unlawful for any person to operate a private cemetery in the unincorporated area of the County unless done so in compliance with the provisions of this article.

Sec. C.17.11. Survey required.

A plat of survey of the private cemetery prepared by a state-registered land surveyor shall be submitted to the Community Development Director along with the application. Upon approval of the survey by the Community Development Director, the applicant

shall file, or cause to have filed, two (2) signed original copies of the survey with the superior court clerk for recording.

Sec. C.17.12. Minimum area required.

No private cemetery shall be approved unless the survey provided for in this division indicates that the private cemetery contains not less than one (1) acre, the entire area of which shall be dedicated to and used only for private cemetery purposes.

Sec. C.17.13. Land use compatibility.

The location of the proposed private cemetery is to be compatible with adjacent land uses, existing or proposed highways and any other elements or factors deemed by the County to affect the public health, safety and welfare of the inhabitants of the area surrounding the proposed location.

Sec. C.17.14. Buffer area.

The proposed location must contain a buffer area that is suitably landscaped with trees and/or shrubbery on all sides of the site that is identified on the survey and is not less than 10 feet in width.

Sec. C.17.15. Flood prevention.

No private cemetery shall lie in whole or in part within a floodplain and certification of the same must be provided upon the survey.

Sec. C.17.16. Identification of boundaries.

The boundaries of the proposed private cemetery must be clearly marked and delineated.

Sec. C.17.17. Ingress and egress.

Adequate access, ingress and egress to and from the private cemetery must be available by public road or private drive.

Sec. C.17.18. Health department approval.

The approval of the proposed private cemetery must be obtained from the health department and submitted with the application.

Sec. C.17.19. Appeal from denial.

Appeals from the denial of a permit authorized by this article shall be to the Board of Commissioners.

ARTICLE C.18. IMPACT FEES

Sec. C.18.1. Short title, authority, and applicability.

(1) This article shall be known and may be cited as the “Development Impact Fee Ordinance of Troup County, Georgia,” or, for brevity, the “Impact Fee Ordinance.”
(2) This article has been prepared and adopted by the Board of Commissioners of Troup County, Georgia, in accordance with the authority provided by Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. §§ 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.
(3) The provisions of this article shall not be construed to limit the power of Troup County, Georgia, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.
(4) This article shall apply to all areas under the regulatory control and authority of Troup County, Georgia, and such other areas as may be included by intergovernmental agreement.

Sec. C.18.2. Findings, purpose, and intent.

(1) Findings. The Board of Commissioners of Troup County, Georgia, finds and declares:
   a. That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Troup County;
   b. That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development; and
   c. That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.
(2) Purpose.
   (a) The purpose of this article is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.
   (b) It is also the purpose of this article to ensure that adequate public facilities are available to serve new growth and development in Troup County and to provide

that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.

(3) Intent. This article is intended to implement and be consistent with the Troup County Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. §§ 50-8-1 et seq.); and the applicable minimum standards and procedures for local comprehensive planning and the development impact fee compliance requirements, both as adopted by the Georgia Board of Community Affairs and amended from time to time.

Sec. C.18.3. Imposition of development impact fees.

Any person who after the effective date of this article engages in development shall pay a development impact fee in the manner and amount set forth in this article.

(1) Construction not subject to impact fees. The following projects and construction activities do not constitute “development” as defined in this article, and are therefore not subject to the imposition of impact fees:
   (a) Rebuilding no more than the same number of units of development as defined in this article that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.
   (b) Remodeling or repairing a structure that does not result in an increase in the number of units of development.
   (c) Replacing a residential housing unit with another housing unit on the same lot or property.
   (d) Placing or replacing a manufactured home in a manufactured home park on a prepared manufactured home pad in existence and operation prior to the effective date of this article.
   (e) Placing a temporary construction or sales office on a lot during the period of construction or build-out of a development project.
   (f) Constructing an addition to or expansion of a residential housing unit that does not increase the number of housing units.
   (g) Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, satellite antenna, pet enclosure, or private recreational facilities such as a swimming pool.

(2) Grandfathered projects.
   (a) Notwithstanding any other provision of this article, that portion of a project for which a valid building permit has been issued prior to the effective date of this article shall not be subject to development impact fees so long as the permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(b) Any building for which a valid and complete application for a building permit has been received prior to the effective date of this article may proceed without payment of fees otherwise imposed by this article, provided that:
  (i) All fees and development exactions in effect prior to the effective date of this article shall be or have been paid in full; and
  (ii) Said construction shall be commenced, pursued and completed within the time established by the building permit, or within 180 days, whichever is later.

(3) Method of calculation.
(a) Any development impact fee imposed pursuant to this article shall not exceed a project's proportionate share of the cost of system improvements, shall be calculated on the basis of the establishment of service areas, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development, as established in the capital improvements element of the comprehensive plan.
(b) Notwithstanding anything to the contrary in this article, the calculation of impact fees shall be net of credits for the present value of ad valorem taxes or other revenues as established in the capital improvements element of the comprehensive plan, and which:
  (i) Are reasonably expected to be generated by new growth and development; and
  (ii) Are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category and in the same service area for which an impact fee is imposed.
(c) The method of calculating impact fees for public facilities under this article shall be maintained for public inspection as a part of the official records of Troup County, Georgia, and may be amended from time to time by official act.
(d) In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements to the extent that such public facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element of the comprehensive plan.
(e) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element of the comprehensive plan.

Sec. C.18.4. Fee assessment and payment.

(1) Fee schedule.

(a). Payment of a development impact fee pursuant to the fee schedule attached hereto and incorporated herein as attachment A for a property located inside of Troup County, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Troup County, and shall be deemed to be in compliance with the requirements of this article.

(b). When a land development activity for which an application for a building permit has been made includes two (2) or more buildings, structures or other land uses in any combination, including two (2) or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure.

(c). In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:

(i) The Administrator in his or her sole discretion shall make a determination as to the appropriate land use designation and the appropriate development impact fee.

(ii) In making such determination, the Administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule.

(iii) If a land use designation is not in a category contained in this article, then an appropriate new category may be added by the administrator and an appropriate fee established under the County's current impact fee methodology, subject to annual confirmation by the Board of Commissioners.

(iv) Appeals from the decision of the administrator shall be made to the Board of Commissioners in accordance with the administrative appeals section of this article.

(2) Timing of assessment and payment.

(a) Development impact fees shall be assessed at the time of application for a building permit.

(b) All development impact fees shall be collected no earlier than the time of issuance of a building permit, and no later than as a prerequisite to issuance of a certificate of occupancy for the building.

(c) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.

(d) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in

accordance with the actual use prior to issuance of an interior finishes permit or approval of a certificate of occupancy. An adjustment may result in a refund to the fee payer or payment of the marginal increase of the adjusted fee over the amount already paid.

(e) Notwithstanding any other provision of this article, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the building permit shall be assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.

(3) Individual assessment determinations. Individual assessments of development impact fees may be established as follows:

(a) At their option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for their project in lieu of the fee established on the fee schedule attached hereto and incorporated herein as attachment A.

(b) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. Each individual assessment study shall:

(i) Be based on relevant and credible information from an accepted standard source of engineering or planning data; or

(ii) Be based on actual, relevant, and credible studies or surveys of facility demand conducted in Troup County or its region, carried out by qualified engineers or planners pursuant to accepted methodology; and

(iii) Provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.

(c) The administrator in his or her sole discretion shall determine whether the content of an individual assessment study satisfies the requirements of this Article. A negative determination by the Administrator may be appealed to the Board of Commissioners in accordance with the administrative appeals section of this article.

(d) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Troup County, and shall be deemed to be in compliance with the requirements of this article.

(4) Fee certification. Upon application to the administrator, a developer may receive a certification of the development impact fee schedule attached hereto and

incorporated herein as attachment A or a certified fee for a particular project, as applicable. Such certified schedule or fee shall establish the development impact fee due for a period of 180 days from the date of certification, even if new or revised rate schedules are adopted in the interim.

Sec. C.18.5. Exemptions.

(1) Exemption policy. Troup County recognizes that certain office, retail trade and industrial development projects provide extraordinary benefit in support of the economic advancement of the County's citizens over and above the access to jobs, goods and services that such uses offer in general. In addition, the County recognizes that certain types of residential development provide benefit to the County beyond tax digest value.
   (a) To encourage such development projects, the Board of Commissioners may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the business or project represents extraordinary economic development and employment growth of public benefit to Troup County, or the extent to which an affordable housing project provides benefit to the community, in accordance with adopted exemption criteria. Such criteria shall be adopted by the Board of Commissioners prior to the consideration of any application for reduction or exemption from any impact fee.
   (b) It is also recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees.
(2) Process for exemption approval. An application for exemption shall be considered under the following procedures:
   (a) Application for exemption approval must be made by the building permit applicant to the administrator. A building permit may be issued upon approval of an exemption, or may be issued without payment of applicable impact fees following receipt of a complete exemption application and pending its approval, but a certificate of occupancy shall not be issued until a decision regarding the exemption has been made, or until such time that the application for exemption is otherwise withdrawn by the applicant and payment of impact fees have been paid.
   (b) Documentation must be provided to the administrator that demonstrates the applicant's eligibility for an exemption. This documentation shall address, but need not be limited to, all applicable exemption criteria adopted by the County. This documentation constitutes the application for exemption.

(c) The administrator in his or her sole discretion shall determine whether an application for exemption addresses the exemption criteria adopted by the County and is complete. A negative determination by the administrator may be appealed to the Board of Commissioners in accordance with the administrative appeals section of this article.
(d) The administrator or the Board of Commissioners shall determine the eligibility for and extent of exemption, in accordance with the standards and procedures contained in the exemption criteria adopted by the Board of Commissioners. If action by the Board of Commissioners is required, the application for exemption shall be considered at the next regularly scheduled meeting of the Board of Commissioners that falls at least two (2) weeks after a complete application for exemption has been received by the administrator.

Sec. C.18.6. Deposit and expenditure of fees.

(1) Maintenance of funds.
(a) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this article shall be maintained in one (1) or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
(b) Separate accounting records shall be maintained for each category of system improvements within each service area wherein fees are collected.
(c) Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this article.
(2) Expenditures; restrictions.
(a) Expenditures from the impact fee accounts shall be made only for the category of system improvements within the service area for which the development impact fee was assessed and collected.
(b) Except as provided below, development impact fees shall not be expended for any purpose that does not involve building or expanding system improvements that create additional capacity available to serve new growth and development.
(c) Notwithstanding anything to the contrary in this article, the following shall be considered general revenue of Troup County, and may be expended accordingly:
(i) Impact fees collected to recover the present value of excess capacity in existing system improvements;
(ii) Any portion of an impact fee collected as a repayment for expenditures made by Troup County for system improvements intended to be funded by such impact fee; and

(iii) Any portion of the impact fee (but not to exceed three (3) percent of the total) collected and allocated by the administrator for administration of the impact fee ordinance, and such additional amount assessed for repayment of the cost of preparing the capital improvements element of the comprehensive plan.

(3) Annual report.

(a) The administrator shall prepare an annual report to the Board of Commissioners as part of the annual audit describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year by category of public facility and service area.

(b) Such annual report shall be prepared following guidelines of the Georgia Department of Community Affairs (DCA), and submitted to DCA in conjunction with the annual update of the capital improvements element of the comprehensive plan.

Sec. C.18.7. Credits.

When eligible, fee payers shall be entitled to a credit against impact fees otherwise due and owing under the circumstances and in the manner set forth in this section.

(1) Credits; restrictions.

(a) Except as provided in subsection b. below, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this article.

(b) If the value of any construction, dedication of land, or contribution of money made by a developer (or his or her predecessor in title or interest) prior to the effective date of this article for system improvements that are included for impact fee funding in the capital improvements element of the comprehensive land use plan, is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this article, any credit due under this section shall not constitute a liability of Troup County, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements within the same service area.

(c) In no event shall credit be given for project improvements, or for system improvements not included for impact fee funding in the capital improvements element of the comprehensive plan.

(2) Granting of credits.

(a) Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his or her predecessor in title or interest for system improvements of the same public

facilities category and in the same service area for which a development impact fee is imposed, provided that:

(i) The system improvement is included for impact fee funding in the capital improvements element of the comprehensive land use plan;

(ii) The amount of the credit does not exceed the portion of the system improvement's cost that is eligible for impact fee funding, as shown in the capital improvements element; and

(iii) The Board of Commissioners shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.

(b) The credit allowed pursuant to this section shall not exceed the impact fee due for such system improvement unless a greater credit is authorized under a private agreement executed under the provisions of sec. C-18.7 of this article.

(3) Guidelines for credit valuation. Credits under this section shall be valued using the following guidelines:

(a) For the construction of any system improvements by a developer or his or her predecessor in title or interest and accepted by the County, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.

(b) For any contribution or dedication of land for system improvements by a developer or his or her predecessor in title or interest and accepted by the County, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.

(c) For any contribution of capital equipment that qualifies as a system improvement by a developer or his or her predecessor in title or interest and accepted by the County, the value shall be the original cost to the developer of the capital equipment or the cost that Troup County, Georgia would normally pay for such equipment, whichever is less.

(d) For any contribution of money for system improvements from a developer or his or her predecessor in title or interest accepted by the County, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.

(e) In making a present value calculation, the discount rate used shall be the net of the interest returned on a State of Georgia, AA rated or better municipal bond less average annual inflation, or such other discount rate as the Board of Commissioners in its sole discretion may deem appropriate.

(4) Credits; application.

(a) Credits shall be given only upon written request of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.
(b) The administrator, in his or her sole discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.
(c) Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.

(5) Credits; abandoned building permits. In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the present value of the impact fee against future impact fees for the same parcel of land, upon submission of adequate evidence to the administrator that an impact fee was received by the County, the amount paid, and that the building permit was abandoned.

Sec. C.18.8. Refunds.

(1) Eligibility for a refund.
(a) Upon the request of a fee payer regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
(i) Capacity is available in the public facilities for which the fee was collected but service is permanently denied; or
(ii) The development impact fee has not been encumbered or construction has not been commenced within six (6) years after the date the fee was collected.
(b) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.

(2) Notice of entitlement to a refund. When the right to a refund exists due to a failure to encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the fee payer who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in a newspaper of general circulation in Troup County within 30 days after the expiration of the six (6)-year period after the date that the development impact fee was collected and shall contain a heading “notice of entitlement to development impact fee refund.” No refund shall be made for a period of 30 days from the date of said publication.

(3) Filing a request for a refund. All requests for refunds shall be made in writing to the administrator within one (1) year of the time the refund becomes payable or within one (1) year of publication of the notice of entitlement to a refund, whichever is later.

Failure to make a claim for a refund within said time period shall result in a waiver of all claims to said funds.

(4) Payment of refunds.
   (a) All refunds shall be made to the fee payer within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.
   (b) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.
   (c) In no event shall a fee payer be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by Troup County for system improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element of the comprehensive plan.

Sec. C.18.9. Private contractual agreements.

(1) Private agreements; authorized. Nothing in this article shall prohibit the voluntary mutual approval of a private contractual agreement between the County and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including inter-project transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one (1) development project, provided that:
   (a) The system improvements are included for impact fee funding in the capital improvements element of the comprehensive plan; and
   (b) The amount of any credit or reimbursement granted shall not exceed the portion of the system improvement's cost that is eligible for impact fee funding.

(2) Private agreements; provisions. A private contractual agreement for system improvements may include, but shall not be limited to, provisions which:
   (a) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement shall allow the County to assess additional development impact fees after the completion of construction according to schedules set forth in this article.
   (b) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which development impact fees would be imposed in the same service area in lieu of or with a credit against applicable development impact fees.

(c) Permit a schedule and method of payment appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this article, provided that acceptable security is posted ensuring payment of the development impact fees. Forms of security that may be acceptable include a cash bond, irrevocable letter of credit from a bank authorized to do business within the State of Georgia, a surety bond, or lien or mortgage on lands to be covered by the building permit.

(3) Private agreements; procedure.

(a) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the administrator for review, negotiation, and submission to the Board of Commissioners.

(b) Any such agreement must be presented to and approved by the Board of Commissioners of Troup County, Georgia prior to the issuance of a building permit.

(c) Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the landowner, and shall require the applicant to submit such agreement to the clerk of superior court for recording.

Sec. C.18.10. Periodic review and amendments.

(1) Article amendments.

(a) This article may be amended from time to time as deemed appropriate or desirable.

