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1.01.00 TITLE
This code shall be known as and entitled the "Gordon County Unified Land Development Code" and may be referred to as the "ULDC."

1.02.00 AUTHORITY
This ULDC is enacted pursuant to the requirements and authority of Article IX, Section 2, Paragraph 4, of the Georgia Constitution and the amendments thereto.

1.03.00 SEPARABILITY
Should any section or provision of this ULDC be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.04.00 APPLICABILITY
1.04.01 Generally
A. This ULDC shall apply only to the unincorporated areas of Gordon County, Georgia, as now or hereafter established.
B. No buildings, structures, or land shall be used or occupied: and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this ULDC.
C. A change of use shall conform to the standards, criteria, requirements, and procedures of this ULDC.
D. Agricultural activities subject to Best Management Practices for Agricultural Businesses shall be regulated by the Georgia Department of Agriculture and USDA, and enforcement shall be the responsibility of said agencies.

1.04.02 Exemptions and Exceptions
The following general conditions or circumstances are exempt from the provisions and requirements of the ULDC:
A. Buildings or structures that are legally under construction on the date of adoption of the ULDC;
B. Buildings or structures for which a building permit has been issued as of the effective date of this ULDC, provided that construction commences prior to the expiration of the building permit, and continues until completed;
C. Development pursuant to an approved development plan or subdivision plat approved prior to the effective date of this ULDC, provided that development commences not later than one (1) year after the effective date of this ULDC; or
D. The proposed use of property lawfully approved as of the effective date of this ULDC.
1.05.00 PURPOSE AND INTENT

A. These regulations are enacted to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, sizes of yards, courts, and the use of other open spaces, density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, and public activities.

B. The purpose of these regulations is to:
1. Lessen congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population;
7. Prevent urban sprawl;
8. Assure the provision of required streets, utilities, and other facilities and services;
9. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;
10. Assure the provision of space for recreational, educational, and other public purposes;
11. Promote desirable living conditions and the sustained stability of neighborhoods;
12. Protect against blight and depreciation;
13. Secure economy in governmental expenditures;
14. Conserve the value of buildings;
15. Encourage the most appropriate use of land, buildings, and structures;
16. Promote economically sustainable development;
17. Encourage “green building” practices; and
18. Assure that land is developed in conformity with the Gordon County Comprehensive Plan.

1.06.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The Gordon County Comprehensive Plan (Plan) is the official development policy and implementation guide for the County to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare. This ULDC is designed to implement all provisions of that Plan for the development and use of land.
1.07.00 COUNTY ADMINISTRATOR

The County Administrator is the chief administrative official of Gordon County. For the purposes of this ULDC, the County Administrator is assigned to administer, interpret, and implement the standards, criteria, and procedures of this ULDC. The County Administrator may delegate such responsibilities in writing to County staff. Throughout this ULDC, the term “County Administrator” is used to indicate the responsibility for specified actions, except where specified actions are reserved or specifically delegated by law to another official. In all instances, “County Administrator” means the “County Administrator or designee.”

1.08.00 DOCUMENTS ADOPTED BY REFERENCE

1.08.01 Official Zoning Map of Gordon County

The Official Zoning Map of Gordon County, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ULDC.

1.08.02 Gordon County Transportation Plan

The Gordon County Transportation Plan, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ULDC.

1.08.03 Building and Construction Codes

Each building and construction code listed in Sections 1.08.04 (A) through (K) is hereby adopted by reference as if set forth in its entirety. The codes and associated local amendments may be viewed at the Gordon County Building, Planning and Development office, Wall Street Annex building, First Floor, 200 S. Wall Street, Calhoun, Georgia. The following standard building codes as approved by the State of Georgia include any attachments, future editions, appendices, indexes and amendments, including local amendments adopted by Gordon County.

B. International Mechanical Code.
D. International Plumbing Code.
E. National Electrical Code.
F. International Fire Code.
G. International Residential Code for One and Two Family Dwellings.
K. National Fire Protection Association Fire Codes.

1.08.04 Groundwater Recharge Area District Map

The map depicting significant recharge areas as identified by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition) is hereby adopted by reference and declared to be part of this ULDC. The map may be viewed in the Digital Environmental Atlas of Georgia at http://ga-
1.08.05 Areas of Special Flood Hazard
The areas of special flood hazard identified by the Federal Emergency Management Agency in its current effective Flood Insurance Study (FIS), with accompanying maps and other supporting data, and any revision thereto, are hereby adopted by reference and declared to be part of this ULDC. The current effective FIS may be viewed at http://www.fema.gov/hazard/map/index.shtml (webpage maintained by the Federal Emergency Management Agency). See also Section 3.01.06.B of this ULDC for additional information.

1.08.06 National Wetlands Inventory Maps
The U.S. Fish and Wildlife Service National Wetlands Inventory Maps (NWI Maps), together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ULDC. NWI Maps may be viewed at http://www.fws.gov/nwi (webpage maintained by the U.S. Fish and Wildlife Service). See also Section 3.05.09 of this ULDC for additional information.

1.08.07 Manual for On-Site Sewage Management Systems
The Georgia Department of Community Health’s Manual for On-Site Sewage Management Systems, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ULDC. The manual may be viewed at the Gordon County Board of Health, 318 N. River St., (706) 624-1440 or at http://health.state.ga.us/programs/envservices/onsitemanual.asp (webpage maintained by the Georgia Department of Community Health, Division of Public Health).

1.08.08 Engineering Technical Standards Manual
(Reflects engineering detail drawings from Chapter 6.)

1.08.09 Reserved

1.09.00 RULES OF INTERPRETATION

1.09.01 Generally
A. Specific provisions of this ULDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.

B. In the interpretation and application of this ULDC all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the County and shall not be construed to limit nor repeal any other powers granted under State statutes.

C. Where provisions of this ULDC conflict with other regulations, the more stringent restrictions shall be applied.


1.09.02 Responsibility for Interpretations

A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other provision of this ULDC, the County Administrator shall be responsible for interpretation. In the interpretation of this ULDC, the County Administrator shall be guided by the Gordon County Comprehensive Plan and applicable State law.

B. Responsibility for interpretation by the County Administrator as set forth in this section shall be limited to standards, regulations, and requirements of this ULDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this ULDC. Interpretation shall not be construed to override the responsibilities assigned by the Gordon County Board of Commissioners to any commission, board, or official named in other sections or chapters of this ULDC.

1.09.03 Rules for Boundary Interpretations

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following:

A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.

C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

D. Boundaries shown as following or approximately following the shoreline of a river, stream, lake or other water body shall be construed as following such shoreline.

1.09.04 Rules of Construction

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural, and words used in the plural include the singular.

C. The masculine gender includes the feminine and the neuter.

D. The word "person" includes a firm, partnership, company, corporation, or association as well as individuals.

E. The word "shall" is always mandatory; the word “may” is permissive.

F. “Or” may be read “and,” may be read “or,” if the sense requires it.

G. The term "written" or "in writing" shall include any representation of words, letters, or figures, whether by printing or otherwise.

H. The term “day” means a calendar day.

I. The term “month” means a calendar month.

J. The word "week" shall mean seven (7) days.
K. The word “year” shall mean a calendar year.

1.09.05 Computation of Time

When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, the first or last day shall not be counted; and if the last day falls on Saturday or Sunday, the person having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as provided for in O.C.G.A., section 1-4-1, the person having the privilege or duty shall have through the following day to exercise the privilege or to discharge the duty; however, when the following day is a Saturday or Sunday, the person shall have through the following Monday to exercise the privilege or to discharge the duty.

1.10.00 ACRONYMS AND DEFINITIONS

Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. The following terms are defined for purposes of this ULDC.