(b) Interim amendments to the impact fee schedule regarding the establishment of new land use categories by the administrator under sec. C.18.4(1)(c)(iii) are expressly authorized and shall be confirmed by the Board of Commissioners when this article is subsequently amended.

(2) Capital improvements element periodic review.

(a) Update. At least once each year, the Board of Commissioners shall review and may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five (5) years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element update shall be submitted to the regional development center for their review, in accordance with the development impact fee compliance requirements as adopted by the board of community affairs of the State of Georgia.

(b) Amendment. In conducting a periodic review of the capital improvements element and calculation of development impact fees, the Board of Commissioners may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the

procedural requirements of the development impact fee compliance requirements as adopted by the Board of Community Affairs of the State of Georgia, and shall be required for any change to the capital improvements element that would:

(i) Redefine growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;

(ii) Add new public facility categories for impact fee funding, modify impact fee service areas or make changes to system improvement projects;

(iii) Change service levels established for an existing impact fee service area; or

(iv) Make any other revisions needed to keep the capital improvements element up to date.

(3) Continuation of validity. Failure of the Board of Commissioners to undertake a periodic review of the capital improvements element shall result in the continued use and application of the latest adopted development impact fee schedule and other data. The failure to periodically review such data shall not invalidate this article.

Sec. C.18.11. Administrative appeals.

(1) Eligibility to file an appeal. Only applicants or fee payers who have already been assessed an impact fee by the County or who have already received a written determination of individual assessment, refund or credit amount shall be entitled to an appeal.

(2) Appeals process.

(a) The aggrieved applicant or fee payer (hereinafter, the “appellant”) must file a written appeal with the Community Development Director within 15 days of the decision or receipt of written determination from which the appeal is taken.

(b) Such written appeal shall constitute an application for relief, shall be of sufficient content to set forth the basis for the appeal and the relief sought, and shall include:

(i) The name and address of the appellant;

(ii) The location of the affected property;

(iii) A copy of any applicable written decision or determination made by the administrator (from which the appeal is taken);

(c) Within 15 days after receipt of the appeal, the administrator shall make a written final decision with respect to the appeal, such decision to be of sufficient content to set forth the basis for the determination.

(d) Appeals from the final decision of the administrator shall be made to the Board of Commissioners within 30 days of receipt by the appellant of the administrator’s decision. Delivery by hand or certified mail to, or posting upon the property at, the address given by the appellant in the application for relief shall constitute “receipt by the appellant” under this provision.

(e) The Board of Commissioners shall thereafter hold a hearing on the appeal within 30 days provided that at least two (2)-weeks' written notice thereof can be given to the appellant. The Board of Commissioners shall decide the issue within a reasonable time following the hearing, but in no case more than 15 days following the hearing, unless the appellant agrees to an extension to a later date. Any party making an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel.

(3) Payment of impact fee during appeal.

(a) The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of development approval.

(b) A developer may pay a development impact fee under protest to obtain a development approval, and by making such payment shall not be stopped from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

Sec. C.18.12. Enforcement and penalties.

(1) Enforcement authority.

(a) The enforcement of this article shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.

(b) The administrator shall have the right to inspect the lands affected by this article and shall have the right to issue a written notice, a stop work order or citation for violations, as the administrator in his or her sole determination may deem appropriate to the circumstances. Refusal of written notice of violation, stop work order or citation under this article shall constitute legal notice of service. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 days unless otherwise extended at the discretion of the administrator.

(c) The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals. If the provisions of this article have been violated by the developer or the owner or their assigns.

(2) Violations.

(a) Knowingly furnishing false information on any matter relating to the administration of this article shall constitute an actionable violation.

(b) Proceeding with construction of a project that is not consistent with the project's impact fee assessment, such as the use category claimed or units of development indicated, shall constitute an actionable violation.

(c) Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.

(d) A violation of this article shall be a misdemeanor punishable according to law, including the general penalty provisions of chapter 1, section 1-19 of the County Code. In addition to or in lieu of criminal prosecution, the Board of Commissioners shall have the power to sue in law or equity for relief in civil court to enforce this article, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this article including, but not limited to, injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.

Sec. C.18.13. Repealer, severability, and effective date.

(1) Repeal of conflicting laws. Any and all ordinances, resolutions, or regulations, or parts thereof, in conflict with this article are hereby repealed to the extent of such conflict.
(2) Severability. If any sentence, clause, part, paragraph, section, or provision of this article is declared by a court of competent jurisdiction to be invalid, the validity of the article as a whole or any other part hereof shall not be affected.
(3) Incorporation by reference of Georgia Law. It is the intent of the Board of Commissioners that the Development Impact Fee Article of Troup County, Georgia comply with the terms and provisions of the Georgia Development Impact Fee Act (O.C.G.A. §§ 36-71-1 et seq. as amended). To the extent that any provision of this article is inconsistent with the provisions of said Chapter 36-71, the latter shall control. Furthermore, to the extent that this article is silent as to any provision of said [O.C.G.A.] ch. 36-71 that is otherwise made mandatory by said [O.C.G.A.] ch. 36-71, such provision shall control and shall be binding upon the County.
(4) Effective date. This article shall take effect on July 1, 2010.

Attachment A

Fee Schedule—Troup County, GA

The attached fee schedule reflects the adoption of an impact fee schedule that is 26.4711 percent of the maximum allowable impact fee, as calculated in the July 16, 2009 Troup County Impact Fee Methodology Report.

Troup County Impact Fee Schedule

Net Impact Fee

Land Use Category	Library	Parks & Recreation	Fire	Sheriff's Office	Roads	911	Subtotal $	Administration (3%)	TOTAL IMPACT FEE $	Unit of Measure*
Residential										
Single-Family Detached Housing	98.728	568.863	307.888	83.205	147.45	7.430	1,213.588	36.408	1.250.00	per dwelling
Apartment	98.728	568.863	307.888	83.205	103.248	7.430	1,169.361	35.081	1,204.44	per dwelling
Residential Condominium/ Townhouse	98.728	568.863	307.888	83.205	91.257	7.430	1,157.370	34.721	1,192.09	per dwelling
Port and Terminal										
Truck Terminal	-	-	1,446.191	788.926	1.173.385	34.898	3,443.400	103.302	3,546.70	per acre
Industrial										
General Light Industrial	-	-	0.285	0.155	0.100	0.007	0.547	0.016	0.56	per square foot
General Heavy Industrial	-	-	0.226	0.123	0.021	0.005	0.376	0.011	0.39	per square foot
Manufacturing	-	-	0.225	0.122	0.055	0.005	0.407	0.012	0.42	per square foot

Warehousing	-	-	0.157	0.086	0.071	0.004	0.318	0.010	0.33	per square foot
Mini-Warehouse	-	-	0.005	0.003	0.036	0.000	0.044	0.001	0.05	per square foot
High-Cube Warehouse	-	-	0.022	0.012	0.002	0.001	0.037	0.001	0.04	per square foot
Lodging										
Hotel	-	-	76.778	41.884	81.957	1.853	202.471	6.074	208.55	per room
All Suites Hotel	-	-	87.635	47.807	57.333	2.115	194.889	5.847	200.74	per room
Business Hotel	-	-	12.348	6.736	66.797	0.298	86.179	2.585	88.76	per room
Motel	-	-	87.779	47.885	83.703	2.118	221.484	6.645	228.13	per room
Recreational										
Campground/recreational Vehicle Park	-	-	8.270	4.511	984.564	0.200	997.544	29.926	1,027.47	per camp site
Golf Course	-	-	30.316	16.538	66.714	0.732	114.300	3.429	117.73	per acre
Multipurpose Recreational Facility	-	-	61.715	33.667	1,196.355	1.489	1,293.225	38.797	1,332.02	per acre

Movie Theater	-	-	0.185	0.101	1.033	0.004	1.323	0.040	1.36	per square foot
Arena	-	-	411.391	224.422	441.187	9.927	1,086.927	32.608	1,119.53	per acre
Amusement Park	-	-	1,122.571	612.385	1,002.831	27.089	2,764.876	82.946	2,847.82	per acre
Tennis Courts	-	-	30.103	16.422	215.233	0.726	262.484	7.875	270.36	per acre
Racquet Club	-	-	0.045	0.025	0.227	0.001	0.298	0.009	0.31	per square foot
Bowling Alley	-	-	0.123	0.067	0.441	0.003	0.635	0.019	0.65	per square foot
Recreational Community Center	-	-	0.104	0.057	0.303	0.003	0.466	0.014	0.48	per square foot
Institutional										
Private School (K—12)	-	-	0.998	0.545	0.069	0.024	1.636	0.049	1.68	per square foot
Church/Synagogue	-	-	0.064	0.035	0.128	0.002	0.227	0.007	0.23	per square foot
Day Care Center	-	-	0.314	0.171	0.913	0.008	1.406	0.042	1.45	per square foot

Cemetery	-	-	10.050	5.483	66.294	0.243	82.069	2.462	84.53	per acre
Lodge/Fraternal Organization	-	-	123.430	67.333	657.331	2.978	851.072	25.532	876.60	per employee
Medical										
Hospital	-	-	0.401	0.219	0.201	0.000	$0.820	0.025	0.84	per square foot
Nursing Home	-	-	79.938	43.608	30.484	9.667	163.697	4.911	168.61	per bed
clinic	-	-	123.430	67.333	92.931	1.929	285.623	8.569	294.19	per employee
Office										
General Office Building	-	-	0.409	0.223	0.158	0.000	0.790	0.024	0.81	per square foot
Corporate Headquarters Building	-	-	0.420	0.229	0.111	0.010	0.769	0.023	0.79	per square foot
Single-Tenant Office Building	-	-	0.394	0.215	0.166	0.010	0.786	0.024	0.81	per square foot
Medical-Dentil Office Building	-	-	0.501	0.273	0.433	0.010	1.216	0.036	1.25	per square foot

Research and Development Center	-	-	0.361	0.197	0.116	0.012	0.687	0.021	0.71	per square foot
Retail										
Building Materials and Lumber Store	-	-	0.181	0.099	0.501	0.000	0.781	0.023	0.80	per square foot
Freestanding Discount Superstore	-	-	0.118	0.065	0.548	0.004	0.736	0.022	0.76	per square foot
Specialty Retail Center	-	-	0.225	0.122	0.310	0.003	0.660	0.020	0.68	per square foot
Freestanding Discount Store	-	-	0.242	0.132	0.538	0.005	0.918	0.028	0.095	per square foot
Hardware/Paint Store	-	-	0.119	0.065	0.319	0.006	0.0509	0.015	0.52	per square foot
Nursery (Garden Center)	-	-	0.201	0.110	0.455	0.003	0.769	0.023	0.79	per square foot
Nursery (Wholesale)	-	-	0.206	0.112	0.492	0.005	0.815	0.024	0.84	per square foot
Shopping Center	-	-	0.206	0.112	0.211	0.005	0.535	0.016	0.55	per square foot

Factory Outlet Center	-	-	0.206	0.112	0.335	0.005	0.659	0.020	0.68	per square foot
Quality Restaurant	-	-	0.921	0.502	1.149	0.005	2.577	0.077	2.65	per square foot
High-Turnover (Sit-Down) Restaurant	-	-	0.921	0.502	1.604	0.022	3.049	0.091	3.14	per square foot
Fast-Food Restaurant	-	-	1.345	0.734	4.172	0.022	6.274	0.188	6.46	per square foot
Quick Lubrication Vehicle Shop	-	-	259.202	141.400	517.019	32.465	950.086	28.503	978.59	One per bay
Auto-Care Center	-	-	0.177	0.096	0.032	0.006	0.311	0.009	0.32	per square foot
New Car Sales	-	-	0.219	0.119	0.461	0.004	0.804	0.024	0.83	per square foot
Auto Parts Store	-	-	0.118	0.065	0.800	0.005	0.989	0.030	1.02	per square foot
Self-Service Car Wash	-	-	24.686	13.467	672.48	2.859	713.760	21.413	735.17	per stall
Tire Store	-	-	0.158	0.086	0.321	0.001	0.566	0.017	0.58	per square foot

Wholesale Tire Store	-	-	0.158	0.086	0.263	0.004	0.511	0.015	0.53	per square foot
Supermarket	-	-	0.157	0.085	1.094	0.004	1.340	0.040	1.38	per square foot
Convenience Market (Open 24 Hours)	-	-	0.222	0.121	4.597	0.004	4.944	0.148	5.09	per square foot
Convenience Market (Open 15—16 Hours	-	-	0.216	0.118	3.951	0.005	4.290	0.129	4.42	per square foot
Convenience Market with Gasoline Pumps	-	-	0.222	0.121	5.267	0.005	5.616	0.168	5.78	per square foot
Wholesale Market	-	-	0.101	0.055	0.064	0.005	0.226	0.007	0.23	per square foot
Discount Club	-	-	0.160	0.087	0.397	0.002	0.647	0.019	0.67	per square foot
Home Improvement Superstore	-	-	0.118	0.065	0.409	0.004	0.596	0.018	0.61	per square foot
Electronics Superstore	-	-	0.118	0.065	0.568	0.003	0.754	0.023	0.78	per square foot

Apparel Store	-	-	0.206	0.112	0.507	0.003	0.828	0.025	0.85	per square foot
Pharmacy/Drug store	-	-	0.206	0.112	0.673	0.005	0.996	0.030	1.03	per square foot
Furniture Store	-	-	0.051	0.028	0.064	0.005	0.148	0.004	0.15	per square foot
Services										
Drive-in Bank	-	-	0.450	0.245	2.519	0.000	3.214	0.096	3.31	per square foot
Impact fees reflect credit given for forecasted SPLOST and general fund contributions.										
""Square feet"" means square feet of gross building floor area.										

ARTICLE D. RULES OF INTERPRETATION AND DEFINITIONS

Section D.1.1. Rules of interpretation.

(1) For the purpose of this Unified Development Ordinance (UDO), the following interpretations shall apply:

(a) All words used in the present tense include the future tense.

(b) All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise.

(c) The word "building" includes the word "structure".

(d) The word "constructed" includes the words "erected", "built", "altered", "rebuilt" and "repaired".

(e) The word "lot" shall mean "lot of record".

(f) The word "parcel" shall mean "lot".

(g) The words "Zoning Map" shall refer to the Official Zoning Map of Troup County, Georgia.

(h) The phrase "used for" as applied to any land or building shall include the phrases "arranged for", "designed for", "intended for", "maintained for" or "occupied for".

(i) The word "person"" shall include the words "individual", "firm", "partnership", "corporation", "association", "organization", "trust", "company" or any other legal entity.

(j) The term "County Manager" shall mean "County Manager or designee".

(k) The term "Community Development Director " shall mean "Community Development Director t or their designee.33

(l) The term "UDO" shall mean " Unified Development Ordinance and amendments".

(m)For the purpose of interpreting the UDO, certain words or terms are herein defined. Except as defined herein, all other words used in the UDO shall be defined in accordance with the American Planning Association (APA) A Planners Dictionary published April 1, 2004, as interpreted by the Community Development Director . For terms not found in A Planners Dictionary, words used shall be defined in accordance with Merriam-Webster's Collegiate Dictionary, 11th Edition, as interpreted by the Community Development Director .

Sec. D.1.2. Definitions.

For the purpose of interpreting the UDO, certain words and terms used herein shall be defined as follows and may be referenced in other Appendixes of the UDO:

A

Abandoned. A property that is vacant and is under a notice of default and/or notice of trustee's sale, pending tax commissioner lien sale and/or properties that have been subject of a previous foreclosure sale in which title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure and/or sale.

Abandoned Sign. Cessation for a period of six (6) months of the use of a sign by either the owner of the sign or the occupant of the property on which the sign is placed, or through the removal or relocation of the previous occupant of the property, or a sign that has ceased to be used for a period of six (6) months through the removal of its copy or the deterioration of its copy through lack of maintenance, but excluding temporary or short-term period of remodeling, refurbishment or maintenance of the sign.

Abutting. Having a common border with another lot or parcel. Rights-of-way or easements do not negate common borders.

Accessory Dwelling Unit. The accessory dwellings allowed per the provisions of article B.6, Permitted and Prohibited Uses.

Accessory Equipment (*telecommunications*). Any equipment serving or being used in conjunction with a wireless facility or wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

Accessory Facility or Structure (*telecommunications*). An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Accessory Structure. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Accessory Use(s). The uses allowed for Accessory Uses in article B.6, Permitted and Prohibited Uses.

Accessory Use (*sign*). A sign use which is authorized by virtue of a business operation on a particular site, which shall not require, by implication or otherwise, that the content of any such sign be in any way connected to said business operation.

Addition, Addition to an Existing Building. Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction"

Administrator. See Community Development Director.

Adult Day Care Center. A facility, whether operated for profit or not, that undertakes through its ownership or management to provide for less than 24-hour per day, basic adult day care or adult day health services to 3 or more adults, not related by blood or marriage, who require basic services. Includes any establishment that regularly provides adult custodial services.

Adult Entertainment and Sexually Oriented Businesses. See chapter 10 Amusements and Entertainments, of the County Code.

Agriculture. The science or art of cultivating the soil, harvesting crops, and raising livestock.

Agricultural Use(s). The specific uses listed as Agricultural Uses in article B.6, Permitted and Prohibited Uses.

Agritourism and Rural Tourism Use(s). The specific uses listed as Agritourism and Rural Tourism Uses in article B.6, Permitted and Prohibited Uses.

Agritourism. The activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education and/or active involvement in the farm operation. These activities link agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating supplemental income for the farm or ranch owner. Agritourism activities are linked directly to the primary agricultural use of the property and any recreation, education or active involvement in the farm operation is secondary and shall constitute only a percentage of the total working farm.

Agribusiness. The businesses collectively associated with the production, processing, and distribution of agricultural products.

Alley. A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration, Alteration of Building. Includes, without limitation, any enlargement or diminution of a building or structure; the addition, relocation, demolition, repair, remodeling, or change in number of living units; the development of or change in open space; the development of or change in a sign by painting or otherwise; other change in a facility. Alteration may also include any addition to or reduction of a building or moving a building from one (1) location to another. This definition shall, however, exclude ordinary maintenance for which no building permit is required, and painting except as provided herein for signs.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that are compatible with the natural setting and surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

Animated Sign. Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever. For purpose of this article, the transition of a message on a changing sign shall not be considered "animation”

Antenna. Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

Apartment. See Dwelling, Multi-Family.

Appeal. A request for a review of the Community Development Director’s or designee’s interpretation of any provision of this UDO.

Applicable Codes (*unsafe and unhealthy premises*). Any of the following: (I) any optional housing or abatement standard provided in O.C.G.A. § 8-2-1 et seq. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (ii) any fire or life safety code as provided for in O.C.G.A. § 25-2-1 et seq.; and (iii) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. § 8-2-1 et seq. after October 1 provided that such building or state construction codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Application (*telecommunications*). A formal request submitted to the local governing authority to construct, collocate, or modify a wireless support structure or a wireless facility.

Appraiser. A data collector or certified mass appraisal officer in the Troup County Property Appraisal Office.

Appraiser Parcel Number (APN). Also called assessor parcel number, an identification number assigned to a parcel by the Troup County Property Appraisal Office.

Appropriate Authority (*utilities*). Persons designated by the Board of Commissioners.

Area of Special Flood Hazard. The land located inside a floodplain subject to one (1) percent or greater chance of flooding in any given year.

Awning Sign. A sign imposed, mounted or painted upon an awning.

Awning or Canopy Sign. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Airport. The LaGrange-Callaway Airport.

Airport Elevation. The highest point of an airport's usable landing area measured in feet from sea level, which is 693.35 feet for the LaGrange-Callaway Airport.

Applicant (*telecommunications*). Any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.

Application (*telecommunications*). A formal request submitted to the local governing authority to construct or modify a wireless support structure or a wireless facility. An application shall be deemed complete when all documents, information, and fees specifically enumerated in the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, modification, or operation of wireless facilities are submitted by the applicant to the authority.

Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in article VII.

Approach, Transitional, Horizontal, and Conical Zones. These zones are defined as set forth in article VI.

Archaeological Site (*scenic corridors*). Ruins, artifacts, structural remains and other resources of types that cannot be commonly found throughout a region or in other places across the country, and/or physical evidence of historic or prehistoric human life or activity.

Area of Shallow Flooding. A designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1)-percent or greater chance of flooding in any given year. In the absence of official

designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in Sec. C.4.2(2).

Ashes. The residue from the burning of wood, coal or other combustible material.

Assisted Living Facility. A personal care home as defined in this UDO, but having 25 or more beds and which offers a range of accommodations from independent residential housing options to housing options with personal services. A residential use, which could otherwise be classified as multifamily, is to be considered an Assisted Living Facility if it is registered with or licensed by the State of Georgia as an assisted living home. Any facility licensed by the State of Georgia as a facility offering a contract to provide an individual of retirement status, other than an individual related by consanguinity or affinity to the provider furnishing the care, with board and lodging, licensed nursing facility care and medical or other health related services is a subtype of assisted living facility to be described as a Continuing Care Retirement Community (CLC). The inclusion of skilled nursing care in a CLC under a certificate of need issued by the State of Georgia shall be considered part of the assisted living facility and shall not be deemed to be a separate use. Any dwelling, facility or structure which for any reason is not required to be licensed by the State of Georgia as an assisted living home, or fails to be licensed by or registered with the State of Georgia as an assisted living home but, which through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one (1) or more personal services for any person and which also provides beds for 25 or more persons, who are not related to the owner or administrator by blood, marriage or adoption, shall also be considered an assisted living facility for the purpose of this definition. This definition shall apply without regard to whether any fee charged is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a “child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3, as amended, with 25 or more beds shall also be considered an assisted living facility.

B

Banner. Any sign of lightweight fabric or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Barn. An agricultural building used for storage and as a covered workplace. It may sometimes be used to house animals or to store farming vehicles and equipment. Barns are most commonly found on a farm or former farm. See also "Accessory Structure"

Base Flood. The flood having a one (1)-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one (1)-percent chance of equaling or exceeding that level in any given year.

Basement. That portion of a building having 50 percent or more of its exterior wall height below grade. A basement is not counted as a story for the purpose of height regulation. The entire wall area of each basement wall will be calculated and 50 percent or more of the cumulative area must be below grade.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same parcel or lot as the light source; or any light with one (1) or more beams that rotate or move in any direction.

Bed and Breakfast. An owner-occupied single-family dwelling where, for compensation, overnight lodging or overnight lodging and a breakfast meal is provided to guests, pursuant to a permit issued in accordance with applicable State law.

Berm. An earthen mound designed to provide visual interest, screening, noise reduction or fulfill other such uses.

Best Management Practices (BMPs) (*soil erosion*). These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land disturbing activity was permitted.

Block. A piece or parcel of land entirely surrounded by public highways roads or streets (or private roads and streets built to public standards), other than alleys. In cases where the platting is incomplete or disconnected, the UDO Administrator may determine the outline of the block.

Block Face. The side of a block located between two (2) intersecting roads or streets.

Board (*soil erosion*). The Board of Natural Resources.

Board of Commissioners. The Board of Commissioners of Troup County, Georgia.

Boarders. A person who occupies a bedroom or room as a lodging unit within a dwelling unit, boarding house, rooming house, or lodging house on a long-term residential basis for a consideration and where meals may be provided by the owner or operator.

Boarding House. A residential structure where, for compensation, and by prearrangement, meals and/or lodging are provided for three (3) or more guests, not to exceed 10 guests.

Board of Zoning Appeals and Planning Commission. This is a legally established body by Troup County that hears variances, and reviews subdivisions and the Troup County Comprehensive Plan. This body also makes recommendations to the Board of Commissioners on zoning changes and special uses.

Bond, Maintenance. Any form of security (including a cash deposit, surety bond or letter of credit) obligating funds for the purpose of insuring the maintenance of required and approved improvements to a subdivision.

Bond, Performance. Any form of security (including a cash deposit, surety bond or letter of credit) obligating funds for the purpose of insuring the completion of required and approved improvements to a subdivision.

Boundary Tree. A tree located on adjacent property in proximity to a boundary line of subject project.

Breeding Places. A mound or mass of construction debris, garbage, trash, cut vegetation or woody material.

Buffer (*soil erosion*). The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer, Landscape. A landscape buffer is an area of natural/planted vegetation and/or man-made construction that is intended to provide a visual and dimensional separation between dissimilar land uses.

Buffer, Natural. A visual screen created by undisturbed vegetation of such density so as to present an opaque visual separation when viewed from one (1) side to the other throughout the year.

Buffer, Structural. A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with existing or planted vegetation, so as to present an opaque visual separation when viewed from one (1) side to the other throughout the year.

Building. Any structure used for the habitation or assembly of humans or animals or any structure used for the manufacturing, assembly, storage or sale of goods. The term "building" shall include any addition to an existing building in such manner as to increase its capacity for the habitation or assembly of humans or animals or for the manufacture, assembly, storage or sale of goods.

Building Setback Line. The distance as measured perpendicularly from either the front, side or rear property line to the principal building on the parcel.

Building Code. The Standard Building Code, Standard Gas Code, Standard Mechanical Code and Standard Plumbing Code, and National Electrical Code.

Building Contractor (*County emergency management*). Any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto.

Building Façade. A building wall fronting a thoroughfare that constitutes any side of a structure or building.

Building Façade, Primary. The building facade representing the "front" of the building, complete with the primary pedestrian entrance.

Building Height. The vertical distance of a building measured from the average elevation of the finished lot grade to the highest point of a building.

Building Line. The line that represents distance a building or structure shall be set back from a lot boundary line or a road or street right-of-way line or a road or street centerline according to the terms set forth in this ordinance.

Building Nameplate. A small plaque, usually made of metal or wood, affixed flush to an exterior wall near the main entrance to a building.

Building, Principal. A building in which the primary use on any particular lot is conducted. Example: In a residential district a dwelling unit is considered to be the principal building on that lot of land. The term "building" may also refer to a historically related complex such as a courthouse and jail or a house and barn.

Building Sign. A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, canopy, awning or marquee of a building.

Business or Professional Office. Including, but not limited to lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system sales.

Business Support Services. Supporting services provided to businesses which are characterized by one (1) or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines.

C

Cabin. A small one (1)-story structure designed for temporary, intermittent use or lodging for vacation, recreation or as a base for hunting or fishing.

Caliper. The diameter of a tree (usually nursery stock) measured at a point six (6) inches above the ground or top of root ball for up to and including four (4)-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Camouflage (or Stealth). Disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.

Canopy Sign. A sign affixed to, superimposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.

Canopy. Any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements. A canopy shall include all structures commonly known as awnings.

Capital Improvement. An improvement with a useful life of 10 years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital Improvements Element. That portion of the Troup County Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the Board of Commissioners.

Carport. A roofed structure for the storage of vehicles with no more than two (2) walls.

Cellar. That portion of a building between floor and ceiling which is wholly below grade or having more than ½ of its height below grade. A cellar is not counted as a story for the purpose of height regulation.

Cemetery, Private. A cemetery located on privately owned property which is intended to be used for the burial of human remains by members of an identifiable class of persons that can be reasonably distinguished from the general public or citizenry, and which may not be used for the burial of members of the general public or citizenry.

Certificate of Appropriateness. A document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Certification or Certified. A determination made by a certifying agent that a profession, service, production or handling operation is in compliance with the governing law or act and the regulations in this part.

Certified County Arborist "Arboris"). An ISA certified tree professional responsible for reviewing tree preservation and replacement plans, etc., to include developing arboricultural standards relative to tree care, protection, construction impacts and administrative guidelines for ordinance as well as the determination of tree removal in public places.

Certified Personnel (*soil erosion*). A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once a day shall be considered a changing sign for purposes of this ordinance.

Changing Sign (Digital Multiple Message). A sign that is capable of changing the visible display of words, numbers, symbols, graphics and/or position or format of word messages or other displays when such changes are actuated by any type of remote control or automatic mechanism rather than manually. Changing signs shall include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electronic lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, back lighting, or any other light source that is electronically changed. Any changing sign that includes both mechanical and electronic elements shall be regulated as an electronically changing sign. A sign that changes no more frequently than once every twenty-four (4) (24) hours shall not be considered a changing sign.

Christmas Tree Farm/Cut Your Own. A working farm that grows various types of trees used in celebrating Christmas where sales are made directly to the public and where the customers cut their own trees.

Church. A building where persons regularly assemble for religious worship intended primarily for purposes connected with such worship.

Clinic. A clinic is an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians or dentists practicing together.

Closing (*unsafe and unhealthy premises*) means causing a dwelling, building or structure to be vacated and secured against unauthorized entry.

Club or Lodge. Building(s) and facilities owned or operated by a corporation, association or other legally established groups of persons for social, fraternal, civic, cultural, literary, political, educational or recreational purposes operated for the benefit of its members and not open to the general public. This includes not for profit and for profit organizations.

College, University, and Professional Schools. An institution of higher learning that includes seminaries, and related professional offices and businesses.

Collocation. The placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Commercial Livestock Farming. Commercial livestock farming or large scale farming includes operations involving poultry, equine, swine, cattle (beef or dairy), goats, sheep, or other livestock raised or maintained primarily for commercial purposes, including sale, breeding, boarding, production of meat, dairy products, fiber, or other agricultural commodities, or any livestock operation in which livestock products, including meat, milk, eggs, fiber, or other commodities, are produced regularly and primarily utilized by individuals or entities who do not reside on the property.

Commission (*soil erosion*). The Georgia Soil and Water Conservation Commission (GSWCC).

Common Open Space. Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any roads, streets or public or private rights-of-way, or yard areas or landscape areas located on private property.

Community Development Director. An official appointed by the County Manager, acting individually or through a designee authorized to perform duties on their behalf. Such

designees may include, but are not limited to, the Chief Marshal, Building Official, Building Inspector, Zoning Coordinator, Planner, or other personnel under the supervision of the Community Development Director.

Complete Application (*telecommunications*). An application containing all documents, information, and fees specifically enumerated in or required by the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

Commencement of Construction for Private Development. Initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Commercial Impracticability or Commercially Impracticable. The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a financial return on investment or profit deemed satisfactory by an applicant may be considered, but, standing alone, shall not deem a situation to be "commercial impracticable" and shall not in and of itself render an act or the terms of an agreement "commercially impracticable."

Commercial Recreational Vehicle Park. Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters.

Commercial Sign. A sign which identifies, advertises or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.

Commercial Use(s). The specific uses listed as Commercial Uses in article B.6, Permitted and Prohibited Uses.

Commercial Vehicle. Any vehicle used to transport goods or passengers for the profit of an individual or business. Examples include pickup trucks, box trucks, semi-trucks, vans, coaches, buses, taxicabs, trailers and travel trailers.

Community Water System. Any system approved by the Troup County Health Department and the Georgia Department of Natural Resources that provides a central water supply to a number of housing units.

Comprehensive Plan. The Troup County Plan or planning elements as adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. §§ 50-8-1

et seq.) and the applicable minimum standards and procedures for local comprehensive planning as adopted by the Georgia Board of Community Affairs.

Comprehensive Plan Character Area Map. The map entitled Character Area Map and contained within the Comprehensive Plan.

Concept Plan. A generalized plan indicating the boundaries of a tract or tracts of land and identifying proposed land use, use intensity, and thoroughfare alignment.

Conditional Zoning. The imposition of conditions in the granting of a zoning change application that are in addition to or different from the regulations set forth in this zoning ordinance and that (1) relate to the mitigation of negative impacts of the zoning change on surrounding property, and (2) relate to the promotion of the public health, safety, morality or general welfare.

Condominium. A multiple attached or detached unit or development containing individually owned units and jointly owned and shared areas and facilities.

Confined Animal Feeding Operation. A building or fenced enclosure designed and used for the holding or fattening of animals in preparation for market. It does not include pasturing animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: Horses, one (1) per 43,560 square feet (acre); cow, one (1) per 43,560 square feet; sheep or goat, one (1) per 20,000 square feet; fowl, 20 per 43,560 square feet.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (1) for a horizontal distance of 4,000 feet.

Construction. The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building, and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

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 non-putrescible wastes which have a low potential for groundwater contamination.

Consumer Fireworks. Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations. The definition also includes Roman candles.

Consumer Fireworks Retail Sales Facility. A permanent or temporary building or structure that is used primarily for the retail display and sale of consumer fireworks to the public (NFPA 1124, 3.3.29.1); provided, however, that such term shall not include a tent, canopy or membrane structure.

Consumer Fireworks Retail Sales Stand. A temporary or permanent building or structure that has a floor area not greater than 800 square feet, other than tents, canopies, or membranes structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

Convenience Store with Self-Service Fuel Sales. Any retail establishment offering for sale automotive and heating fuels, pre-packaged or on site produced food products, beverages, household items and any other goods commonly associated with convenience stores. See also “Service Station.”

Copy (*sign*). The permanent or removable wording or graphics placed on, painted upon, or bonded to the display surface of a sign.