1.10.01 Acronyms

A-1 – Agricultural District

ADA – Americans with Disabilities Act

AASHTO – American Association of State Highway and Transportation Officials

ADT – Average Daily Trips

BFE – Base Flood Elevation

BMP – Best Management Practices

BZA – Board of Zoning Appeals

CABO – Council of American Building Officials

CLOMR – Conditional Letter of Map Revision

CLOMA – Conditional Letter of Map Amendment

C-C – Crossroads Commercial District

C-G – General Commercial District

C-H – Highway Commercial District

CPESC – Certified Professional in Erosion and Sediment Control

CS – Conservation Subdivision

DNR – Georgia Department of Natural Resources
DBH – Diameter at Breast Height
DCH – Georgia Department of Community Health
DNR – Georgia Department of Natural Resources
DOT – Georgia Department of Transportation
DRI – Development of Regional Impact
DUA – Dwelling Units per Acre
EMA – Gordon County Emergency Management Agency
EPD – Georgia Environmental Protection Division
FAA – Federal Aviation Administration
FCC – Federal Communications Commission
FEMA – Federal Emergency Management Agency
FHBM – Flood Hazard Boundary Map
FIRM – Flood Insurance Rate Map
FIS – Flood Insurance Study
GIS – Geographic Information System
GDOT – Georgia Department of Transportation
GPAD – Gallons Per Acre Per Day
GSMM – Georgia Stormwater Management Manual
HVAC – Heating, Ventilation, and Air Conditioning
I-1 – General Industrial
I-2 – Heavy Industrial
IBC – International Building Code
ICC – Interstate Commerce Commission
IFC – International Fire Code
IFGC – International Fuel Gas Code
IMC – International Mechanical Code
ITE – Institute of Transportation Engineers
LSC – Life Safety Code
LOMR – Letter of Map Revision
MRPA – Metropolitan River Protection Act
MSL – Mean Sea Level
MU – Mixed Use District
NFPA – National Fire Protection Association
NPDES – National Pollution Discharge Elimination System
NOI – Notice of Intent
NOT – Notice of Termination
NRCS – Natural Resources Conservation Service
NTU – Nephelometric Turbidity Units
NWI – National Wetlands Inventory
OCGA – Official Code of Georgia Annotated
O-I – Office Institutional District
R-1 – Low Density Residential District
R-2 – Medium Density Residential District
R-3 – Suburban Density Residential District
R-4 – Single-Family Residential Attached District
R-5 – Multi-Family Residential District
R-6 – Manufactured Housing Development District
RA-1 – Residential Agricultural District
RC-1 – Rural Conservation District
RV – Recreational Vehicle
SBCCI – Southern Building Code Congress International (International Building Code)
TRC – Technical Review Committee
ULDC – Unified Land Development Code
USACE – United States Army Corps of Engineers
USGS – United States Geological Survey
1.10.02 Definitions

**Acceleration/deceleration lanes.** Paved exits and entrances off of a public roadway onto private property for the purpose of expediting the free flow of traffic.

**Accessory.** A use or structure which is incidental and subordinate to the principal use or structure, and which is located on the same lot as the principal use or structure.

**Addition.** 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 fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be considered new construction.

**Activity.** Any endeavor, whether or not for profit, that takes place over, on or within the public rights-of-way of Gordon County.

**Agricultural and farming operations.** The raising, harvesting, or storing of soil crops and/or produce crops, and/or the raising of livestock, in a customary manner, including all associated activities, operating on tracts of land at least five (5) acres in size. Direct sales of commodities raised on the premises shall be considered a permissible activity.

**Alley.** A street which affords only a secondary means of access to the back or side of abutting property, and is not intended for general traffic.

**Appeal.** A formal review of an administrative decision regarding provisions of this ULDC.

**Area of shallow flooding.** Areas having base flood depths of one to three feet (1’-3’) above ground, 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 within the flood plain that is subject to a one (1) percent or greater chance of flooding in any given year.

**As-built plans.** Detailed construction plans showing completed improvements as constructed.

**Assisted living facility.** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication.

**Aquifer.** Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Average daily trips (ADT):** The total number of vehicle movements both entering and exiting the designated study site on an average weekday. ADT for various land uses will be determined using the most current edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual.
Awning/canopy. A permanently installed cloth or canvas covering which hangs from a building facade or projects over the public walkway for beautification or shelter.

Basement. The portion of a building having its floor below ground level on all sides.

Bed and breakfast inn. A facility where overnight accommodations are provided to transients for compensation, with or without a morning meal, and where the operators of the facility live on the premises.

Berm. An earthen mound or embankment, usually two (2) to six (6) feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Best management practices (BMP’s). 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 Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Bio-fuel plant. A facility that produces fuel derived from renewable biological sources such as plants or animal waste.

Block. A piece or parcel of land entirely surrounded by public streets, public lands, rights-of-way, watercourses or other well-defined and fixed boundaries.

Block out zone. An area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance into or exit from any public road or other location and extending twenty (20) feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Board of Appeals. Gordon County Board of Zoning Appeals.

Board of Commissioners. Board of Commissioners of Gordon County, Georgia.

Board of Health. Gordon County Board of Health.

Buffer. 1. A natural and/or landscaped area intended to visibly separate uses through distance to shield or block noise, light, glare, or other nuisances, or to protect natural features such as streams, rivers, or wetlands, or to protect natural or manmade reservoirs, or to provide for added green space, greenways and greenbelts within the County. 2. 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, State waters. 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.
Buildable area. That area of a lot within the building setback lines as set by this ULDC within which a principal building or structure may be erected.

Building. Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels.

Accessory Building. A detached, subordinate structure designed for a use which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

Building addition. Any walled and roofed expansion to the perimeter of a building which is connected by a common load-bearing wall other than a firewall.

Building frontage. The linear feet of the exterior wall of a building that faces any road or street that provides a means of direct ingress and egress to the lot.

Building façade. The exterior surface or face of a building. The front facade is the building wall, which contains the primary entry of the building. The side facade means the exterior walls other than the main or front view.

Building height. The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Building line. A line beyond which no foundation wall or part of the structure of any building shall project, as determined by the front, side and rear year setbacks, with the exception of roof overhang, walkways, and the subsurface projection of footings: provided, however, that such overhang does not exceed six (6) feet and does not encroach upon the adjacent property or right-of-way.

Building story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principle use.

Elevated building. A building constructed with the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls.

Principal building. A building in which is conducted the primary use permissible on the lot.

Certificate of occupancy. A document issued by the building official indicating the use of a particular building or land conforms to the requirements of this ULDC.

Certified personnel. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water and Conservation Commission.
Club or lodge. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Commission. The state soil and water conservation commission.

Comprehensive plan. The Gordon County Comprehensive Plan, approved by the Gordon County Board of Commissioners, including any amendments, extensions, or additions thereto as adopted by the Gordon County Board of Commissioners.

Condominium. Individual ownership units in a multifamily structure, combined with joint ownership of common areas of the building, grounds, in accordance with all applicable provisions of the "Apartment Ownership Act" of 1963 (Ga. Laws 1963, as amended).

Construction. Any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

Existing construction. For the purpose of Section 3.01.00 of this ULDC, any structure for which the start of construction commenced before May 7, 1991.

New construction. For the purpose of Section 3.01.00 of this ULDC, any structure for which the start of construction commenced on or after May 7, 1991 and includes any subsequent improvements to the structure.

Start of construction. For the purpose of Section 3.01.00 of this ULDC, the date a 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 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. 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.

Conventional built dwelling. A dwelling unit constructed from building materials such as lumber, brick, or stone delivered to the site, where the building is intended to be situated. A conventional built dwelling shall exclude manufactured and mobile homes.
Conveyance. Property that is deeded from one family member to another in accordance with the requirements of this ULDC.

County. Gordon County, Georgia.

County Administrator. The official, or his authorized representative, designated by the Gordon County Board of Commissioners as its agent for the administration of the provisions of the ULDC.

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 SPESC, Inc.

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 structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials; 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; emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and generating plants, and other principal points of utility lines.

Crosswalk. A right-of-way within a block dedicated to public use for pedestrian use only and so designed as to provide access to adjacent streets or lots.

Cul-de-sac. A local street with only one (1) outlet, closed and terminated with a permanent vehicular turnaround.

Curb cut. The providing of vehicular ingress and/or egress between property and an abutting public street.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface to excavated surface. Also known as excavation.

Day care establishment. Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age and which is required to be licensed or commissioned by the Georgia Department of Community Health. The following categories shall be designated:

Family day care (6 or less children). A private residence operated as day care for up to six (6) children.

Day care homes (7 to 18 children). Any place operated as day care for not less than seven (7) or more than eighteen (18) children.

Day care centers (19 or more children). Any place operated as day care for nineteen (19) or more children.
Decentralized wastewater management system. A privately installed, operated and maintained wastewater system that is designed and built to collect, treat and disperse wastewater on a development site and that acts as an alternative to traditional septic systems or public sewerage facilities where permitted in this ULDC. Includes the terms “package plant” and “community sewerage disposal system.”

Density. The number of dwelling units per acre of land.

Gross Density. Calculation of density based on the entire area within the boundaries of a specific site.

Net Density. Calculation of density based on developable areas only, excluding streets, easements, water areas, lands with environmental constraints, parklands and required open space, and other undevelopable lands. For the purpose of this ULDC, the term “density” shall mean “net density.”

Department. The Georgia Department of Natural Resources.

Design professional. 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 with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Developer. Any person, corporation or duly authorized agent who undertakes the subdivision of land.

Development. Man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Diagonal tie. Any tiedown designed to resist horizontal or shear forces and that deviates not less than thirty (30) degrees from vertical.

Director. The director of the Environmental Protection Division of the Georgia Department of Natural Resources.

District. The Coosa River Soil and Water Conservation District.

Division. The Environmental Protection Division of the Georgia Department of Natural Resources.

Drainage structure. A device composed of a virtually nonerodible 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 purposes.

Dwelling or dwelling unit. Any building, or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) family, and
physically separated from any other rooms or housekeeping establishments which may be in the same structure. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

**Accessory dwelling.** A unit established within the principal building or in a separate structure, and on the same lot as the principal structure.

**Caretaker dwelling.** A freestanding accessory dwelling occupied by an employee of the property owner for the purpose of property maintenance, security or nighttime property management.

**Duplex or two-family dwelling.** A building containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.

**Multi-family dwelling.** A building either designed, constructed, altered, or used for more than two (2) adjoining dwelling units, with each dwelling unit having a party wall or party floor ceiling connecting it to at least one (1) other dwelling unit in the building.

**Single-family attached dwelling.** A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings.

**Single-family detached dwelling.** A detached building used and either designed or constructed for one (1) dwelling unit.

**Tenant dwelling.** A freestanding accessory dwelling occupied by an employee of the property owner for the purpose of the performance of agricultural labor.

**Townhouse.** One (1) of a series of attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

**Easement.** A grant of one (1) or more property rights by a property owner to the general public, a public utility, a governmental unit, or a private individual or corporation for the use of a portion of the owner’s land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

**Conservation easement.** An agreement between a land owner and a governmental agency or land trust that permanently protects the land by limiting the amount and type of development that is permissible, while leaving the remainder of the fee interest in private ownership.

**Drainage easement.** An agreement allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

**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. Chapter 12-7, that includes, as a minimum protections as least as stringent as the State General Permit, best management practices, and requirements in Section 3.06.03 (C) of this ULDC.

**Existing manufactured home park or subdivision.** For the purpose of Section 3.01.00 of this ULDC, 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 streets, and final site grading or the pouring of concrete pads) is completed before May 7, 1991.

**Family.** One (1) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or fraternity or sorority house.

**Family ties lot.** The subdivision of a parcel into a maximum of five (5) lots for conveyance to family members as described in this ULDC.

**Farm.** A bona fide farm is the primary or principal use of land and buildings for the purpose of conducting agricultural activities including, raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock; or the production of plants or trees.

**Fenced area.** A solid partition or an opaque screening through which the enclosed area cannot be seen.

**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% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, 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 floor.** The top surface of the lowest inhabitable level of an enclosed area in a building, including the basement. This could be the top of the slab in concrete slab construction or the top of wood flooring in wood frame construction.
The term does not include the floor of a garage used solely for parking vehicles. Includes the term “Floor.”

**Finished grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- **Base flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year. The “base flood” is synonymous with the “100-year flood.”
- **Base flood elevation.** The water surface elevation corresponding to a base flood.
- **Flood hazard boundary map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- **Flood insurance rate map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- **Flood insurance study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.
- **Floodplain.** Any land area susceptible to flooding.
- **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures, and contents of buildings.
- **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 one (1) foot.
- **Minimum flood elevation.** The base flood elevation established by the Federal Emergency Management Agency on the Flood Insurance Rate Map.
- **Floor area.** The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, attic, porches, carports, and garages.
- **Frontage.** The width of a lot as measured where it abuts a public street right-of-way.
- **Garage sale.** See “Yard sale.”
Generalized wetland map. A map showing the general locations of wetlands within the jurisdiction of Gordon County.

Governing authority. The governing authority of Gordon County, which is the Gordon County Board of Commissioners.

Grade. The lowest point of elevation of the finished surface of the ground immediately surrounding the building or structure.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Highest adjacent grade. The highest natural elevation of the ground surface next to the proposed walls of a structure.

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.

Greenbelt. An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses and may provide for multi-use trails.

Green building. A structure that is designed, built, renovated, operated or reused in an ecological and resource-efficient manner in accordance with Leadership in Energy and Environmental Design (LEED) standards. Includes the term “sustainable building.”

Green space. An open space area not occupied by any structures or impervious surfaces.

Greenway. A linear open space designated as a pedestrian, bicycle or equestrian passage that links parks, natural/cultural resources, and neighborhoods with each other and with populated areas.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Ground anchor. Any device at the manufactured house stand designed to secure a manufactured house to the ground.

Groundwater recharge area. An area of the earth’s surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer. Synonymous with aquifer recharge area. Significant groundwater recharge areas are those mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (latest edition). Includes the term “recharge area.”

Group home. A use in which domiciliary care is provided with support and supervisory personnel that provide room and board, personal care and rehabilitation services in a family environment for resident handicapped persons, who have physical or mental impairment that substantially limits one
(1) or more of such person's major life activities so that such person is incapable of living independently; a record of having such an impairment; or being regarded as having such an impairment. However, handicapped shall not include: (1) the current illegal use of, or addiction to either alcohol or a controlled substance; (2) any person whose residency may constitute a direct threat to the health or safety of other individuals or whose tendency would result in substantial physical damage to the property of others; (3) work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration; or (4) persons who are otherwise not deemed to be handicapped as that term is defined under the Fair Housing Act, 42 U.S.C.A. Section 3601 et.seq. Includes the term “Family care home.”

Guest house. Accessory dwelling unit for use by a bona fide nonpaying guest or relative of the occupants of the premises, situated within a detached or semi-detached site-built structure located on the same premises with the principal residence.

Height. The vertical distance of any structure measured from the bottom of the base of the structure at ground level to the highest point of such structure.

Home occupation. Any business occupation or profession conducted entirely within a principal dwelling and carried on only by members of a family residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hotel. A building or buildings providing guest rooms for the general public with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily house keeping services are provided such as linen change and general room cleaning and in addition provides such general services as a central telephone switchboard and a registration lobby staffed on a 24 hour daily basis. Access to all rooms shall be provided through one or more common entrances. Guest rooms typically may have coffee machines, small refrigerators, and/or beverage and snack bars but shall not be equipped with cooking appliances. Additional facilities and services such as restaurants, meeting rooms, convention halls, and recreational areas may be provided.

Extended stay hotel. A building or buildings providing guest rooms intended to be used as temporary accommodations for the traveling business executive or other such professional or skilled worker. Guest rooms may be equipped with cooking facilities for food preparation including, but not limited to, stoves and ovens which if so provided are integrated in the original design of the guest rooms. Access to all guest rooms shall be provided through one or more common entrances. Minimum gross floor area for a guest room shall be 425 square feet. Customarily, extended stay hotel guest rooms are rented weekly or monthly and shall not be rented by families seeking temporary affordable housing, with the exception in times of natural disaster relief.
conversion of existing motel buildings to an extended stay hotel use must meet the criteria herein this definition in order to be permitted.

**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 and patios.

**Impoundment lot (or “impound lot”).** See “Salvage yard.”

**Industrialized housing.** A factory fabricated dwelling or commercial unit built in one (1) or more sections designed to fit together on a permanent foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act and which bears the seal of approval issued by the Commissioner of the Georgia Department of Community Affairs. Includes the term “modular home.”

**Inert waste landfill.** A disposal facility permitted by the Georgia Department of Natural Resources as an inert waste landfill to accept only wastes that will not or are not likely to cause production of leachate of environmental concern limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trimmings, stumps, limbs, and trees.

**Infill.** Development of vacant or remnant lands passed over by previous development in the area.

**Jurisdictional determination.** An official, written statement or map signed by the U.S. Army Corps of Engineers or, in the case of coastal marshlands, the Georgia Department of Natural Resources.

**Jurisdictional wetland.** A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

**Kennel.** For the purpose of this ULDC a commercial establishment in which canines or felines are housed, groomed, bred, boarded, trained or sold for a fee or compensation.