Corridor. A transportation path that leads into, out of, or through an activity area and includes all properties as delineated on the official Zoning Map which are adjacent to the path.

Corridor (*watershed protection*). All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

County. Troup County, a legal subdivision of the State of Georgia.

County Engineer. The individual appointed Troup County Engineer by the Board of Commissioners.

County Inspector. A qualified person or persons designated by the County Commissioners to review specifications and inspect construction.

County Road. Any County owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles. For the purposes of this UDO, the term “County road” includes all area within the County road right-of-way, including but not limited to, the travel surface, the shoulder, front slope, ditch, drain, back slope, and any facility or appurtenance.

County Road System. Those official County roads identified and shown on the official Troup County list and map of roads and streets.

CPESC. Certified professional in erosion and sediment control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Creditor. A person or entity to whom a debt is owed or who has a right to require the fulfillment of an obligation or contract, wherein said debt or right is secured by a deed to secure debt, deed of trust or other instrument conveying a lien upon or security title to real property.

Critical Facility. Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants, and other principal points of utility lines.

Cul-de-sac. A road or street intersecting another at only end and designed to be permanently terminated by a vehicular turnaround as specified in these regulations.

Curb Cut. Any interruption, or break, in the line of a road or street curb in order to connect a driveway to a road or street, or otherwise to provide vehicular access to abutting property.

Curfew. A curfew is a regulation requiring the withdrawal of all persons, except exempt individuals, from appearing in prohibited public areas during specified hours.

Cut (*soil erosion*). A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as "excavation”

D

DAS or Distributive Access System. A technology using an antenna combining technology allowing for multiple carriers or wireless service providers to us the same set of antennas.

Day. A calendar day, unless otherwise specifically identified as a "word" day or other designation when used in the text.

Day care facility. A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is provided to a given individual for less than 24 hours a day. Day care includes the following:

(1) Adult day care center;

(2) After-school program;

(3) Day care center;

(4) Family day care home (commercial use for three (3) to six (6) children under the age of 18); and

(5) Nursery school.

Dead Tree or Plant. Any living plant material that has lost 33 percent or more of its branches or leaves, as determined by the planning director or other qualified designee, shall be considered dead.

Deck. A roofless accessory attached or detached platform without exterior walls generally constructed of wood and adjoins a principal building. Rails or safety features shall not be deemed to be exterior walls.

Deed Restrictions/Private Covenants. Private stipulations running with the land, usually pertaining to residential or commercial subdivisions that govern such matters as lot size, minimum floor area, uses permitted and architectural design. Generally, these are stricter than the minimum standards set forth in zoning district in which the subdivision is located. Troup County assumes and shall have no responsibility to enforce deed restrictions/private covenants.

Demolition. Demolition means the complete removal of structure or a scope of construction (alteration, addition, renovation or reconstruction) of a structure where only the foundation of the original structure remains.

Density. This term refers to the intensity of land use for a total project.

Density Factor (*tree preservation*). A unit of measure used to prescribe the calculated tree coverage on a site.

Department (*soil erosion*). The Georgia Department of Natural Resources (DNR).

Design Professional (*soil erosion*). A professional licensed by the State of Georgia in the field of: Engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Developed Property. Property upon which a structure has been erected which requires permanent location on the ground or which is attached to something having permanent location on the ground.

Developer. Any person or legal entity undertaking development.

Developer (*utilities*). Any person, including any agent or construction contractor, who wishes to construct new water lines in the unincorporated areas of the County.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; the connection of any building or structure to a public utility buildings or other structures; or mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Development Approval. Written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development Impact Fee. The payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Development of Regional Impact (DRI). Private and some public developments that, because of location, scale use type or public service demand or any combination of the same, could affect the growth, development or quality of life of the region. This is a state regulated process and no zoning changes or issuance of permits may proceed until this process is completed per state guidelines.

Developer. Any person, corporation or other legal entity that acts in their/its own behalf or as an agent of any owner of property and engages in alteration of land or vegetation in preparation of construction activity on a parcel of land.

Diameter Breast-Height (DBH). The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, the trunk is measured at its most narrow point beneath the split.

Dilapidated or Neglected Signs. A sign (including sign structure) is dilapidated or neglected if it manifests the following conditions: rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating.

Dinner on the Farm. A working farm (usually organic farm products) where meals are prepared for members of the general public from products of the working farm.

Directory sign. A sign, distinguished from a project entrance sign, which is allowed on a premises with more than one (1) tenant or occupant of a building. It may be freestanding or a building (wall) sign. Such signs are not usually visible from the public road or street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle.

Disaster. Any natural, technological, civil emergency or threat thereof that causes or has the potential to cause damage of sufficient severity and magnitude to result in a declaration of a state of emergency declared by a County, the governor or the President of the United States.

Dissolve (*sign*). A mode of message transition on a changing sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Distillery. Any place or premises where any process of distillation whatever of spirits is carried on, or where any process of rectification of spirits is carried on, or where any spirits are manufactured or produced from any substance whatever by any process other than fermentation.

District (*soil erosion*). The Roosevelt Soil and Water Conservation District.

Division (*soil erosion*). The environmental protection division (EPD) of the department of natural resources.

Dock. A structure built or floating upon water and used as a landing for boats or other marine craft, fishing, swimming and other recreational uses.

Doing Business as *County Emergency Management* Any building contractor who:

(1) Operates an office, agency, project site or place of business located in the unincorporated areas of the County, whether permanently, temporarily, periodically, or otherwise, that, in the unincorporated areas of the County, engages in activities expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or

(2) Performs, in the unincorporated areas of the County, activities expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto, regardless of the location of the principal office of the building contractor.

Dormitory. A building intended or used principally for sleeping accommodations where such building is related to educational, facilities, public or private, and religious facilities.

Double-Faced Sign. A sign structure with two (2) sign faces that are parallel (back-to-back) or that form an angle to one (1) another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or pumping.

Drainage Structure (*soil erosion*). a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood-control purpose.

Drinking water. Water supplied for domestic use or human consumption, meeting the maximum contaminant levels established by the state.

Drip Line. A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Drive-in. A retail or service enterprise wherein service is provided to the consumer on the outside of the principal building by means of driving to a window and through a designated route.

Drug Crime. An act which is a violation of O.C.G.A. § 16-13-20 et seq., known as the "Georgia Controlled Substances Act”

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwellings, Buildings, or Structures. Any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term dwellings, buildings or structures shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Dwelling, Multiple-Family. A building designed for or occupied exclusively by three (3) or more families.

Dwelling, Primary. A dwelling contained within a principal structure.

Dwelling, single-family. A building designed for or occupied exclusively by one (1) family. For the purposes of this UDO, developed land may be classified as a single-family dwelling unit despite the presence of incidental and/or accessory structures associated with residential uses such as garages, carports or small storage buildings, accessory dwellings. Single-family dwelling units shall not include developed land

containing structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple-family residential units that are individually owned but are located on a single parcel of developed land, such as condominiums and cooperatively-owned apartments.

Dwelling, single-family attached. A single-family dwelling building type designed to accommodate two (2) dwelling units that share a common wall along the lot line between the two (2) lots.

Dwelling, single-family detached. A single-family dwelling building type designed to accommodate one (1) dwelling unit on an individual lot with yards on all sides.

Dwelling, Townhome. A type of single dwelling unit connected to similar units.

Dwelling, Two-Family. A building designed for or occupied exclusively by two (2) families.

Dwelling Unit. One (1) or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

E

Easement. A grant by a property owner of the use of land by the public, a corporation, or persons for purposes such as the construction, maintenance of, or access to utilities, drainage ways or roadways. An easement may be a portion of a lot, generally along lot lines, for the purpose of access to maintain utility structures, drainage and other purposes. No permanent structures shall be built by the owner on said easements. An easement cannot be used for access to other private property in lieu of public road frontage except as specifically allowed in the Zoning Ordinance.

Educational Demonstrations (*agritourism*). Demonstrations that teach the ability to create a product where raw materials are grown from a working farm.

Elevated Building. A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation, perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Eligible Facilities Request. Any request for modification of an existing wireless tower or base station that does not result in a substantial change in the physical dimensions of an eligible support structure and which the applicant asserts is subject to review under

Section 6409 of the Spectrum Act and involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

Eligible Support Structure. Any tower or base station existing at the time an application is filed with the governing authority in which the applicant asserts is subject to review under Section 6409 of the Spectrum Act.

Emergency (*County emergency management*). Any natural or manmade event requiring the activation of the Local Emergency Operations Plan.

Emergency Management (*County emergency management*). The preparation for the carrying out of all emergency functions other than functions for which military forces are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies, energy emergencies, disasters, or the imminent threat thereof, of manmade or natural origin. These functions include, without limitation, firefighting services; police services (public safety); medical and health services; rescue; engineering; warning services; communications; defense from radiological, chemical, and other special weapons; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; (nuclear power) plant protection; temporary restoration of public service utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. (Georgia Emergency Management Act of 1981, O.C.G.A. Ch. 3, Art. 1, § 38-3-3, as amended December 1992)

Encumber. To legally obligate by contract or otherwise commit to use by appropriation or other official act of Troup County, Georgia.

Enforcement. Any law enforcement officer, marshal, Community Development Director, fire inspector or code enforcement officer employed by or working on behalf of the County.

EPD. The State Environment Protection Division, Department of Natural Resources.

Equipment Compound. An area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan. A plan required by the Erosion and Sedimentation Act, O.C.G.A. Ch. 12-7, that includes, as a minimum, protections at least as stringent as the state general permit, best management practices, and requirements in article C.3.

Excess Capacity. That portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Exempt Individuals (County emergency management). Unless otherwise specified in the resolution implementing the curfew, exempt individuals include those individuals engaged in the provision of or receipt of designated, essential services, such as fire protection, law enforcement, emergency medical services and hospital services, military services, and utility emergency repairs. The resolution may, in the discretion of the Board of Commissioners, also exempt other individuals including regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, and building contractors (properly registered according to article C.5 and performing activities pursuant to that article).

Existing Grade. This term shall refer to the vertical location of the ground surface prior to cutting or filling.

Existing Manufactured Home Park or Subdivision (*floods*). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of roads or streets, and final site grading or the pouring of concrete pads) is completed before July 3, 2012.

Expansion to an Existing Manufactured Home Park or Subdivision (*floods*). The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of roads or streets, and either final site grading or the pouring of concrete pads.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a building, structure or object including, but not limited to, the kind of texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior Environmental Features (*historic*). All those aspects of the landscape or the development of a site which affect the historical character of the property.

Exterior Insulated Finish System (EIFS). Block wall with insulated architectural finish.

Externally Illuminated Signs. Signs illuminated only by an artificial light source that is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer.

Existing Construction (*floods*). For the purposes of determining rates, structures for which the "start of construction" commenced before December 5, 1990.

Extended-stay hotels/motels. A hotel or motel containing 10 or more sleeping rooms used for temporary occupancy of transients and containing cooking facilities in more than 50 percent of the individual rooms.

F

FAA. The Federal Aviation Administration, or its duly designated and authorized successor agency.

Fabricating. The process of assembling a finished product using standardized parts.

Façade. See Building Façade.

Face (*sign*). That portion of a sign upon which the copy is placed, attached, bonded, or painted.

Fade (*sign*). A mode of message transition on a changing sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

(1) Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly-authorized custodial relationship; or

(2) A maximum of three (3) unrelated persons;

For the purpose of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period; or receives mail at the dwelling unit; or lists the dwelling unit as his or her home address on any documents. The term "family" does not include any society, club, fraternity, sorority, association, lodge, institutional group or like organization.

Family Day Care Home. A private residence operated by any person who received therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, three (3) but not more than six (6) children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

Farm Retail Sales. A working farm where products produced on the farm are sold directly to the public.

Farm Tours. Tours where members of the public are shown working farm operations and teaches the attendees about farm processes.

Farm, Working. Any operation that sells at least $1,000 of agricultural commodities or that would have sold that amount of produce under normal circumstances. Working farms are also defined as those that have a valid farm number issued by the Farm Service Agency.

Farmer's Market. A farmers market (a.k.a. greenmarket) is a place where a group (more than five (5)) of farmers sells their products directly to consumers. Ultra-fresh produce, pastured meat and eggs, artisan cheeses, hand-harvested honey, and other fresh, small-batch foodstuffs are the hallmark (and benchmark) of the best farmers markets. They serve not just as a place for farmers to get the best price and consumers to get the best products, but as venues for producers and consumers of food to come together, forge relationships, and exchange information. Farmers markets are subject to all state health regulations and any other requirements from the state regarding the sale of food and produce.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

Feather Banner. (Blade sign, feather sign, teardrop sign and flag sign). A banner made from lightweight material and attached to a pole that is designed to wave in the wind.

Fee payer. That person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees which is required by this article has been expressly transferred or assigned to the successor in interest.

Fence. (1) A freestanding structure designed to restrict or prevent movement across or to establish a boundary. (2) A barrier constructed of any uniform, rigid material or similar materials including chain link (black, green or aluminum) or normal, customary agricultural material for containing farm animals and delineating property lines. (3) A solid barrier for the purpose of providing a screen from public view stored materials, business operations. This solid barrier shall not be constructed with any material that is considered cloth. Plastic material that is flexible is also not considered a solid barrier material.

Festoons. Strings or ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other device or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

Filth. Foul, rotten or putrid matter which causes offensive odors and creates unhealthy conditions.

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization. All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of riprap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: Planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flag (*sign*). Any fabric or bunting containing colors, patterns, words, emblems or logos used as a symbol of a government or other entity or organization.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study. The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain. Any land area susceptible to flooding.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. Floor area is calculated as follows:

(1) Non-residential uses. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including:

(a) Attic space providing headroom of less than seven (7) feet;

(b) Cellar space not used for retailing;

(c) Uncovered steps or fire escapes;

(d) Accessory water towers or cooling towers;

(e) Accessory off-street parking spaces; and

(f) Accessory off-street loading berths.

(2) Residential uses. In a residential dwelling, the gross horizontal areas of the floors of a dwelling including:

(a) Attics with a headroom or vertical height between floor and ceiling of seven (7) feet or greater and served by a permanent stair;

(b) Attached garages;

(c) Garages located in basements; and

(d) Other conditioned and enclosed areas.

(3) Residential dwellings. In a residential dwelling, basements, cellars, open porches, balconies and decks do not count towards the floor area maximum. Floor area shall be measured from the exterior faces of the exterior walls.

(4) Accessory Buildings. In accessory buildings and structures the gross horizontal areas of the several floors of an accessory building and other enclosed areas. Floor area shall be measured from the exterior faces of the exterior walls.

Floor Area Ratio. The floor area ratio (FAR) is a ratio of the floor area of a building divided by the lot size. It is a measure of the bulkiness of the building.

Foot-candle. A unit of measure for illuminance on a surface that is everywhere one (1) foot from a point source of light of one (1) candle, and equal to one (1) lumen per square foot of area.

Foreclosed Real Property. Real property that is subject to any process under O.C.G.A. tit. 44 whereby a grantor of a secured debt in real property is divested of all rights to said real property and title to the real property is not sold in an arms-length transaction but retained by a creditor or mortgagee after a foreclosure sale or proceeding or transferred to a creditor or mortgagee pursuant to a deed in lieu of foreclosure.

Form (*foreclosed registry*). The foreclosed or vacant property registration form created by the Georgia Department of Community Affairs registry.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Freestanding Sign (Permanent). Any sign (including any associated supporting materials) which is independent from any building and is entirely supported by structures that are permanently placed on or in the ground. The term "freestanding sign" includes but is not limited to the following: Monument signs and pole, pylon or stanchion sign.

Freestanding Sign (Temporary). A sign device, not otherwise specifically defined and permitted in this ordinance, which involves the expression of any idea. Temporary freestanding sign shall not be in the form of a banner.

Frontage. That dimension of a lot measured along the front public road or street line. If said front road or street line is curved, then the dimension along the chord of the arc.

Frontage, Building. The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage, Road. The width in linear feet of each lot where it abuts the right-of-way of any public road or street.

G

Garage, Mechanical/Repair. Building(s) and premises designed or used for the purpose of providing services of maintenance, minor repair, washing, adjusting, equipping and/or major commercial repair of motor vehicles provided the body work and painting shall be conducted within fully enclosed buildings and provided further that the storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible from any public road or street or adjoining property. A mechanical garage that provides for

the storage of vehicles for the purpose of salvaging parts for sale, repair or recycling shall be classified as a junk yard.