**Land-disturbing activity.** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 3.06.02 (E).

**Landfill.** A property operated as a commercial venture for profit or operated by a county or municipality for the disposal of solid waste or any location where a private owner accepts solid waste for compensation from sources other than his own property for disposal. As used herein, the term “solid waste” means putrescible and nonputrescible wastes, except water carried body waste, and shall include garbage, rubbish (paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, sludges, animal
manures, industrial wastes (waste materials generated in industrial operations), residue from incineration, food processing wasters, demolition wastes, abandoned automobiles, dredging wastes, construction waste, and any other waste material in a solid or semisolid state.

**Larger common plan of development or sale.** A contiguous area where multiple separate and distinct construction activities are occurring under one 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 surveying markings, indicating that construction activities may occur on a specific plot.

**Licensing official.** The County Administrator or his designee.

**Limited development area.** The portion of the water supply watershed not included in the water quality critical area.

**Livestock.** Including but not limited to cattle, swine, hogs, goats, sheep, chickens, hens, turkeys, ducks, horses, ponies, mules, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals.

**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 portion or parcel of land separated from other portions or parcels by description, as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this ULDC, the term does not include any portion of a dedicated right-of-way.

**Lot by default.** A lot which was once whole but divided into parts through the acquisition of public property or construction of a public road. Each piece of the once whole lot shall henceforth be considered a separate and independent lot. The lots shall be governed by Section 9.01.02 Nonconforming Lots of Record.

**Lot, corner.** A lot having frontage on two (2) or more public streets at their intersection.

**Lot depth.** The average horizontal distance between the front and rear lot lines.

**Lot, double frontage or through lot.** A lot other than a corner lot, that has frontage upon two (2) or more streets that do not intersect at a point abutting the property.

**Lot, flag.** A lot having only its driveway fronting on a public street, with the result that only the width of the driveway is the frontage of the lot.

**Lot, interior.** A lot other than a corner lot or a through lot.
Lot line (property line). The property boundary, abutting a right-of-way line, or any line defining the exact location of a lot.

Lot of record. A lot which is part of a subdivision plat recorded in compliance with this ULDC in the office of the Clerk of Superior Court after the adoption of this ULDC. Also, a lot which was created either by a legally recorded metes and bounds description or a legally recorded subdivision plat and was in compliance with all County zoning regulations at the time of recording before the adoption of this ULDC.

Lot width. The distance between side lot lines measured at the building line, parallel to the street right-of-way line.

Manufactured home. A structure transportable in one (1) or more sections and which is built on a permanent chassis and was originally designed and constructed 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 thereon and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. For the purpose of Section 3.01.00 of this ULDC, a manufactured home shall also include park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Pre-owned manufactured home. Any manufactured home that has been previously used as a residential dwelling and has been titled.

Manufactured housing development. A contiguous parcel of land, which has been developed into individual lots for the installation of manufactured, industrialized or modular homes. Said lots may either be leased or for sale. Includes the term “Manufactured home park or subdivision.”

Mean sea level. The average height of the sea for all stages of the tide, used as a reference for establishing various elevations within the floodplain. For purposes of this ULDC, the term is synonymous with National Geodetic Vertical Datum.

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.

Mixed use development. A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole.

Mixed use, horizontal. Two or more different types of uses placed next to each other (but not attached), planned as a unit, and connected together with pedestrian and vehicular access.

Mixed use, vertical. Two or more different uses that occupy the same building, usually on different floors.
**Modular home.** A factory fabricated dwelling or commercial unit built in one (1) or more sections designed to fit together on a permanent foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act and which bears the seal of approval issued by the Commissioner of the Georgia Department of Community Affairs. Includes the term “industrialized housing.”

**Motel.** A building or buildings providing guest rooms for the general public with such rooms being designed, intended to be used, or are used as temporary or overnight accommodations for guests in which daily house keeping services are provided such as linen change and general room cleaning and in addition provides such general services as a central telephone switchboard and a registration lobby staffed on a 24 hour daily basis. Guest rooms shall not be rented by the same person or persons for a period exceeding thirty (30) consecutive days within a six (6) month period. Each guest room shall have an individual entrance from outside the building. Guest rooms shall not be equipped with cooking facilities or portable cooking appliances.

**Natural ground surface.** The ground surface in its original state before any grading, excavation or filling.

**National geodetic vertical datum.** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**Natural vegetative buffer.** A river corridor, or other buffer as required in this ULDC, containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, “the Natural Environments of Georgia.” Habitats for endangered and threatened species may require human management of a river corridor in order to maintain those species.

**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 manufactured home park or subdivision.** For the purpose of Section 3.01.00 of this ULDC, 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 streets, and either final site grading or the pouring of concrete pads) is completed on or after May 7, 1991.

**NOI.** A Notice of Intent form provided by EPD for coverage under the State General Permit.
Nonconformity. A lot, structure, or use of land lawfully established prior to adoption of this ULDC, or subsequent amendment to it, but which do not comply with the requirements set forth in this ULDC.

NOT. A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Open space. Any essentially unimproved area of land that is set aside, dedicated, designated, or reserved for the common use by owners, occupants and their guests. Open space may include incidental active recreational facilities. Open space shall not be used for or occupied by a driveway, an off-street parking area, a loading space, a yard, a refuse storage space, or a building.

Operator. The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) 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 plan or to comply with other permit conditions.

Outdoor festival or event. An outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public-at-large is invited or admitted, with or without charge.

Outfall. The location where storm water 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.

Outside or outdoor storage. The placement or containment of goods, materials, or equipment other than within a building, for purposes of keeping such goods, materials, or equipment for processing, use, sale, or transfer to other locations.

Overlay district. A defined geographic area that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land use category. An overlay district can share the same boundaries with existing zoning districts or can contain only parts of one (1) or more such districts.

Owner. Any person having possession of or control of a sign or owner of record or real property.

Parcel. A piece of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such manner as to specifically identify the dimensions and/or the boundaries.

Parking area. All property used for off-street parking vehicular aisles and access ways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.
Parking lot. An area or plot of land used for the storage or parking of motor vehicles.

Parking lot island. A strip of property, which separates groups of parking spaces from other groups of parking spaces or internal driveways.

Perennial stream. A stream that flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) seven-minute topographic series maps (scale of 1/24,000).

Performance guarantee. A bond, letter of credit, cash equivalent, or other instrument provided by the developer and approved by the County that insures funds will be available to the County if the required subdivision improvements are not completed.

Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this ULDC.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Personal care home. A building or group of buildings, a facility, or place in which is provided beds and other facilities and services including room, meals and personal care for non-family ambulatory adults for compensation. Personal care homes are categorized as follows:

Family personal care home. A home for adults in a family type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

Group personal care home. A home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven (7) through fifteen (15) persons.

Congregate personal care home. A home for adults which offers care to sixteen (16) or more persons.

Phase or phased. Sub-parts of segments of construction projects where the sub-part of segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Plat. A map, plan or layout, of a county, city, town, lot, section, subdivision or development indicating the location and boundaries of properties prepared by a licensed surveyor or engineer. Includes the term “sketch plat.”

Plat, final. The plat of the subdivision, meeting the requirements of these regulations, for recording in the office of the clerk of the superior court of the County.

Planning Department. The Gordon County Building, Planning and Development Department.

Pollution susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution susceptibility map(s). Maps prepared by the Georgia Department of Natural Resources that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the state into areas of high, medium and low groundwater pollution potential.

Potable water. Water suitable for drinking purposes.

Practitioner of profession or occupation. One who by state law requires state licensure regulating such profession or occupation, but shall not include a practitioner who is an employee of a business, if the business pays a regulatory fee.

Primary highway. Any road of the state highway system which is a portion of connected main highways, as officially designated by the Georgia Department of Transportation and approved by the United States Secretary of Transportation pursuant to 23 U.S.C. section 103.

Principal use. The primary purpose for which land or a building is used.

Private club. A non-profit corporation organized and existing under the laws of the state or a fraternal or veterans organization associated with a part of a recognized national fraternal or veterans organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which has (1) At least one hundred (100) members regularly paying dues; and (2) Tax exempt status under the provisions of 501(a) of the U.S. Internal Revenue Code; and (3) Owns or leases a building or space for the reasonable use of its members; and (4) No members or officers, agents or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of alcoholic beverages beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club; and (5) No part of the net earnings inuring to the benefit of any shareholder or member; and (6) Been in continuous operation for at least one (1) year prior to the application for a malt beverage and wine license.