Garage, Private. An accessory building or portion of a principal building used only for private storage of permitted motor vehicles.

Garbage. Putrescible animal and vegetable wastes resulting from the preparation, cooking and serving of food and the storage and sale of produce, tin cans, glass, paper or other containers and newspapers.

Gasoline station. A building, lot, structure, or facility having pumps and storage tanks where fuel, gasoline, oil or other similar products are dispensed, sold or offered for sale at retail only; vehicle repair service is minor and incidental and shall include accessory uses such as car washes and convenience stores.

GDOT. The Georgia Department of Transportation.

Governing Authority. Troup County, Georgia.

Government owned public water system. The system which provides piped water to the public for human consumption. Such term includes any collection, treatment, storage, and distribution facility, located in the unincorporated areas of the County and owned by and authorized by governmental agencies.

Grade or grade plane. The average level of the finished ground surface adjacent to the exterior walls of a building.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Grass Crete or Grasspave. A paving system primarily used for parking that utilizes porous elements which facilitate the drainage of stormwater runoff.

Greenspace. Space that is available for entry and use by the occupants of the building or group of buildings related to a subdivision or development. Greenspace is space so located and treated so as to enhance the overall development and its surroundings through landscape features. Greenspace may include lawns, decorative plantings, sidewalks, walkways, bike paths, children’s playgrounds, parks, play fields, passive recreation areas, active recreation areas, golf courses, tennis courts, fountains, swimming pools, and accessible wooded areas maintained free of undergrowth, ponds and streams. Greenspace shall not include parking lots, buildings, roofed structures, paved areas, stormwater detention ponds designed for use in wet weather cycles, roads, streets, overgrown inaccessible unmaintained lowlands or woodlands or other feature that represents no value or enhancement of the quality of the living environment for those ultimately using the development.

Greywater. Wastewater obtained from domestic sinks and tubs, but excluding plumbing wastes streams containing bio-wastes such as toilets.

Gross Floor Area (GFA). The sum (in square feet) of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six (6) feet, six (6) inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area calculations. For purposes of trip generation and parking generation calculations, the GFA of any parking garages within the building should not be included within the GFA of the entire building. The unit of measurement for office buildings is currently GFA; however, it may be desirable to also obtain data related to gross rentable area and net rentable area. With the exception of buildings containing enclosed malls or atriums, gross floor area is equal to gross leasable area and gross rentable area.

Ground Elevation. The original elevation of the ground surface prior to cutting or filling.

Ground Floor. Any building floor located within five (5) vertical feet of the adjacent front yard or sidewalk along the primary façade.

Groundwater. Water obtained from wells and used as a source of water supply.

Group Living. Residential occupancy of a structure by a group of people that does not meet the definition of family. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

(1) Social services;

(2) Assisted living facility, nursing home;

(3) Monastery, convent;

(4) Personal care home; or

(5) Rooming house, boarding house.

H

Halo Illumination Signs. Signs with illumination where the source of light is external and integral to the sign structure; where the resultant illumination radiates toward the

viewer, is interrupted by the opaque sign structure, letters, or symbols, and back lights the message area.

Handicapped. Shall mean as such term is defined in the Fair Housing Act, 42 U.S.C. 3602(h), and shall mean:

(1) A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or (2) A record of having such an impairment; or (3) Being regarded as having such an impairment, but such term does not include the current, illegal use or addiction to a controlled substance of the current addiction to alcohol.

Hanging Sign. Any sign which is attached to and projects down or hangs from a roof, canopy, or projecting attachment to a wall.

Hardship Variance. A condition that shall be considered to exist only when one (1) of the following applies to a particular lot or parcel of land. (1) The owner/applicant cannot comply with one (1) provision of the ordinance without violation of another provision of this ordinance; (2) The topography of the land or shape of the lot or parcel precludes compliance with requirements of this ordinance. In order to be a hardship, the condition alleged to be a hardship must not have been created by the owner/applicant's own acts and must consist of more than an alleged economic burden in the use and/or development of a particular lot or parcel of land. See also "Special Exception Variance."

Harvesting. The cutting of standing timber for the purpose of removal and transportation.

Harvesting Operations. The harvesting of any standing timber in any unincorporated areas of the County for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant located inside or outside the State of Georgia.

Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous Waste or Hazardous Material. Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological waste; highly flammable or explosive waste; toxic waste; sewage, sludges and other waste materials determined to be a likely hazard to the public health, safety or environment, except radioactive waste materials as provided for in rules for the State Department of Human Resources, Chapter 270-5-20, entitled "Radioactive Materials." Hazardous waste shall also include ignitable, corrosive, reactive or toxic materials, infectious waste, nuclear or radioactive materials, and liquid waste. In this regard, the term "ignitable waste" shall be defined as waste that has a flashpoint at a temperature less than 140 degrees Fahrenheit, causes a fire by friction under normal circumstances or is an oxidizer. The term "corrosive waste" is defined as waste with a pH of 2.0 or less or 12.5 or more. The term "radioactive waste" is defined as waste that is normally

unstable, reacts violently with water, forms an explosive mixture in water, contains quantities of cyanide or sulphur that could be released to the air, or can easily be detonated or exploded.

Heavily Landscaped Area. An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25 percent of its area covered in turf (seed or sod). The remaining 75 percent shall contain shade trees (two (2)-inch caliper minimum), flowering trees (one (1)-inch caliper minimum), evergreen shrubs (three (3)-gallon minimum), deciduous shrubs (three (3)-gallon minimum), and perennials or non-turf groundcovers (2½ inch pot minimum). All plant materials shall be mulched.

Height (*airport)*. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

Height (telecommunications). When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

Heliport Primary Surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic Area (*commercial and industrial corridors).* A geographically definable area that possess form, character, and visual qualities derived from arrangements or combinations of topography, vegetation, space, scenic vistas, architecture, appurtenant features, or places of natural or cultural significance, that create an image of stability, comfort, local identity, and livable atmosphere, and which is listed and described within this article, and further delineated on the official Zoning Map.

Historic Quality (*commercial and industrial corridors*). Legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir appreciation of the past.

Historic District. A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or

history. A historic district shall further mean an area designated by the Board of Commissioners as a historic district pursuant to the criteria established in article C.15.

Historic Property. An individual building, structure, site or object including the adjacent area necessary for the proper appreciation thereof which is designated by the Board of Commissioners as a historic property pursuant to the criteria established in article C.15.

Historic Site. The location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Historic Structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(e) By an approved state program as determined by the Secretary of the Interior; or

(f) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An occupation or profession for gain or support conducted entirely within a dwelling and carried on solely by a resident or residents of the household, unless otherwise provided for in this UDO, and that is clearly incidentil and secondary to the principal use of the dwelling for residential purposes.

Home site. That portion of any lot or parcel of land covered by any structure, including but not limited to septic systems and reserve area, wells, buildings, pools, driveways and parking.

Horizontal Surface (*airport*). A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

Hospital. A facility for the diagnosis, care and treatment of physical and mental illness, which has in-patient overnight facilities. Supporting functions such as specialized clinics, out-patient care, recuperative care, and hospice services shall be considered a part of

normal hospital operations. A hospital shall have a staff of qualified doctors, registered nurses and other supporting staff.

Hotel and Motel. A building in which separate sleeping rooms are rented which provide sleeping accommodations for a total of more than 15 persons on either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel or by any other name.

Houseboat. A floating structure which extends beyond the ordinary high-water mark of a navigable water way and is retained in place either by rope or cables to the shoreline or by anchors or spud poles attached to the bed of the waterway that is used or intended for human habitation either temporarily or permanently.

Household Laundry Detergent. A laundering, cleaning compound in liquid, bar, spray, tablet, flake, powder, or other form used for domestic clothes cleaning purposes. The term "household laundry detergent" shall not mean:

(1) A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner or other substance that is intended to be used for non-laundry cleaning purposes;
(2) A detergent used in dairy, beverage or food processing for cleaning equipment;
(3) A phosphorus acid product, including a sanitizer, brightener, acid cleaner or metal conditioner;
(4) A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities, or in agricultural production;
(5) A detergent used by industry for metal cleaning or conditioning;
(6) A detergent manufactured, stored or distributed for use or sale outside of the state;
(7) A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory or engineering laboratory; or
(8) A detergent used in a commercial laundry that provides laundry services for hospitals, health care facilities, or veterinary hospitals.

I

Ice cream truck. 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 roads and streets of the County.

Illuminated Signs. Signs that include, but are not limited to the following: Internally illuminated signs, externally illuminated signs, hall illumination signs, and neon sign.

Impervious Surface: A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Improvement. Any manmade, immovable item which becomes part of, is placed upon, or is affixed to the land.

Improvement, Development or Single Development (*watershed protection*). Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Incidental Sign. A small sign, emblem, or decal no larger than two (2) square feet in area. Such signs are normally located on doors, windows, and gas pumps, or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.

Individual Assessment Determination. A finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

Individual Assessment Study. The engineering, financial, or economic documentation prepared by a fee payer or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Industrial Park. A tract of land subdivided and developed according to a development plan in a manner that provides a park-like setting for industrial uses.

Industrial Use(s). The specific uses listed as Industrial Uses in article B.6, Permitted and Prohibited Uses.

Industrial Waste. Waste materials generated in industrial operations.

Industrialized Building. A term used in Georgia, "industrialized building" replaces the now obsolete term "Factory-Built Housing" and describes certain manufactured housing regulated by the Georgia Department of Community Affairs. Georgia law defines industrialized buildings as "any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof." Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act," Georgia Law 1982 (O.C.G.A., Title 8, Chapter 2, Article 2, Part 1). An industrialized building shall meet all requirements of the zoning district in which it is located. The term shall also include modular home and systems built home or unit..

Inflatable Sign. A sign or similar device that is intended to be expanded by pressurized air or other gas or by mechanical fan for its proper display or support.

Inoperable Vehicle. Includes, but is not limited to, any automobile, boat, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one (1) or more of the following: Wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded; one (1) which does not have a valid license plate attached thereto; or one (1) which has not moved in a period of 90 days.

Intermediate Regional Flood (IRF). A 100-year frequency flood, as defined on the flood hazard maps, and that has a probability of occurring once every 100 years or having a one (1) percent chance of occurring each year.

Internally Illuminated Sign. Signs illuminated by an artificial light source from within the sign structure and radiating outward toward the viewer, usually projected through a transparent or translucent sign face.

Interstate Sign. A freestanding sign located immediately adjacent to an interstate highway.

J

Junk. Any scrap, waste, reclaimable material or debris including, but not limited to, junk vehicles, junk vehicle parts, junk boats, discarded appliances, and other mechanicals, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, recycled, salvaged, stored, baled, disposed or otherwise used.

Junk Vehicles. Any vehicle that cannot be moved under its own power and that (1) does not have a current license plate, or (2) is not covered by a policy of liability insurance as required under Georgia Law for the operation of such vehicle upon the public roads, streets and rights-of-way.

Junk Yard, Junk Business, Salvage Operation. An uncovered lot or part thereof, whether enclosed or not, used for: (1) the collection, storage, keeping, sale, abandonment, or resale of junk including scrap metal, rags, paper or other scrap material, used lumber, salvage house wrecking and structural steel material and equipment; (2) the dismantling, demolition or abandonment of automobiles, not bearing current tags/decals, mobile or manufactured homes, boats or other machinery, appliances or parts thereof.

K

Kennel, Commercial. Facility for the overnight boarding of domestic animals, usually limited to dogs and cats. Breeding and training of dogs and cats and the sale to the public of puppies and kittens are classified as a kennel activity.

Kennel, Hobby. A premise on which adult dogs and/or cats are kept for purposes other than those described for a commercial kennel. These purposes include show, hunting, stock raising, or other personal use. An adult dog or cat is one (1) that has reached the age of six (6) months.

L

Land Disturbance Permit. The authorization granted by Troup County necessary to begin a land disturbing activity.

Land Disturbing Activity. Any alteration of the natural environment that shall require a land disturbance permit for removal of trees incidental to the development of land or to the marketing of land for development and includes, but it is not limited to, soil erosion permit, clearing and grubbing permit, land disturbance permit or building permit, but not including agricultural practices as described in article C.3.

Landscape Buffer. See Buffer, Landscape.

Landscape Materials. Any combination of living plant materials and nonliving materials such as rock, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

Landscaping. Planting of grass or other ground cover and ornamental trees and shrubs for beautification and screening purposes.

Landscape Plan. A component of a site or other plan to show the details of landscaping required by the UDO.

Landscape Strip. Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are allowed. Graded slopes in a landscape strip shall not be steeper than four (4) to one (1).

Land Use Plan. This term shall refer to a professionally prepared and formally adopted document and map depicting the desirable existing and future location of residential, commercial, public and industrial land uses and thoroughfares. Also, narrative text describing present and future land use needs of the local government for which it is prepared.

Large Quantity Generator of Hazardous Waste: Any person, corporation, partnership, association, or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. and that is regulated by the State of Georgia under that section.

Larger Common Plan of Development or Sale. A contiguous area where multiple separate and distinct construction activities are occurring under one (1) plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Larger Than Utility Runway. A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

Level of Service. A measure of the relationship between service capacity and service demand for specified public facilities as established by Troup County, Georgia in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities or both.

Litter. Any kind of discarded and uncontrolled or uncontained solid waste, garbage, trash, dirt, sand, gravel, refuse, debris, dead animal or thing or substance, whether liquid or solid, that may be carried or deposited, in whole or in part, by wind, rain, snow, water, animal or any other such force into any public or private property, or into any river, public waterway, drain, sewer or receiving basin; or discarded materials of every kind and description which are not waste, as such term is defined in O.C.G.A. § 16-7-41.

Livestock. Any cattle, sheep, goat, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other non-plant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products, or domesticated animals traditionally kept as pets.

Local (*foreclosed registry*). Within the geographical boundaries of the following counties: Troup, Heard, Coweta, Meriwether, and Harris.

Local Emergency Management Director. The person nominated by the local governments and appointed by the state emergency management director to implement the local emergency operations plan.

Local Governing Authority (*telecommunications*). Troup County, with land use or zoning regulations for all or the majority of land uses within its jurisdiction pertaining to the location, construction, modification, or operation of wireless facilities.

Local Issuing Authority. The governing authority of any County or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Lot. A parcel or portion of land of varying size and shape, described as a single unit of property and held in single ownership by one (1) person or in common ownership by more than one (1) person or corporation. In determining the area and dimensions of a lot, no part of the right-of-way of a road may be included.

Lot, Corner. This term shall refer to a lot having frontage on two (2) or more public roads or streets. The front of a corner lot shall be the lot line where the principal building shall orient the primary entrance.

Lot Coverage. A percentage factor which, when multiplied by the total area of any lot, establishes the total area of impervious cover which may be built on said lot. Where used in the zoning ordinance, the term coverage shall mean lot coverage.

Lot, Depth of. The mean horizontal distance between the front lot line and the rear lot line.

Lot, Flag. Flag lots are considered to be large lots, not meeting minimum lot frontage requirements and where access to a public or private roads and street is provided by means of a long, narrow, driveway between abutting lots.

Lot, Front of. The side of a lot which abuts a road or street. A corner lot must front on both roads and streets and must provide all minimum setbacks and yard area requirements.

Lot, Interior. A lot other than a corner lot with only one (1) frontage on a road or street other than an alley.

Lot, Line. (1) Front lot line: the forward most line of any lot separating it from the frontage road or street right-of-way and across which the primary access to the property passes. The front lot line shall be used to identify the road or street address of the property; (2) The rear lot line is generally opposite the front lot line and that intersects with the side lot lines. If the rear lot line is less than ten feet in length or if the side lot lines come to a point then the rear lot line shall be considered to be the point parallel to the same point in the front lot line; (3) Side lot line: Any property line not opposite the front lot line.

Lot Line, Front. The line running along the front of the lot and separating it from the road or street. Also termed the front road or street line. In a through lot or a corner lot, both lines abutting the roads or streets shall be deemed to be "front lot lines."

Lot Line, Rear. The line generally opposite or parallel to the front lot line, except in a through lot. If a rear lot line is less than 10 feet long or the lot is pointed at the rear, the rear lot line is assumed to be a line at least 10 feet long, lying wholly within the lot, parallel to the front lot line, or if the front lot line is curved, parallel to the chord of the arc of such front lot line.

Lot of Record. An area designated as a separate and distinct lot or parcel of land that have all necessary approvals from the Board of Commissioners and has been lawfully recorded in the Office of the Clerk of the Superior Court of Troup County, Georgia by subdivision plat or deed. See also "Parcel."