Project. The entire proposed development project regardless of the size of the area of land to be disturbed.

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 Georgia Soil and Water Conservation Commission up until the date of the NOI submittal.

**Protected river.** Any perennial river or watercourse with an average annual flow of at least four hundred (400) cubic feet per second as determined by appropriate U.S. Geological Survey documents.

**Qualified personnel.** Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

**Recreational vehicle.** A vehicular-type portable structure, built on a single chassis, without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use. Examples of recreational vehicles include travel trailers, truck campers, camping trailers, and self-propelled motor homes. For the purpose of Section 3.01.01 of this ULDC, a recreational vehicle shall be defined as above and shall also mean a vehicle that is 400 square feet or less when measured at the largest horizontal projection.

**Regulated activity.** Any activity, which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

**Residential.** Pertaining to the use of land, means premises such as homes, townhomes, manufactured homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

**Regulatory fees.** Payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the County. A regulatory fee may not include an administrative fee. Regulatory fees do not include development impact fees as defined by paragraph 8 of O.C.G.A. § 36-71-2 or other costs or conditions of zoning or land development.

**Reservoir boundary.** The edge of a reservoir, defined by its normal pool level.

**Resident.** A person who resides in the County in excess of six (6) months during the calendar year.

**Restaurant.** Any public space kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without requiring the rental of sleeping accommodations, and which holds a valid food service permit issued by the Gordon County Board of Health; the place must have adequate and sanitary kitchen and dining room equipment and provide at least one full course meal per day being served for not less than three (3) days a week, for at least nine (9) months each calendar year;
and the serving of such meals must be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. Alcoholic beverages shall only be served during such times as full course meals are available.

**Retail business.** A business consisting primarily of buying merchandise or articles in gross and selling to general consumers in small quantities or broken lots or parcels and not in bulk and not for resale.

**Retail package.** Sales of alcoholic beverages or wine packaged to go and not for consumption on the premises.

**Right-of-way.** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded or otherwise established for the use as a public street, road, thoroughfare, crosswalk, pipeway, drainage canal and/or other similar uses and designated by means of right-of-way lines.

**Right-of-way line.** The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

**River/stream bank.** The rising ground, bordering a river or a stream, 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 Georgia Department of Community Affairs.

**Roadway drainage structure.** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible 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.

**Rezoning action.** To change the zoning classification of a parcel of land. A proposed rezoning action requires review by the Gordon County Planning Commission and review and approval by the Gordon County Board of Commissioners.

**Salvage yard.** Any such use involving the storage or disassembly of impounded, wrecked or abandoned automobiles, trucks, or other vehicles: storage, baling or otherwise dealing in iron, steel, brass, copper, zinc, or their alloys, or any other base metals which are commonly bought for the purpose of resale and refabrication: storage, baling, or otherwise dealing in scrap metal,
commercial/residential appliances, used paper, used cloth, used plumbing fixtures and used brick, wood, or other building materials. Such uses shall be considered salvage yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises. Includes the terms “junk yard” and “flea market.”

**Scrap.** Scrap iron and scrap steel or other base metals and secondhand materials which are only fit for remanufacturing or reprocessing without reference to whether it is new or old. Scrap metal and glass having no commercial value except for remelting purposes shall be considered scrap.

**Scrap yard operator or scrap dealer.** Any person or his agent engaging, in a fixed location, in the purchase of scrap iron or steel and other base materials for the purpose of cutting or baling or otherwise preparing the same for sale to mills for remelting, with only incidental residual transfer on a retail basis.

**Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, 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.

**Sensitive natural areas.** Any area, as identified now or hereafter by the Georgia 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, hydroforms, or geological features; or
4. Other areas so designated by the Georgia Department of Natural Resources and which are sensitive or vulnerable to physical or biological alteration.

**Setback, front.** The minimum required distance between the street right-of-way and the front exterior wall of the principal building or structure on a lot.

**Setback, side or rear.** The minimum required distance between the property line and any structure, measured from the back or side property line.

**Shopping center.** Six (6) or more commercial establishments planned and managed as a single unit with common off-street parking and loading facilities provided on the property.

**Sign.** Any object, device, display, or structure, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination or projected images.
Awning or canopy sign. A sign that is affixed to, imposed upon or painted on an awning or canopy attached to a wall. Such signs shall be mounted flush so that a continuous face with the awning or canopy is formed. See also “Under Canopy Sign” definition.

Banner. Any sign having characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only such material as backing, which is mounted to a pole or building by one (1) or more edges. National, state, or municipal flags or the official flag of a business or institution shall not be considered a banner.

Business sign. An attached or freestanding structure which directs attention to a business or profession conducted as a rule on the premises.

Changeable copy sign (manual). A sign on which copy or sign panels may be changed manually in the field such as boards with the changeable letters or changeable pictorial panels.

Commemorative sign. A sign which identifies a site of memorable public interest.

Construction site sign. Any sign advertising the construction actually being done on the premises where the sign is located. The sign may also include the contractor's name, the owner's name, the architect's name and the name of the institution providing financial services.

Directional sign. Providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Electronic sign. A sign whose message may be changed at intervals by electronic process, including digital technology, or by remote control, including the device known as a commercial electronic variable message sign.

Flag. A usually rectangular piece of fabric of distinctive design that is used as a symbol of a government, as a signaling device, or as a decoration.

Flashing sign. Includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. Excludes illuminated signs which indicate only time and/or temperature provided that such time/temperature signs do not change or alternate messages more than twelve (12) times a minute.

Freestanding entrance sign. Any sign placed at the intersection of a public street and a public or private entryway into single family or multi family residential developments, private schools, or religious institutions in a residential zoning district.

Freestanding general business sign. Any sign, excluding a billboard, supported by uprights or braces which are permanently placed into the
ground, and not supported by or suspended from any building. Includes the terms “pole sign,” “hanging sign,” “monument sign,” and “ground sign.”

**Freestanding outdoor advertising sign.** Any sign that directs attention to a business, commodity, service or entertainment typically conducted, sold or offered at a location other than the premises on which the sign is located. Includes the term “Billboard.”

**Hanging sign.** A freestanding sign supported by the extended arm or a single post.

**Identification sign.** Any sign which indicates the name, owner or address of a residence, office or business, but bearing no advertising.

**Illuminated signs, direct.** A sign designed to emit light.

**Illuminated signs, indirect.** A sign on which light is cast from a source other than the display area.

**Inflatable advertising devices.** Includes air or gas filled signs, figures or balloons used for advertising purposes.

**Instructional sign.** A sign conveying instructions to the public, such as entrance, exit, open, closed, no trespassing, etc. Also includes vehicular use area traffic rules on private property. Commercial messages, as part of the display area, are not allowed except for the use of the business name and/or logo.

**Interior sign.** Signs intended to be viewed from the interior of a building.

**Internally illuminated signs.** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

**Monument or ground sign.** A freestanding general business sign, other than a pole sign or hanging sign, that is permanently mounted on an enclosed base that is in contact with the ground. The maximum size standards of a monument or ground sign, as prescribed in Chapter 5 of this ULDC, are based on the combined measurements of the sign area and the sign base.

**Nonconforming sign.** Any lawfully erected sign established prior to the adoption of this ULDC, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section.

**Permanent sign.** Any sign attached to land or a building roof, wall, awning, canopy, etc., by means of concrete, bolts, metal braces, wood, etc., and has a valid sign permit.

**Pole sign.** A freestanding general business sign, other than a hanging sign or monument sign that is mounted on a freestanding pole, pylon or other support.
Portable display sign. Any sign not permanently affixed to the ground, including signs mounted or designed to be mounted on a trailer-type frame or portable wood or metal frame. Portable display signs are not included in the definition of freestanding signs.

Projecting sign. A sign which is attached perpendicular to a building and extends horizontally from the plane of the building wall. Includes the term “shingle sign.”

Sandwich or sidewalk sign. Any sign, double- or single-faced, which is portable and may readily be moved from place to place.

Sign area. The entire face of a sign, including the advertising surface and any framing trim, or molding but not including the supporting structure.

Sign height. The measure in linear feet from the highest point on the sign to the unaltered elevation of the ground at the base of the sign or directly beneath the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road from which the sign is intended to be viewed.

Temporary sign. Includes but is not limited to banners, flags, streamers, and trailer signs.

Under canopy sign. A sign attached to the underside of a canopy or awning. Includes the term “soffit sign.”

Wall sign. A sign fastened to the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project above the top of the wall, beyond the end of the building or more than 12 inches from such building.

Window sign. Any sign displayed to an outside observer on or through a window or covering a window, which may include a door.

Yard sale sign. Any sign pertaining to the sale of personal belongings on any rural or residential zoned property. Includes the term “Garage sale sign.”

Significant groundwater recharge areas. Areas mapped by Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Site plan. The development plan for one (1) or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this ULDC.

Skirting/underpinning. Installation of acceptable material from the exterior base of the manufactured home to the ground which may or may not provide support to the home.
Soil and Water Conservation District Approved Plan. An erosion, and sedimentation and pollution control plan approved in writing by the Coosa River Soil and Water Conservation District.

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.

State approved professional. Any independent individual licensed, registered, or certified by the State of Georgia, and through education or training is licensed by the state to render qualified decisions or representations, and assumes full responsibility and liability for those decisions or representations.

State general permit. The National Pollution Discharge Elimination System general permit or permits for storm water 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 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.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Street. A right-of-way which provides vehicular access to abutting property.

Alley. A street which affords only a secondary means of access to the back or side of abutting property, and is not intended for general traffic.

Collector street. A street which is designated as such on the Gordon County Transportation Plan and which is intended to collect traffic from local streets and direct it safely to minor or major arterial streets. A collector may also provide direct access to adjacent properties.

Cul-de-sac. A local street with only one (1) outlet, closed and terminated with a permanent vehicular turnaround.

Dead-end street. A street having only one (1) end open for access to another street, and other end being abruptly terminated with no turnaround.
Frontage road or marginal access street. A street generally parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

Interstate. A street which is designated as such on the Gordon County Transportation Plan and is intended to serve corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel. Includes the term “interstate principal arterial.” For the purpose of this ULDC, the term “Interstate” shall mean Interstate 75, also known as I-75.

Local street. A street which is designated as such on the Gordon County Transportation Plan and which is intended to serve a limited area for local circulation and whose primary function is to provide direct access to adjoining properties.

Major arterial street. A street which is designated as such on the Gordon County Transportation Plan and which is intended to provide swift and safe movement of traffic through the County. Includes the term “principal arterial.”

Minor arterial street. A street which is designated as such on the Gordon County Transportation Plan and which is intended to provide easy and convenient traffic movement within the County.

Private street. A street which is privately owned and maintained, and over which the general public has no right of use.

Public street. Right-of-way dedicated to Gordon County held or owned by the County for public street purposes.

Stub street. A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

Structure. Anything constructed or erected, installed or portable, the use of which requires location on the ground, or attachment to something having location on the ground. For the purpose of Section 3.01.00 of this ULDC, a “structure” shall also include a gas or liquid storage tank.

Historic structure. Any structure that is: listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places; 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 of the Interior to qualify as a registered historic district; individually listed on a state inventory of historic places and determined as eligible by the state; individually listed on a local inventory of historic places and determined as eligible by the Gordon County Historic Preservation Commission.
Structural erosion, and 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.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, parcels, building sites, or other divisions for the purpose, whether immediate or future, of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Major subdivision. A subdivision of land which results in the creation of five (5) or more lots.

Minor subdivision. A subdivision of land which results in the creation of four (4) or less lots and does not result in the creation of any public or private street.

Substantial improvement. Any combination of repairs, reconstruction, alteration, or improvements of a structure, taking place during the life of a building in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

Surety bond. One (1) of the following: cash bond, irrevocable letter of credit or a bond issued by a licensed surety authorized to do business in the State of Georgia in the amount of ten thousand dollars ($10,000.00).

Surface water. Any river, creek, stream, or body of water that is not man-made.

Sustainable development. Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economics depend.

Telecommunications facilities. Antennas and towers, either individually or together.

Timber. Softwood or hardwood trees and logs, pulpwood, chip-n-saw, saw timber, poles, posts, or fuelwood for which the Georgia Department of Revenue requires the filing of form PT-283T.

Timber operations. Buying, cutting, harvesting and/or hauling timber in Gordon County for commercial or profit making purposes.

Tower. A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment (alternative tower structure), on which is located one (1) or more antennas intended for transmitting or receiving analog,
digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

**Tower sites.** An area within the County where the construction, erection and maintenance of a tower is permitted.

**Traditional town center or village.** A pedestrian and vehicular accessible mixed use development with a discernible center, often a civic space or busy commercial area, surrounded by a variety of dwelling types that are generally within a five-minute walk (1/4 mile or 1,320 feet) of the center.

**Travel trailer/recreational vehicle:** A vehicular-type portable structure, whether self-propelled or pulled by a power unit, designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a "camper" or "travel trailer" or "recreational vehicle."

**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.

**Urban sprawl.** Low-density, automobile dependent residential development that can occur in rural or undeveloped land typically beyond the edge of service and employment areas.

**Use or occupied.** The purpose or activity for which land or buildings are designed, arranged, intended, or occupied and maintained. Used and occupied include the words "arranged, designed or intended to be used," and the word "occupied" shall be deemed to include the words "arranged, designed or intended to be occupied."

**Utility.** Any community service available to the public by means of an overhead or underground distribution or collection system such as electricity, telephone, water, gas, cable television and sewerage disposal.

**Public water and sewer system.** Refers to public water distribution and wastewater collection systems, and all component parts, equipment, and structures necessary to provide such services.

**Private water and sewage system.** A system owned and operated by an individual or a community corporation serving two (2) or more premises and approved by the Georgia Department of Natural Resources, Environmental Protection Division.
**Variance.** A grant of relief from the requirements of this ULDC which permits construction in a manner otherwise prohibited by this ULDC where specific enforcement would result in unnecessary hardship.

**Vegetative erosion and sedimentation control measures.** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(A) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

(B) Temporary seeding, producing short-term vegetative cover; or

(C) 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.*

**Visible.** Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

**Visibility triangle.** The area of land described as either of the following:

(A) The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line and the third side being a line connecting the ends of the two (2) other sides; or

(B) The triangular area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the two (2) other sides.

**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 quality critical area.** The portion of the water supply watershed nearest a governmentally owned public drinking water intake or water supply reservoir. See also Section 3.02.03(B) to determine boundaries of a water quality critical area.

**Water supply watershed.** The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

**Wetlands.** Areas that are inundated or saturated by surface water 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, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.
**Generalized wetlands.** The data sets contained on the current U.S. Fish and Wildlife Service National Wetlands Inventory maps.

**Wetland delineation.** The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the corps.

**Wetland protection district.** All wetlands within the jurisdiction of the County and shown on the generalized wetland map.

**Wholesale business.** A business primarily engaged in the selling of goods or articles in gross to retailers or jobbers for resale and not to the ultimate consumer.

**Yard.** A required open space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except for vegetation and permitted encroachments and accessory buildings.

**Front yard.** That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot, shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

**Rear yard.** That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

**Side yard.** The area extending from the front building line to the rear building line between the side lot line and the side building line. Any lot line not a rear line or a front line shall be deemed a side line.

**Yard sale.** The occasional sale of personal belongings on property occupied by the owners of said belongings. Includes the term “garage sale.”

**Zoning decision.** The decision made by the Gordon County Board of Commissioners to approve or deny a proposed rezoning action.

**Zoning district.** The use classification of parcels of land as generally defined under this ULDC.
CHAPTER 2
ZONING DISTRICTS AND USES

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  2.01.01 Official Zoning Map of Gordon County
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2.00.00 GENERALLY
The use of buildings, structures, and land in accordance with the Gordon County Comprehensive Plan shall comply with the use requirements for zoning districts set forth in Chapter 2. Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which it is located.

2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

2.01.01 Gordon County Zoning Map
A. Zoning districts for Gordon County are hereby established as shown on the “Official Zoning Map of Gordon County, Georgia.”
B. The Official Zoning Map of Gordon County, Georgia shall be identified by the signature of the chair of the Board of Commissioners, attested by the County Clerk, and shall include the date of adoption.
C. The Official Zoning Map of Gordon County, Georgia may be amended according to the procedures set forth in Chapter 10 of the ULDC.