Lot, Pie. A lot that resembles a slice of pie where the largest portion of the "slice of pie" is in the front meeting road frontage requirements and the rear property line is considered to be the point of the "slice of pie".

Lot Width. The width of the lot at the minimum front building setback line measured parallel to the road or street right-of-way.

Lowest Floor. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this UDO.

Lumen. A measure of brightness.

Luminaire. A complete lighting system including a lamp and a fixture.

Luminaire Height. The height of a luminaire measured as the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

M

Mansard Sign. A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.

Manufactured Home or Office. A new or used structure, transportable in one (1) or more sections, which, in the traveling mode, is 12 body feet or more in width or 40 body feet or more in length, or when erected on site, is 720 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such term

shall also include any structure which meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. Manufactured homes shall meet all requirements of article 10, section 10.2 of this ordinance.

Manufactured Home Park (Mobile Home Park). This term shall refer to a lot or parcel of land where three (3) or more manufactured homes are parked for residential purposes and where space is delineated and offered for rent to place a manufactured home. Lots shall be served by appropriate and adequate community services, recreational facilities, utilities, roads, streets and sidewalks provided by the owner of the park property and shall be in compliance with the standards as set forth in these regulations.

Manufactured Portable Office. See “Manufactured Home or Office.”

Marquee. A permanent roof-like structure of rigid materials supported by and extending from the façade of a building.

Marquee Sign. Any sign painted on or attached flat to the face of a marquee.

Massing. The variation of a building achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Material Change in Appearance. A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object or landscape feature within a historic district, such as: (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements; (2) Demolition or relocation of a historic structure; (3) Commencement of excavation for construction purposes; (4) A change in the location of advertising visible from the public right-of-way; or (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps, and pavements, or other appurtenant features.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. §§ 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Microbrewery. A facility in which malt beverages are manufactured producing fewer than 15,000 barrels per year.

Miscellaneous freestanding sign. A freestanding sign, other than a freestanding principal sign, temporary event sign or incidental sign, commonly found on multi-family and nonresidential use properties located at entrance and exit driveways, internal driving lanes, parking lots, designated handicap parking spaces, etc.

Mobile Food Vendor. 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.

Mobile Home. A structure, transportable in one (1) or more sections, which, in traveling mode, is 12 body feet or more in width or 40 body feet or more in length, or when erected on site, is 720 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and built prior to June 15, 1976.

Modification or Modify (*telecommunications*). The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound, provided such improvement, upgrade, expansion, or replacement does not increase the height of the wireless support structure or increase the dimensions of the equipment compound.

Modular (Systems Built) Home or Building. Factory fabricated dwelling which is constructed in one (1) or more sections and is manufactured in accordance with the Georgia Industrialized Building Act and the rules of the commissioner of the Georgia Department of Community Affairs. Each modular home shall meet the standards of an industrialized building and shall bear the seal of approval as issued by the Commissioner of the Georgia Department of Community Affairs. Modular homes are transported to the site and installed onto a permanent foundation, never having an axel or a tongue (hitch).

Monopole towers. A self-supported communication tower.

Monument Sign (Ground Sign). A freestanding sign forming a solid, monolithic structure from the ground to the top of the sign.

Mortgagee (*foreclosed registry*). A person or entity that holds or receives a deed to secure debt, deed of trust, or other instrument conveying a lien upon or security title to real property.

Motorized Vehicle. Any device in, upon, or by which any person or property is or may be transported or drawn on or off road, and that derives power from any source other than muscle or wind, excepting devices used exclusively upon stationary rails or tracks.

Motorized Vehicle Repair and Maintenance. All maintenance and repairs of motor vehicles performed by an automotive repair dealer but excluding changing tires, lubricating vehicles, changing oil, body shops, installing light bulbs, batteries, windshield wiper blades and other minor accessories and services.

Mulch. Pine straw, pine bark, pebbles, lava rock, or processed cypress trees. Byproducts of unprocessed grinding operations may not be used for mulching under landscape plants or trees.

N

National Geodetic Vertical Datum (NGVD). As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural Buffer. See under Buffer, Landscape.

Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling.

Natural Quality (*commercial and industrial corridors*). Those features of the visual environment, such as geological formations, fossils, landforms, water bodies, vegetation and wildlife, which are in a relatively undisturbed state. There may be evidence of human activity but the natural features reveal minimal disturbances.

Need (*telecommunications*). Anything that is technically required for the wireless service to be provided primarily and essentially within Troup County and creates the least physical and visual impact. This does not necessarily mean the internal design standards of the applicant, as companies' standards can vary greatly and normally reflect preferences. Rather, need relates to the ability of the user-equipment to function as designed.

Neon Sign. Illuminated signs composed of exposed and visible tubes filled with neon gas, including signs of similar appearance but illuminated by other gases similar to neon.

Nephelometric Turbidity Units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

New Construction (*floods*). For the purposes of determining insurance rates, structures for which the “start of construction” commenced after December 5, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced after July 3, 2012, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision (*floods*). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of roads and streets, and either final site grading or the pouring of concrete pads) is completed after July 3, 2012.

NIER. Nonionizing electromagnetic radiation.

Nit. A standard unit of luminance; a measurement of direct light (i.e. looking directly at the light source), used to describe displays. A "nit" is an amount of emanating light equal to one (1) candela per square meter (cd/m 2).

NOI. A notice of intent form provided by EPD for coverage under the state general permit.

Noncombustible Trash. Materials which are unburnable at incinerator temperatures of 800 to 1,800 degrees Fahrenheit.

Nonconforming Sign. Any sign that was lawfully permitted by the jurisdiction of record at the time and/or was legal at the time of its establishment but does not conform to the provisions of this article.

Nonconforming Situation. Any nonconforming use, nonconforming use of land, nonconforming building, nonconforming building and land in combination, nonconforming use of land, nonconforming use of land and structure in combination, nonconforming lot of record, or nonconforming characteristic.

Nonconforming Use (*airport*). Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

Nonconforming Use. Any building or structure or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this UDO or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Non-Truck Route. All County roads other than truck routes and restricted roads as defined by the UDO.

North American Vertical Datum (NAVD). A term that has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

NOT. A notice of termination form provided by EPD to terminate coverage under the state general permit.

Notice (*timber harvesting*). The notice required to be given by the timber harvester as provided herein.

Notification Zone. An area within a slope of 100 to one (1) extending in any direction from the threshold end of the nearest runway.

Nursing home. A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled or rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dentil emergency and who will be responsible for the general medical and dentil supervision of the home in accordance with the definition of nursing home set forth in the Georgia Administrative Code 290-5-8-.01, as amended. No personal care home, assisted living facility, rehabilitation center or any other type of facility may be permitted under this definition as a nursing home unless it meets the definition of nursing home set forth in the Georgia Administrative Code and is licensed by the State of Georgia as a nursing home.

O

Obscene (*signs*). Any form of speech which, taken as a whole, appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. See Miller V. California, 413 U.S. 15, 93 S. Ct. 2607 (1973).

Obstruct (*timber harvesting*). Without limitation, the causing of any buildup of rock, gravel, mud, dirt, chemicals, or other materials by continued ingress or egress of vehicles or of any natural waters dammed or redirected by diversion to an extent which presents a hazard to the traveling public.

Obstruction (*airport*). Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in sec. B.3.2.

Object. A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet to a specific setting or environment.

Off-site. The location of a structure or use outside the lot-of-record of the subject development including the adjoining thoroughfare or other right-of-way.

On-site. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition. The term "on-site" is used for the purposes of interpreting minimum distance standards between noted uses throughout this UDO.

Opaque. Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Open Space. An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment. Open space can be defined as common open space and public open space.

Open Yard Storage. The storage of personal property, inventory, and items, including but not limited to vehicles, that is not screened on all sides from view by a building, fence, landscaping or other visual buffer from any public way or adjoining property.

Open Yard Sales. Open yards used for businesses that contain open yard storage and sales of outdoor accessory structures such as garden sheds, storage sheds, utility sheds.

Operation, maintenance and replacement costs (*utilities*). The costs of operations and maintenance, to keep the water supply treatment works and distribution system in good repair and at design specifications. This includes labor, supplies, utilities, chemicals, contractual services and general expenses, including installation and/or repair of equipment, accessories or appurtenances necessary during the service life of the system.

Operator. The party or parties that have:

(1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out

activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall (*soil erosion*). Means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Overcharging (*County emergency management*). To overcharge is to demand prices for goods, materials, services, or housing which prices are substantially in excess of customary prices, or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. A rebuttable presumption of overcharging shall occur in the event that the price at which goods, materials, services, or housing is offered during a state of emergency or disaster increases by more than 50 percent over the price at which such goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency or disaster. Overcharging shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor resulting from the emergency or disaster.

Owner. The record title holder of fee simple interest in property, or a vendee under contract or purchase agreement. The owner if a sole proprietorship; the proprietor, if a partnership; all partners (general and limited); if a corporation, all officers, directors or persons holding at least 10 percent of the outstanding shares; and any agent who has been legally authorized in writing to act for the owner.

P

Parade, March, or Procession. A group or number of people or vehicles, or the combination thereof, consisting of five (5) or more vehicles and 10 or more persons, or a combination of three (3) or more vehicles and five (5) or more persons, proceeding or moving in a body or in concert along the streets, roads or rights-of-way of the County. Specifically excepted from this definition are funeral processions.

Parapet Sign. A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.

Parcel. A piece of real property described in legal terms, uniquely numbered for appraiser's uses. See also "Lot of Record."

Parking Lot. A lot used exclusively for the temporary storage of motor vehicles.

Parking Lot Island. A strip of property that separates groups of parking spaces from other groups of parking spaces or internal driveways. Such islands act as traffic barriers and conform to the following specifications:

Parking Space. A space enclosed or unenclosed, for vehicle storage space exclusive of driveways, permanently reserved for the temporary storage of a vehicle and directly connected with a road, street or alley by a driveway.

Parties in Interest. This term shall mean:

(1) Persons in possession of said property and premises;
(2) Persons having of record in the County in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;
(3) Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
(4) Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

Pasture Land. Land cleared of trees for agricultural use.

Pennant (*signs*). Any lightweight plastic, fabric, or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a banner as defined in this article.

Peripheral Parking Lot Planting Strip. A landscape strip of 10 feet that is required along the perimeter of all parking lots. The measurement is from back of curb and located between the parking lot and the abutting property lines. The graded slopes in a landscape strip shall not be steeper than 4 to 1.

Permit. The permit issued by the UDO Administrator to the applicant which is required prior to undertaking any land development activity. For purposes of implementing the soil erosion provisions of this UDO, this term means the authorization necessary to conduct a land-disturbing activity under the provisions of this UDO.

Permitted Use. The purpose or function that a lot serves or is supposed to serve that is permitted within the zoning districts described in the Zoning Ordinance.

Perennial Stream: A stream which flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) seven (7)-minute topographic series maps (scale of one (1) to 24,000).

Person. An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; such term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Personal Care Facility. A personal care home, assisted living facility or nursing home.

Personal Care Home. A dwelling, facility or structure required to be licensed or registered with the State of Georgia as a personal care home. Any dwelling, facility or structure which for any reason is not required to be licensed or registered with the State of Georgia as a personal care home, or fails to be licensed or registered with the State of Georgia as a personal care home but which, through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more persons who are not related to the owner or administrator by blood, marriage or adoption shall also be considered a personal care home for the purpose of this definition. No use defined as a personal care home may be permitted as a home occupation. This definition shall apply without regard to whether any fee is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3, as amended, shall also be considered a personal care home.

Personal Wireless Facility. See definition for "Wireless telecommunications facilities."

Personal Wireless Services or PWS or Personal Telecommunications Service or PTS. Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Phase or Phased. Subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Phosphorus. Elemental phosphorus.

Place of worship. A building or structure primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, meeting halls, indoor and outdoor recreational facilities, clergy house, day care, counseling and kitchens.

Planning Department. The Planning Department—Community Development Director .

Plant Schedule. A list of all the required and proposed plant material for a site that includes quantity, size, spacing and any special planting notes.

Plat, Final. A complete and exact drawing of a parcel of land or a subdivision located in whole or in part in Troup County that is prepared to record in the office of the clerk of the Superior Court of Troup County, Georgia, and that meets the requirements of O.C.G.A. § 15-6-67, as amended, and all other laws governing the preparation and recording of maps or plats of real property of the State of Georgia.

Plat, Preliminary. A tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a civil engineer, land surveyor, landscape architect, architect, or land planner in accordance with these regulations.

Playground. An area developed for active play and recreation that may contain courts such as for tennis or basketball, etc. or fields, such as for baseball, soccer, etc.

Pole, Pylon or Stanchion Sign. A freestanding sign that is mounted on a freestanding pole, pylon, stanchion, columns, or similar supports such that the bottom of the sign face or lowest sign module is not in contact with the ground.

Pollution Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundment, and applications of chemicals, injections and other human activities in the recharge area.

Pollution Susceptibility Maps. Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the state into areas having high, medium and low groundwater pollution potential.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

Portable Building. A relatively small structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing and does not require placement on a permanent foundation. These buildings are accessory structures for storage only and are not allowed as principal buildings.

Portable Concession Vending Structure. A portable non-permanent structure for the distribution, merchandising or selling from a non-permanent location.

Portable Office Trailer. See "Manufactured Home or Office."

Portable Sign. Any sign to be transported or easily relocated and not permanently attached to the ground, such as but not limited to the following:

(1) A sign designed to be temporarily placed upon the ground and not anchored to it as otherwise required by the building code; (2) A sign mounted on a trailer, with or without wheels. (3) For the purposes of this article, sidewalk signs, sandwich board signs, banners and feather banners as prescribed herein are not considered portable signs.

Poultry. Domestic fowl, including, but not limited to, waterfowl such as geese and duck, birds which are bred for meat and egg production, exhibition, or competition; game birds such as pheasants, partridge, quail and grouse, as well as guinea fowl, pigeons, dove, peafowl; and all other avian species.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Preexisting Towers and Preexisting Antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Present Value. The current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

Primary Surface (*airport*). A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface the primary surface ends at each end of that runway. The width of the primary surface is set forth in article VI. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Use. A permitted use established in the permitted and prohibited use chart in sec. B.6.1. Accessory uses are subordinate and incidental to a principal use and are not considered principal uses.

Private Deed Restrictions or Covenants. Regulations and/or requirements imposed on land by the private landowners in a subdivision or other type of housing, commercial or industrial development. These regulations/requirements are binding on present and subsequent owners of the property. The regulations/requirements are enforced by through a homeowners association, private persons or other private entities and not by the County or other public agency.

Private Landing Strip. An airplane takeoff and landing area privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

Private Property. Property privately owned by one (1) or more persons.

Privately owned public water system. Any system which provides piped water to the public for human consumption. Such term includes any collection, treatment, storage, and distribution facility serving 15 or more units being owned and operated by an entity other than an authorized governmental agency.

Producer. Any person responsible for planning, producing and conducting a special event.

Professional engineer. A person registered to practice professional engineering in the State in accordance with the provisions of the act governing the practice of professional engineering in the State.

Professional Office. Structure wherein services are performed involving predominately administrative, professional or clerical operations.

Project. A single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project Improvements. Site-specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a "project" improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by Troup County, Georgia shall be considered a project improvement.

Project Entrance Sign. A permanent freestanding sign located at a discernible entrance from a public or private road into a multi-family development or into a development containing multiple lots or buildings, such as but not limited to a particular

residential or commercial subdivision, a business center, office park or industrial park or a mixed use planned center.

Projecting Sign. Any sign, containing not more than two (2) faces, which is affixed to the exterior wall of a building or structure in such a manner that the sign face extends more than 12 inches horizontally from the surface of such wall.

Properly Designed. Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Property Agent (*foreclosed registry*). Any person or entity empowered by a creditor, mortgagee, or transferee, as it pertains to the foreclosed real property, with authority:

(1) To ensure security and maintenance;

(2) To comply with code enforcement orders issued by the County;

(3) To provide a trespass authorization upon request of an enforcement officer;

(4) To conduct inspections;

(5) To accept rental payments from tenants, if no management company is otherwise employed; and

(6) To serve as an agent authorized to receive any citation under this code and notice pertaining to any court proceeding or administrative enforcement proceeding in connection with the enforcement of this code.

Property Line. Property line describes the legal boundary of a parcel of land.

Property Owner. That person or entity that holds legal title to property.

Property Record Card (PRC). A record maintained by the Troup County Property Appraisal Office (formerly tax assessor’s office) which contains a wealth of information regarding a specific parcel of land such as unique identifying numbers, ownership, acreage, improvements, conservation covenants if any, square feet of improvements, and more.

Proportionate Share. That portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Proposed Facilities Modification. A proposal submitted by an applicant to modify an eligible support structure.

Protected River. Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

Public Authority. Any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, County, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the County or municipality.

Public Facilities. Parks, open space, and recreation areas and related facilities; Public safety facilities, including sheriff, inmate housing, fire, and emergency communications facilities; Libraries and related facilities; and roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of state or federal highways.

Public Open Space. Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

Public/Institutional Use(s). The specific uses listed as Public/Institutional Uses in article B.6, Permitted and Prohibited Uses.

Public Officer. The officer or officers who are authorized by O.C.G.A. § 41-2-7, this article, and O.C.G.A. §§ 41-2-9—41-2-17 and by ordinances adopted under O.C.G.A. § 41-2-7, this article, and O.C.G.A. §§ 41-2-9—41-2-17 to exercise the powers prescribed by such ordinances or any agent of such officer or officers.

Public Property. Any road, street, alley, sidewalk or other public thoroughfare, park, playground, building, refuge, or conservation, or recreation area in unincorporated Troup County; or property owned and controlled by any governmental entity.

Pushcart. 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.

Q

R

Racetrack. (1) A track designed for the racing of vehicles, motorcycles, bikes, ATV's, go carts, horses, dogs or other animals and may include drag strips or demolition tracks; (2) A facility consisting of a paved or unpaved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, bathrooms, parking facilities, vendor areas, and sponsor areas but does not include residences or offices other than the office for the racetrack.

Real Property. Any improved residential or commercial land or portion thereof identified by a map and parcel identification number, located in the unincorporated areas of the County.

Recharge Area (*groundwater recharge district*). Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Recreational Vehicle. A vehicle or portable structure transportable on a mobile chassis, designed to be a temporary dwelling not hooked to any permanent utilities such as electricity, water or sewerage. It includes travel trailers, motorized dwellings, pop-up campers, pickup campers, coaches and other similar recreational equipment.

Recycling dumpster. A container to temporarily hold recyclable materials until transferred to a recycling center by a recycling service, and with a holding a capacity of less than one-half yard.

Refuse. All putrescible or non-putrescible waste (except body waste) including, but not limited to, garbage, rubbish, ashes, road or street cleanings, dead animals, abandoned automobiles, equipment, appliances, machinery, and solid market and industrial waste.

Registered Design Professional. An engineer, landscape architect, land surveyor, or other person registered in the State of Georgia to practice the type of design applicable to the work being performed.

Registry. Any official list, record, or register maintained by a local governing authority of wireless facilities, equipment compounds, or wireless support structures.

Registry Official (foreclosed registry). The County's chief marshal or his designee.

Remodeling. This term refers to constructing an addition or altering the design or layout of a building or making substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities or vertical access facilities is achieved.

Repair (*unsafe and unhealthy premises*). Altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Repairs and Maintenance (*telecommunications*). The replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Repetitive Loss (*floods*). Flood-related damages sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

Replacement Manufactured Home Unit. A manufactured home unit that is substituted for another manufactured home unit that is existing on the lot.

Replacement Planting. The planting of trees on a site that before development had more trees, and after development shall have fewer trees per acre.

Reservoir Boundary: The edge of a reservoir, defined by its normal pool level.

Resident. An individual whose principal place of living and sleeping is in a particular location is a resident of that location.

Resident (*unsafe and unhealthy premises*). Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Residential Building. Any building or unit of a building intended for occupancy as a residential dwelling or residential group living.

Residential Industrialized Building. Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard Single and Two Family Dwelling Code which is wholly or in substantial part made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. O.C.G.A. 8-2-111 (6.1)

Residential Use(s). The uses listed as Residential Dwelling uses and Residential Group Living uses in article B.6, Permitted and Prohibited Uses.

Residential Dwelling Use(s). The uses listed as Residential Dwelling uses in article B.6, Permitted and Prohibited Uses.

Residential Group Living Use(s). The uses listed as Residential Group Living uses in article B.6, Permitted and Prohibited Uses.

Responsible Person. An occupant, lessor, lessee, manager, licensee, or other person having control over or use of a structure or parcel of land.

Retaining Wall. A wall or similar structure used at a grade change to hold soil on the uphill side from slumping, sliding, or falling.

Restaurant. An establishment however designed where food is sold or distributed for consumption on and/or off the premises. However, a snack bar, or refreshment stand at a public or non-profit community swimming pool, playground or park operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Restricted Road (roads and right-of-way). The following roads: Fling Road; Old West Point Road; and North Butts Mill Road.

Revolving Sign. See animated sign.

Right-of-Way (ROW). A strip of land that is granted, through a deed, statute or platting process or other mechanism, for transportation purposes, such as for a rail line or highway or pedestrian or biking trail. A right-of-way is reserved along the transport infrastructure for the purposes of maintenance or expansion of existing services with the right-of-way. Utilities and communications lines typically are located on the ROW.

River Bank. The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River Corridor. All land, inclusive of islands, in areas of a protected river, which serves to confine the water to the natural channel during the normal course of flow. Because stream channels move due to natural processes, the river corridor may shift with time. For the purpose of these standards, the river corridor shall be considered to be fixed at its position at the time of adoption of the river corridor protection plan. Any shift in the location after that time will require a revision of the boundaries of the river corridor at the time of Comprehensive Plan review by the Department of Community Affairs.

River Corridor Protection Plan. That part of the local Comprehensive Plan which deals with the river corridor protection requirements specified herein.

Road. The entire width between boundary lines of every right-of-way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

Roadside Markets. A structure where five (5) or less farmers on working farms get together and sell produce or other farm products directly to the general public. Roadside markets are different than roadside stands in that roadside markets are a group of farmers rather than just the owner of the property where the structure is located.

Road Department. The Troup County Road Department.

Roadside Stands. A structure built on a working farm where the owner sells fresh produce or other farm products directly to the general public. Roadside stands differ from farm markets in that farm markets may utilize products from another farm to sell at the roadside structure.

Roadway Drainage Structure. A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled roadway consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof Sign. Any sign erected, constructed, or maintained wholly upon or above the roof of any building or structure.

Rooming house. See Boarding house.

Rubbish. Non-utrescible waste (excluding ashes) consisting of both combustible and noncombustible waste, including, but not limited to, paper, cardboard, cans, yard clippings, wood, woody tree cuttings, glass, bedding, crockery and similar materials.

Running At Large. Any livestock which is not under manual control of a person and which is on any public road of the County or any property not belonging to the owner of the livestock, unless by permission of the owner of such property.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Rural Character. The patterns of land use and development established by a County in its Comprehensive Plan: In which open space, the natural landscape, and vegetation predominate over the built environment; That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas; That provides visual landscapes that are traditionally found in rural areas and communities; That is compatible with the use of the land by wildlife and for fish and wildlife habitat; That reduces the inappropriate conversion of undeveloped land into sprawling residential or commercial development; That generally do not require the extension of urban governmental services; and that is consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Rural Tourism. Tourism enterprises that do not necessarily occur on a farm or ranch or at an agricultural plant and that does not generate supplemental income for an agricultural enterprise but provides an additional income for the property owner.

S

Salvage Operation/Salvage Yard. For the purposes of this ordinance, a salvage operation or yard is a business where the principal activity is buying, selling, exchanging, storing, sorting, packing or dismantling of waste, used or secondhand material or junk

Sandwich Board Sign (Sidewalk Sign or A-Frame Sign). Any moveable sign not permanently secured or attached to the ground or surface upon which it is located, designed to be used on a sidewalk or pedestrian way, including within the public right-of-way, immediately adjacent to a building or structure.

Sanitary Landfill. Any refuse disposal area approved by the state department of natural resources and the Board of Commissioners. Such landfill shall be operated without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation.

Sanitary Sewer System. Any system used for the disposal of human, animal, manufacturing or commercial wastes and/or byproducts.

Sanitation Officer. A person employed by the director of sanitation, to enforce the provisions of this UDO.

Scavenge. Searching for and/or removing material from any transfer station.

Commercial and Industrial Corridor (*commercial and industrial corridors*). A roadway and its accompanying right-of-way adjacent to commercial and/or industrial uses that offers motorists the unobstructed opportunity to view scenic views and scenic sites in one (1) or more directions, and which usually has a high percentage of open landscape within and alongside it. A corridor may include adjacent private property, depending on the context.

Scenic Site (*commercial and industrial corridors*). A building, structure, field, resource, natural condition or other feature that has scenic qualities and which has been specifically identified by the County in the natural and historic resources element of its Comprehensive Plan or other inventory and assessment as worthy of protection because of its scenic qualities.

Scenic View (*commercial and industrial corridors*). A scene that offers significant viewing opportunities beyond a distance of one-quarter mile.

School. A facility where persons regularly assemble for the purpose of instruction or education, including any playgrounds, stadiums or other structures and grounds used in conjunction therewith. This shall include, but not limited to, public and private schools used for primary, secondary or post-secondary education.

Screening. The method of visually shielding or obscuring one (1) abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

Secondary Detached Residence. A subordinate building on the same lot with the main building that is used designed or intended for dwelling purposes. Examples of secondary detached residences include guest houses and employee quarters. Dwellings on the premises that are rented, leased or occupied by anyone other than the occupant of the main building or his guests or employees are not permitted.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Self-Storage Facility. A facility offering enclosed or outdoor storage spaces, units, or pads for lease or rent to individuals for the purpose of storing personal household goods, recreational vehicles (RVs), boats, or similar items. This use does not permit on-site residential occupancy, active business operations, or the storage of construction equipment , such as bulldozers or backhoes, or heavy commercial vehicles, including tractor trailers and semi-trucks. Storage of hazardous materials is also prohibited. Shall not be used for commercial distribution or storage.

Sensitive Natural Areas. Any area, as identified now or hereafter by the Department of Natural Resources, which contains one (1) or more of the following:

(1) Habitat, including nesting sites, occupied by rare or endangered species;

(2) Rare or exemplary natural communities;

(3) Significant landforms, hydro forms, or geological features; or

(4) Other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Service Area. A geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

Service line. A water line extending from a water main to the property line of premises to be served.

Service Station. Any building or land used primarily for the dispensing, servicing or offering for retail sale of any automobile fuels, oils, grease, batteries, tires, or general automotive servicing as distinguished from automobile repairs, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Setback. See Yard.

Setback Line. The minimum required distance from the centerline of the road or street or any other property line that the principal building or other structure shall observe. See "Building Line" as defined in this section.

Setback Line, Front. See Front Lot Line.

Setback Line, Rear. See Rear Lot Line.

Setback Line, Side. See Side Lot Line.

Setback Measurements (*watershed protection, groundwater recharge district*): The measurement for buffer area which shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in the slope.

Sewage, Individual Disposal System. A septic tank and seepage tile sewerage disposal system or any other sewerage treatment device for one (1) lot as authorized by this ordinance and approved by the Troup County Health Department.

Sewerage System, Central. This term shall refer to a community sewerage system including widespread collection and treatment facilities serving more than one (1) lot in a subdivision. These types of systems are usually owned and operated by a local government.

Sewerage System, Decentralized. A community sewerage system with a localized collection and treatment system serving more than one (1) lot in a subdivision owned and operated by a local governmental or public authority. This type of system is intended to provide sewer facilities for a localized area and will connect to a central system when lines are available to the area.

Sexually Oriented Business. Sexually oriented business means any business enterprise that:

(1) Has as a regular and substantial business purpose the sale, display or rental of goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or

(2) Has one (1) of the following as a regular and substantial business purposes: the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities;" or the providing of services that provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits.

Shopping Center. Two (2) or more commercial establishments planned and constructed with off-street parking and loading facilities provided on site.

Short Term Rental An accommodation for transient guests where, in exchange for compensation, a residential dwelling that is provided for lodging for a period of time not to exceed 30 consecutive days. Short term rental shall not include any residential dwelling not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year.

Shrub. A self-supporting woody plant that normally reaches a height of less than 15 feet.

Sign. A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this article. For purposes of this article, the term "sign" includes but is not limited to "banner", "balloons", "flags", "pennants", "streamers", "windblown devices" and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign Structure. Any construction used or designed to support a sign.

Significant Recharge Areas (*groundwater recharge district*). Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces.

Site. Any plot or parcel of land, or a combination of contiguous lots or parcels of land, where grading, building, construction or alteration is performed or permitted.

Site Built Home. A dwelling constructed on a lot or parcel from materials delivered to the site and that is constructed in accordance with all requirements of the International Building Code as adopted by Troup County. Also called "stick-built home."

Site Density Factor. The minimum number of tree density units per acre which must be achieved on a property at completion of development.

Site Plan. A drawing, to scale, showing uses and structures proposed for a parcel or parcels of land and structures on the land as required by the regulations. Includes lot lines, roads, streets, buildings, reserved undisturbed, open or recreational space, existing and proposed buildings, natural and manmade landscape features, and possibly, depending on specific uses, utility lines, topographic lines, sidewalks or trails.

Snipe Sign. A sign of any material whatsoever that is attached in any way to a utility pole, permanent freestanding sign, tree, fence, rock or other similar object located on public or private property.

Soil and Water Conservation District Approved Plan. An erosion, sedimentation and pollution control plan approved in writing by the Roosevelt Soil and Water Conservation District.

Soil Compaction. A change in the physical properties of soil which include an increase in soil weight per unit volume, and decreases in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gases, and can create an impervious condition to new root development.

Solid Waste. Waste defined by the rules of the state department of natural resources environmental protection division, section 391-3-04-.01(mm). Notwithstanding the foregoing, however, solid waste shall not include hazardous waste, biological waste, chemical or radioactive waste, special waste, commercial waste, inert waste, batteries, tires, grease, sludges, liquid waste, dead animals or waste generated or originating from outside the geographical boundaries of the County.

Source of Water Supply. The waters of the State from which raw water is taken into a public water system to be treated and distributed.

Special Event. Any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which:

(1) Takes place on public or private property; and

(2) Requires special public services and which is permitted by the County by this UDO. Gatherings or activities that take place on private property and that make no use of County streets, roads or rights-of-way, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of such property. No special event shall be allowed to exceed six (6) days in any 30-day consecutive period of time.

By way of example, special events include, but are not limited to, fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of County streets, roads or rights-of-way, other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

Special Events, Private. A use or facility where events may have an impact to surrounding properties but has a definite number of attendees and does not pose an

adverse impact to character and well-being of the nearby community. Private special events usually are of short duration (part of one (1) day).

Special Events, Public. A use or facility where events may have attendance that could cause excessive traffic or overburden public safety personnel. Special events that are open to the public may pose an adverse impact to surrounding properties and therefore must adhere to the Special Events Ordinance of Troup County. These types of uses or facilities while not used every day will be open for longer periods of time than private special events. Examples include concerts, conferences, meetings, fund raisers, etc.

Special zoning district. The zoning districts established in article B.3.

Spectrum Act. The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

Spring. A surface water where water naturally issues forth for the first time from rock or soil onto the land or into a body of water.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Standard Informational Sign. A sign with an area not greater than 32 square feet, with a placard made for short-term use, containing no reflecting elements, flags or projections, and which, erected, stands at a height not greater than 72 inches and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Standard Methods. The publication "Standard Methods for the Examination of Water and Sewage," as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Start of Construction (*floods*). The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of roads, streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. Note: accessory structures are not exempt from any ordinance requirements) For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State. The State of Georgia.

State Emergency Management Director. The person appointed by the Governor to head the Georgia Emergency Management Agency.

State General Permit. The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq., and O.C.G.A. § 12-5-30(f).

State of Emergency. As defined by O.C.G.A. § 38-3-3(7), a condition declared by the governor when, in his judgment, the threat or actual occurrence disaster, emergency, or energy emergency is of sufficient severity and magnitude to warrant extraordinary efforts in preventing or alleviating the damage, hardship, or suffering threatened or caused thereby.

State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stealth (or Camouflage). Disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.

Stealth, Stealth Technology or Camouflage. To minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding, and in generally the same area as the requested location of a wireless telecommunications facility, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology expressly includes such technology as DAS or its functional equivalent.

Stop Work Order. An official order from the County for work to cease on a development site until such time as specific issues are resolved.

Storage Building. A subordinate building on the same lot with the main building that is used designed or intended for the storage of inert materials and is not used for residential purposes. See also accessory building or structure.