2.01.02 Rural Zoning Districts
The use of private wells and the use of private septic tank systems shall be allowed in all rural zoning districts established herein subject to approval by the Board of Health and any applicable state regulations governing such. The following rural zoning districts are established:
A. RC-1, Rural Conservation District. This district is intended to provide for the long-term protection and preservation of large areas of publicly or privately owned property not suitable for development, including environmentally sensitive natural resource systems, major recreation areas or historic sites, farmland, and hillsides or ridge lines. Structures that are built within the Rural Conservation District are limited to buildings that are supportive of and accessory to the conservation land uses.
B. A-1, Agricultural District. This district is intended to provide for agricultural activities, including those related to crops, livestock, and timber, protected from the effects of suburban residential development. Required minimum tract size shall be five (5) acres.
C. RA-1, Residential Agricultural District. This district is intended to preserve the mixed agricultural and residential character of land while providing a transition between rural and agricultural land and suburban and urban land. Required minimum tract size shall be two (2) acres.

2.01.03 Residential Zoning Districts
The use of public water systems and the use of public sewer systems shall be required in all residential zoning districts established herein with the exception that the use of private septic tank systems, including decentralized wastewater management systems, shall be allowed in the R-1 and R-6 districts established herein subject to approval by the Board of Health and any applicable state
regulation governing such. A decentralized wastewater management system may be allowed at the discretion of the County Administrator subject to the approval of the Board of Health and any applicable state regulation. Only conventional built dwellings shall be allowed in any residential zoning district established herein this Section excluding the R-6 district. The following residential zoning districts are established:

A. R-1, Low Density Residential. This district is intended to provide for single-family residential dwellings on individual lots at a low density of development. Required minimum lot size shall be 20,000 square feet with the use of the public sewer system and 25,000 square feet with the use of a private septic system or as approved by the Board of Health.

B. R-2, Medium Density Residential. This district is intended to provide for single-family residential dwellings on individual lots at a moderate density of development. Required minimum lot size shall be 15,000 square feet.

C. R-3, Suburban Density Residential. This district is intended to provide for single-family residential dwellings on individual lots at a higher suburban density of development. Required minimum lot size shall be 10,000 square feet.

D. R-4, High Density Residential. This district is intended to provide for duplexes having a minimum heated floor area per dwelling unit of 900 square feet and townhomes having a minimum heated floor area of 1,100 square feet. The overall allowed density in R-4 is six (6) units per acre for duplex developments and twelve (12) units per acre for townhome developments. Required minimum lot size for a duplex shall be 10,000 square feet. Required minimum lot size for overall development for townhomes shall be one (1) acre. Required minimum lot size for detached single-family residential dwellings shall be 5,000 square feet.

E. R-5, Multi-Family Residential. This district is intended to provide for conventional built apartments and condominiums, greater than two (2) units per building, having a minimum heated floor area of 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, and 1000 square feet for a three bedroom unit. The overall allowed density in R-5 developments is fourteen (14) units per acre. Required minimum lot size for overall development shall be five (5) acres.

F. R-6, Manufactured Housing Development. This district is intended to provide for housing developments consisting of detached manufactured homes within a planned residential community having no less than ten (10) acres in overall development area. Required minimum lot size for individual lots shall be 8,000 square feet with the use of public sewer and 25,000 square feet or as approved by the Board of Health with the use of a private septic system.
2.01.04 Commercial, Office, and Institutional Zoning Districts

The use of public water systems and the use of public sewer systems shall be required in all commercial, office, and institutional zoning districts established herein with the exception that private septic tank systems, including community sewerage disposal systems, shall be allowed in all such established districts on lots having a minimum area of one (1) acre subject to the approval of the Board of Health Services. The following commercial, office, and institutional zoning districts are established:

A. O-I, Office Institutional. This district is intended to allow development of business and professional activities, medical and dental facilities, and the development and maintenance of publicly owned lands and structures, parks and recreation areas, public schools, and buildings used principally for government functions. Limited retail uses normally associated with office or institutional uses, accessory structures, and essential public services are also permissible. Required minimum lot size shall be 10,000 square feet.

B. C-C, Crossroads Commercial. This district is intended to provide locations for limited retail and service uses to satisfy the common and frequent needs of residents of nearby residential and agricultural areas. It is the intent of the district to locate businesses at major road intersections rather than in a strip or linear fashion. Required minimum lot size shall be 10,000 square feet.

C. C-G, General Commercial. This district is intended to provide locations for a wide variety of retail and service uses to satisfy the common and frequent needs of residents in large sections of the County. It is the intent of the district to concentrate businesses in focus areas at major road intersections rather than in a strip or linear fashion. Required minimum lot size shall be 10,000 square feet.

D. C-H, Highway Commercial. This district is intended to provide areas for commercial activities which provide products and services, including “big box” retail, that generally require locations with the highest level of access to major collector roads, arterial highways, and regional transportation systems. Required minimum lot size shall be 10,000 square feet.

2.01.05 Industrial Zoning Districts

The use of public water systems and the use of public sewer systems shall be required in all industrial zoning districts established herein with the exception that uses permitted within such districts which do not use water in the manufacturing or assembly process, or only involve the warehousing, storing, or distribution of products shall be allowed to use a private septic tank system, including a community sewerage disposal system, on lots having a minimum area of one (1) acre subject to the approval of the Board of Health. The following industrial zoning districts are established:

A. I-1, Light Industrial. This district provides for light industrial uses which do not create excessive noise, odor, smoke, or dust and do not produce,
store, or handle hazardous wastes. Permissible uses include activities involved in warehousing, assembly, storage, and commercial services. Required minimum lot size shall be 20,000 square feet.

B. I-2, Heavy Industrial. This district provides for the manufacturing, assembling, storage, distribution, and sales activities that are generally high intensity. For those industries which may have negative impacts or nuisance factors associated with their use, supplemental standards shall apply within the district. Required minimum lot size shall be one (1) acre.

2.01.06 Mixed Use Zoning District

The use of public water systems and the use of public sewer systems shall be required in the MU mixed use zoning district established herein. The following mixed use zoning district is established:

A. MU, Mixed Use. This district is intended for the development of a combination of residential, office, and commercial uses. Light industrial uses may be appropriate for locations with the highest level of access to the Interstate system. This district is established to encourage creative and resourceful projects that include compatible, interrelated uses, multimodal connectivity, and related public facilities unified by a development plan.

2.01.07 Conversion of Previous Zoning Districts

A. Zoning districts as were established under the previous zoning ordinance of Gordon County are hereby renamed to the following zoning district names and designations under this ULDC, as shown in Table 2.01.07(A). All regulations, requirements and provisions of this ULDC applicable to a zoning district established under this section shall apply to the previously named zoning district as now named, as shown in Table 2.01.07(A).

B. All special conditions and special stipulations imposed as conditions of rezoning of property prior to adoption of this ULDC are hereby retained and reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the Board of Commissioners is amended through the rezoning process established by this ULDC.
Table 2.01.07(A): Conversion of Previous Zoning Districts

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<th>Previous Zoning District Designation</th>
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2.01.08 Zoning Districts and Future Development Map Relationship

Eleven character areas are reflected on the Future Development Map for unincorporated Gordon County, and each are implemented by individual zoning districts, as indicated in Table 2.01.08.
### Table 2.01.08: Permitted Zoning Districts

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<th>Zoning Districts:</th>
<th>A-1</th>
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2.02.00 ESTABLISMENT AND PURPOSE OF OVERLAY DISTRICTS

2.02.01 Generally
Overlay Districts are a special purpose zoning classification used to supplement, not substitute for, the current zoning districts, called the "underlying district," in order to protect and promote public and private investment. More stringent controls generally apply within the overlay district than would normally be required in the underlying districts.

2.02.02 New Echota Overlay District
The purpose of the New Echota Overlay District is to protect the historic setting and viewsheds of the New Echota Historic Site and the unique experience enjoyed by residents and visitors by ensuring that new development in the district will complement rather than detract from the historic value of the site and surrounding area and will respect the district's rural character, natural features and significance as the former Cherokee Capital and Trail of Tears site and round-up route.

2.02.03 Resaca Battlefield Overlay District
The purpose of the Resaca Battlefield Overlay District is to protect the historic setting, viewsheds and topography of the Resaca Battlefield, which includes both public and private properties, and the unique experience enjoyed by residents and visitors by ensuring that new development in the district will complement rather than detract from the historic value of battlefield area and will respect the district's natural and historic features, its rural character, and its contributions to the heritage of Gordon County, the state and the nation.