Store (*consumer fireworks*). A building classified as a mercantile occupancy that contains a variety of merchandise, that is not used primarily for the retail sale of consumer fireworks (NFPA 1124, 3.3.74), and is treated as a Retail store offering common merchandise in the permitted use chart, Table 7.4. 75 percent or more of the merchandise contained therein must be unrelated to consumer fireworks or fireworks.

Streamlined Processing (*telecommunications*). Applications for collocation or modification of a wireless facility which the applicant asserts is subject to review under O.C.G.A. § 36-66B-4.

Street. A public right-of-way whether designed as an avenue, boulevard, road, highway, expressway, lane or other way that is dedicated or devoted to public vehicular use and that is a means of getting from one (1) place to another and may afford a principal access to abutting property. Troup County roads are defined in the functional classification map of Troup County and located in the Community Development Department.

1. Arterial —These roads and streets are intended to provide higher travel speeds between or within communities or to and from collectors and expressways. 2. Collectors —Are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances. They balance mobility with land access. 3. Local Roads —Local roads and streets provide limited mobility and are the primary access to residential areas, businesses, farms, and other local areas.

Street Address. The road, street or route address. Such term shall not mean or include a post office box.

Street, Private. A road or street that is open to the public, but that is not owned or maintained by the County or another governmental entity.

Street, Public. A road or street that is open to the public, that has been dedicated and accepted for public use, and for which operation and maintenance is the responsibility of the County or another governmental entity.

Street Frontage. The width in linear feet of each lot where it abuts the right-of-way of any public road or street, or along the curb where it adjoins a private road or street.

Structural Buffer. See under Buffer, Landscape.

Structural Erosion, Sedimentation and Pollution Control Practices. Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes,

level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication “Manual for Erosion and Sediment Control in Georgia.”

Structural Soil. Highly porous engineered aggregate mix designed to be used under asphalt and concrete pavements as the load-bearing and leveling layer as a means to providing a soil component beneath impervious surfaces to facilitate the root growth of trees.

Structure. Anything constructed or erected that requires a fixed location on or in the ground or is attached to something having a fixed location on the ground.

Structure (*airport*). 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.

Subdivider. Any person, corporation or authorized agent who undertakes the subdivision of land as defined herein.

Subdivision. All divisions of a tract or parcel of land under common ownership into two (2) or more lots, building sites or other divisions for the purpose, immediate or future, of sale, legacy, or building development.

Subdivision, Major. All divisions of a tract or parcel of land into more than four (4) lots, building sites or other divisions for the purpose, immediate or future, of sale, legacy or building development; and includes all division of land into two (2) or more lots involving a new road or street or a change in existing roads or streets.

Subdivision, Minor. All divisions of a tract of land into more than one (1) and less than five (5) lots, for the purpose, whether immediate or future, of sale, legacy, or building development. Divisions of land into less than five (5) lots that do not require the construction of new streets, roads, sidewalks or similar facilities are considered to be minor subdivisions.

Subsequent Recovery Period (*County emergency management*). That period during which the emergency or disaster continues to cause disruptions in the affected area(s), but shall not exceed three (3) months after the emergency or disaster declaration has been terminated by the Board of Commissioners of Troup County, or by the governor unless extended by official action of the Board of Commissioners.

Substandard Road: A road that does not meet the minimum design, width, surface, or structural standards required for public or private roads as defined by this ordinance. A substandard road may include, but is not limited to, roads that are unpaved, inadequately maintained, have insufficient width for safe passage, lack appropriate drainage, or do not support the safe and efficient movement of vehicles, including

emergency services and public works vehicles. Roads classified as substandard may be subject to improvement requirements as a condition of development approval.

Substantial Damage (*floods*). Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement (*floods*). Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have occurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions. When the repair, reconstruction, rehabilitation or improvement of the roads, streets, utilities and pads equals or exceeds 50 percent of the value of the roads, streets, utilities and pads before the repair, reconstruction or improvement commenced.

Supplier of Water or Supplier. Any person who owns or operates a public water system.

Surety Bond. A valid surety bond, executed by a surety corporation authorized to transact business in the State of Georgia, protecting the County against any damage cause by such person or firm in an amount specified by the governing authority of Troup County not exceeding $5,000.00 or, at the option of the timber harvester, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. § 7-1-4, in the amount of $5,000.00 in lieu of such bond. Any such surety bond or letter of credit shall be in form prescribed by or acceptable to the County engineer and shall be for the calendar year in which delivered.

Surface Waters. All rivers, streams, branches, creeks, ponds, tributary streams and drainage basins, natural lakes, and artificial reservoirs or impoundments.

Suspended Sign. This term shall refer to a sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

System Improvement Costs. Costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to three (3) percent of the total of all other system improvement costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System Improvements. Capital improvements that are public facilities designed to provide service to more than one (1) project or to the community at large, in contrast to "project" improvements.

T

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunication Site. See definition for "Wireless telecommunications facilities."

Telecommunications Structure. A structure used in the provision of services described in the definition of "Wireless telecommunications facilities."

Temporary (*telecommunications*). Temporary in relation to all aspects and components, something intended to, or that does, exist for fewer than 90 days.

Temporary Emergency Structure. A residence which may be a manufactured unit that is (I) located on the same lot made an uninhabitable by fire, flood or other natural disaster and occupied by persons displaced by such disaster (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when complete (iii) located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Temporary Food Establishment. 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.

Temporary Sign. Any sign not permanently affixed to the ground or other permanent structure and designed and intended to be displayed for a limited period of time. This includes, but is not limited to, signs which are designed to be transported regularly from one (1) location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, signs placed into the ground on a temporary basis or nonpermanent foundation, signs tethered to an existing structure, temporary campaign and election signs.

Temporary Storage Containers. A portable, weather resistant container holding 200 cubic feet or more of storage capacity that is designed and used for the temporary storage or shipment of household furniture, clothing, and other household goods, excluding refuse, and is transported by truck or trailer to desired locations for drop off and retrieval.

Tents. Shall mean any structure or enclosure constructed of canvas or other combustible fabric, or any other material that is more conductive to the rapid spread of fire than one (1) inch normal Oregon pine wood.

Thoroughfare. A public or private vehicular and/or pedestrian way as further designated in Appendix C of the UDO. Thoroughfare boundaries are defined by the property lines of the right-of-way or access easement.

Through Lot. This term shall refer to a lot, other than a corner lot, having frontage on two (2) public roads, streets or highways.

Through Truck. A truck traveling through the County that is not making a stop or delivery within the County.

Timber. Softwood or hardwood trees harvested for commercial purposes.

Timber Harvest. Under Georgia law all timber harvests or sales must be reported on Department of Revenue form PT-283T. The official code of Georgia Annotated defines timber harvest.

Timber Harvester. Any individual, person, firm, partnership, corporation, association, or private organization of any character, and the officers, agents and/or employees of any of the same, carrying out harvesting operations as defined in this UDO.

Tower (*telecommunications*). Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Towing/Wrecker Service Business. Includes any licensed person or entity that engages in or who owns or operates a business which engages, in whole or in part, in the towing or removal of vehicles for compensation.

Townhome. See Dwelling, Townhome.

Toxin: Any chemical substance that has been defined as toxic by the Environmental Protection Department of the State of Georgia (E.P.D.), the Department of Agriculture of the State of Georgia (G.D.A.), or the Environmental Protection Agency of the United States (EPA).

Traffic Control Sign. A sign or electronic device (such as a traffic signal, or signs denoting stop, danger, handicap parking, one (1)-way traffic, no parking, fire lane, etc.) for the purpose of directing or regulating the movement of traffic and/or pedestrians.

Trailer, Travel. This term shall refer to a vehicular portable, temporary dwelling for travel, recreation and vacation uses and is considered a recreational vehicle.

Transfer Station. An assigned place for the collection of household garbage as designated by the Board of Commissioners.

Transferee (foreclosed registry). The person entity to whom foreclosed real property is first transferred by a creditor after foreclosure.

Transition (*signs*). A visual effect used on a changing sign to change one (1) message to another.

Transitional Surfaces (*airport*). These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Trash. Organic and inorganic waste that is too large or heavy to be routinely broken down, compressed, or otherwise disassembled to fit into the normal solid waste containers authorized for use by a household or business for the collection of its waste. Trash includes, but is not limited to, items such as lumber, bedding, furniture and garden tools, but does not include yard trimmings.

Travel Trailer Park. See definition of a "Recreational vehicle park."

Tree. Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three (3) inches at any point and a height of over 10 feet.

Tree Harvesting. The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree, Large. A shade tree that has a single trunk and which will reach at least 35 feet in height and 35 feet in spread at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia (Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625) and the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, Medium. A medium tree has a single trunk and which will reach to least 25 feet in height at maturity. In defining such trees reference may be made to the latest editions of Landscape Plant Material for Georgia [Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625] and the Manual of Woody Landscape Plants [Michael Dirr, 1983, Castel Books].

Tree Save Area. An area designated for the purpose of meeting tree density requirements, saving existing trees, and/or preserving natural buffers.

Tree, Small. A small tree may have single or multiple trunks and which will reach at least 15 feet in height at maturity. In defining such trees, reference may be made to the latest editions of Landscape Plant Materials for Georgia [Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625] and the Manual of Woody Landscape Plants [Michael Dirr, 1983, Castle Books]

Troup County Road Standards: Standards outlined in the Troup County Development Code or related engineering manual, as applicable, or as determined by the County Engineer based on prevailing engineering practices, site-specific conditions, and public safety considerations.

Trout Streams. All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for water quality control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Truck. A vehicle that is designed or operated for the transportation of property, including raw materials, that meets one (1) or more of the following criteria: has more than six (6) wheels; exceeds 36,000 pounds in gross vehicle weight; or has an overall

length of more than 30 feet. A vehicle designed and used solely to carry passengers is not a "truck" under this definition.

Truck Route. State highways, federal highways, the Dwight D. Eisenhower System of Interstate and Defense Highways and the following County streets/roads: Pegasus Parkway; Davis Road; Ann Bailey Road; Orchard Hill Road; Lukken Industrial Drive; Upper Big Springs Road (from SR14 Spur to I-185).

Truck stop. A service station or gasoline station that services semi-trailer trucks and other commercial trucks as its principal use. Typical accessory uses respond to services required by commercial trucking operations during long trips, including the sale of accessories or equipment for trucks and similar commercial vehicles, truck washing, restaurants, and limited sleeping accommodations.

U

Under-Canopy Sign. A sign attached to the underside of a marquee or canopy and suspended over a sidewalk, either public or private.

Underground Water: Any water located underground in the County.

Underlying Zone. This term means the designated zoning districts established on the official Zoning Map as adopted by Troup County Commissioners. Regulations applicable to the underlying zone may be supplemented when an "overlay zone" is applied to the underlying zone. Where apparent conflicts exist between the regulations of the underlying zone and the regulations of the "overlay zone," the more stringent provision shall prevail and apply.

Undisturbed Natural Buffer. A tract of land in its natural state as required around state waters where no vegetation can be removed or planted without approval. No herbicides, pesticides, or other chemicals, either natural or manmade may be used in this buffer.

Undue Hardship. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user. The physical characteristics include but are not limited to exceptional shape of the lot, exceptional topographic conditions or natural features of the lot, such as a stream, makes complying with the ordinance impossible. Hardship shall not include personal or financial hardship or any other problem created by the owner or user of the parcel or lot.

Unenclosed. Located entirely outside of a building or structure, or includes a barrier on two (2) sides or less, with or without a solid roof cover, or includes a barrier on three (3) sides without a solid roof cover.

Unit of Development. The standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unlawful (Illegal) Sign. Any sign erected without a permit when a permit for the sign was otherwise required by this ordinance or previously adopted ordinance or code; a permitted sign which has not been properly erected in accordance with the permit application and approved sign permit; or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation or abandonment.

Unused or Excess Impact Fee. Any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this article.

U-Pick Operations. A working farm where the general public is invited to come and pick its own fresh fruits or vegetables.

Urban Area Boundary or Urban Growth Boundary. A line drawn between urban and rural lands defining the limits to which the urban area is expected to grow. See "Troup County Functional Classification Map."

Urban Services. Public water and/or public sewer. Other services may be defined as services that are normal and usual in a municipality or urban center. These services could include but are not limited to cable, high-speed internet, cellphone service, major highways, proximity to shopping, mass transit and schools.

Utility. Any person, corporation, municipality, County, or other entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications, water, or rail.

Utility Runway. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

V

Vacant Real Property. Real property that:

(1) Is intended for habitation, has not been lawfully inhabited for 60 days, and has no evidence of utility usage within the past 60 days; or

(2) Is partially constructed or incomplete, without a valid building permit.

Variance. A grant of relief from the requirements of this UDO, which permits construction in a manner otherwise prohibited by this UDO.

Vegetation. Grass, weeds, or plants having no permanent woody stem less than one (1) inch in diameter at breast height and showing no visible signs of having been maintained, as distinguished from a tree or shrub.

Vegetative Erosion and Sedimentation Control Measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

(2) Temporary seeding, producing short term vegetative cover; or

(3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Vehicle Use Area. Vehicle use areas include any areas designated as automobile, truck, or van parking spaces, including access aisles and driveways. Vehicle use areas also include mini storage warehouses, truck loading and unloading spaces, impoundment yards, and the driveways and turning areas associated therewith.

Vending. Any activity by any person involving the display, sale, offering for sale, offering to give away or giving away anything of value including any food, beverage, goods, wares, merchandise, or services.

Vendor. Any person or persons or entity who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public road. street, sidewalk, right-of-way or public property as an authorized participant of the special event.

Viewshed (*commercial and industrial corridors*). The surface area that can be seen from a specific viewpoint along the road.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this UDO is presumed to be in violation until such time as that documentation is provided.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

Visual Screen. Natural and/or planted vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the planning director. Fencing constructed of cedar, redwood, treated wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; planted or natural vegetation; or earthen berms.

W

Wall. A constructed solid barrier of concrete, stone, brick, or similar type of material that closes marks or boarders a lot, limits visibility, and restricts the flow of air and light.

Wall Sign. A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, protruding from the surface of the wall no more than 18 inches and not extending above or beyond the wall to which it is attached.

Warming shelter. A temporary shelter that accommodates more than 10 persons per operating day.

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water main. A common water line, owned and/or controlled by an authorized agency, owned by private parties, or by the public.

Water Supply Reservoir: An impoundment of water for the purpose of providing drinking water to one (1) or more governmentally owned public drinking water systems.

Water Supply Watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

Water System. Any system used to supply potable water for human consumption.

Water System, Individual. A potable water supply (i.e., a well) serving a single building, residence or other facility designed and used for drinking.

Water System, Public. A potable water system with distribution lines other than individual water systems owned and operated by Troup County or any municipality or public authority within the political boundaries of Troup County.

Well. Any excavation that is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing groundwater.

Wetlands. Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designation wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

Wildlife Habitat. Living and nonliving components which interact forming a complete environmental unit.

Window Sign. A sign that is placed on or behind a windowpane or glass door and oriented to be viewed from outside the building.

Winery. A working farm where grapes are grown and wine is produced for commercial sales in other venues.

Wireless Facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and telecommunication services.

Wireless Support Structure. A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable of supporting wireless facilities. Such term shall not include any electrical utility pole or tower used for the distribution or transmission of electrical service.

Wireless Telecommunications Facilities. A telecommunications site and personal wireless facility. It means a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to, buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

X

Y

Yard. A required open space on the same lot with a principal structure, and which is unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, the depth of a rear yard, or the depth of the road/street side yard, the minimum distance between the lot line and the main building shall be used.

Yard, Front. The full width of the lot between the centerline of the road or street and the front building line.

Yard, Rear. The full width of the lot between the rear line of the lot and the rear building line.

Yard Sale. A one (1)-day or two (2)-day sale of common household items from a residential lot or lots. This definition includes garage sale, carport sale or rummage sale.

Yard, Side. The space between the building and the side line of the lot exclusive of front and rear yard.

Yard, Street Side. The area extending from the front yard to the rear yard between the lot line abutting a thoroughfare and the required setback.

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

Z

Zoning or Zoning District. The use classification of parcels or tracts of land as described and defined by the County Zoning Ordinance.

Zoning Map. The legally adopted "Official Troup County Zoning Map" that is made part of this document by reference.

Zoning Ordinance. The Zoning Ordinance as found in Appendixes A and B of this UDO, including section D.1.1 of Appendix D as well as all defined words and terms in section D.1.2 that are contained in, or referred to in, Appendixes A or B (see section A.1.1).