2.03.00 LAND USES PERMITTED IN EACH ZONING DISTRICT

2.03.01 Generally
Table 2.03.03 describes those uses that are permissible in each base zoning district. Buildings, structures, or land shall be occupied or used only in conformity with all of the regulations set forth herein for the district in which they are located. The zoning districts for Gordon County are shown on the “Official Zoning Map of Gordon County, Georgia.”

2.03.02 How to Read the Table of Uses
A. Within the following table the letter “P” indicates that the land use is permissible, subject to compliance with the standards of the zoning district.

B. The letter “S” indicates that the land use is permissible, subject to compliance with the standards of the zoning district, and the supplemental standards specified for the use. Supplemental standards are contained in Section 4.04.00.

C. A blank cell indicates the land use is prohibited.

D. Any land use that is not identified in Table 2.03.03 is prohibited unless it is found to be substantially similar to an identified use in said table by the Director of Planning and Development or designee.
1. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.03. Such characteristics include, but are not limited to:
   a. Typical hours of operation;
   b. Use of outdoor storage;
   c. Trip generation rates;
   d. Generation of noise, light pollution, odor, smoke, electromagnetic interference, or vibration; and
   e. Customary functions of the use.

2. The administrative interpretation shall be subject to appeal, as set forth in Chapter 10.
2.03.03 Table of Land Uses

<table>
<thead>
<tr>
<th>Zoning Districts:</th>
<th>A-1</th>
<th>RA-1</th>
<th>RC-1</th>
<th>R-1</th>
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<th>C-H</th>
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Land Uses:

### Residential and Related Uses

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#### Institutional

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Table of Land Use

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### Agricultural Uses

- **Agricultural and Farming Operations**: S S
- **Greenhouses and Plant Nurseries (commercial)**: P S
- **Commercial Riding Stable Facilities**: S S
- **Horse Stable Facilities (non-commercial)**: S S
- **Kennel without Outdoor Run**: S S
- **Kennel with Outdoor Run**: S S
- **Commercial Timber Operations, including Sawmills and Woodyards**: S

### Non-Residential Uses

- **Alcohol Package Store**: P P
- **Animal Hospital or Veterinary Clinic**: S S S S
- **Automobile, Truck &**
## Table of Land Use

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*December 7, 2010*
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*December 7, 2010*
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**December 7, 2010**

**GORDON COUNTY UNIFIED LAND DEVELOPMENT CODE**

**ZONING DISTRICTS AND USES**

**CHAPTER 2**
CHAPTER 3

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3.00.00 GENERALLY
The provisions set forth in Chapter 3 are intended to protect the natural features and natural resources within Gordon County, and to implement policies in the Gordon County Comprehensive Plan. The natural features and natural resources included in Chapter 3 are the floodplain, water supply watersheds, groundwater recharge areas, river corridors, wetlands, and erosion and sediment control.

3.01.00 FLOOD DAMAGE PREVENTION

3.01.01 Statutory Authorization
Article IX, Section II of the Constitution of the State of Georgia and Section 36·1-20(a) of the Official Code of Georgia Annotated 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 Gordon County Board of Commissioners of Gordon County, Georgia, does ordain as follows:

3.01.02 Findings of Fact
A. The flood hazard areas of Gordon 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.

3.01.03 Purpose
It is the purpose of this section 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 protective barriers, which are involved in the accommodation of floodwaters.

3.01.04 Objectives

The objectives of this section are to:

A. Protect human life and health;
B. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
C. 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. Minimize expenditure of public money for costly flood control projects;
E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
F. Minimize prolonged business interruptions, and
G. Ensure that potential home buyers are notified that property is in a flood area.

3.01.05 Lands to which Section Applies

This section shall apply to all areas of special flood hazard within the County.

3.01.06 Basis for Establishing the Areas 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 September 26, 2008 with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this section.

B. For those land areas acquired by a municipality through annexation, the current effective FIS dated September 26, 2008, with accompanying maps and other supporting data and any revision thereto, for Gordon 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 FIS, accompanying maps and other supporting data is located at: Gordon County Building, Planning and Development office, Wall Street Annex building, First Floor, 200 S. Wall Street, Calhoun, Georgia.

3.01.07 Development Permit Required

A development permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities.
3.01.08 Compliance
No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this section and other applicable regulations.

3.01.09 Conflict with Other Provisions
This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.01.10 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 section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.01.11 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.

3.01.12 Warning and Disclaimer of Liability
A. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration.
B. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes.
C. 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.
D. This section shall not create liability on the part of the 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.

3.01.13 Penalties for Violation
A. 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 variance or special exceptions shall constitute a violation.
B. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than five (5) days, or
both, and in addition, shall pay all costs and expenses involved in the case.

C. Each day such violation continues shall be considered a separate offense.

D. Nothing contained in this section shall prevent the County from taking such other lawful actions as is necessary to prevent or remedy any violation.

3.01.14 Designation of Floodplain Coordinator

The Director of Building Inspections is hereby appointed to administer and implement the provisions of this section.

3.01.15 Permit Procedures

Application for a Development Permit shall be made to the Director of Building Inspections on forms furnished by the community 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

1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in 3.01.18 (B) below;

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

B. Construction stage

1. For all new construction and substantial improvements, the permit holder shall provide to the Director of Building Inspections an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed.

2. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

3. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

4. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.
5. The Director of Building Inspections shall review the above referenced certification data submitted.

6. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed.

7. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### 3.01.16 Duties and Responsibilities of Floodplain Coordinator

The duties of the floodplain coordinator shall include, but not be limited to:

A. Review all permit applications to assure that the permit requirements of this section 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. When Base Flood Elevation data or floodway data have not been provided in accordance with Section 3.01.15, then the Director of Building Inspections shall require the applicant to 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 this ULDC.

D. Receive and review elevation certificates and floodproofing certificates for all new or substantially improved buildings, for compliance with this section.

E. When flood-proofing is utilized for a structure, the Director of Building Inspections shall require the applicant to obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 3.01.15 and Section 3.03.18.

F. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

G. 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).

H. For any altered or relocated watercourse, the Director of Building Inspections shall require the applicant to 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.

I. Require that the applicant shall assure flood carrying capacity of any altered or relocated watercourse is maintained.

J. Interpret the provisions of this section. In the interpretation and application of this section all provisions shall be considered as minimum
requirements. They shall be liberally construed in favor of the governing body with jurisdiction, and the provisions of this section shall not be deemed to limit or repeal any other powers granted under state statutes.

K. Maintain all records pertaining to the provisions of this section, which shall be open for public inspection.

### 3.01.17 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 or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.

D. 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.

E. 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.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this section, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

J. Accessory structures shall be subject to the standards of this section.

### 3.01.18 Specific Standards

In all areas of special flood hazard the following provisions are required:

A. **New residential construction and/or substantial improvements.** Where base flood elevation data are available, new construction and/or substantial improvement of any residential structure or manufactured
home shall have the lowest floor, including basement, elevated no lower than one 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 C of this section. 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 flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight 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 Section 3.01.16(G).

C. Elevated buildings. All new construction or 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.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
   a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
   b. The bottom of all openings shall be no higher than one foot above grade; and
   c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

2. 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; and
3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

D. **Standards for manufactured homes and recreational vehicles where base flood elevation data are available.**

1. All manufactured homes placed, and/or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in new and/or substantially improved manufactured home parks or subdivisions, or 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 foot above the base flood elevation.

2. All manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
   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.
   c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

3. All recreational vehicles placed on sites must either:
   a. Be on the site for fewer than 180 consecutive days, or
   b. 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
   c. The recreational vehicle must meet all the requirements of Section 3.01.18(A) including the anchoring and elevation requirements of 3.01.18(D)(2)(c), above.

E. **Floodways.** Located within areas of special flood hazard established in Section 3.01.06 are areas designated as floodways. 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:

1. 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 must provide supporting technical data and certification thereof.

2. If subsection (E)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3.01.19 Standards for Streams without Established Base Flood Elevation and/or Floodways (A-Zones)

Located within the areas of special flood hazard established in Section 3.01.06, where streams exist but where no base flood data has 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 Section 3.01.06, then the Director of Building Inspections 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. ONLY if data are not available from these sources, then the following provisions (B & 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 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. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 3.01.18(C).

1. The lowest floor shall be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed.

2. 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.
D. The Director of Building Inspections shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

3.01.20 Standards for Areas of Shallow Flooding (AO Zones)

Areas of Special Flood Hazard established in Section 3.01.06 may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

A. All new construction and substantial improvements of residential and non-residential 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 feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 3.01.18(C), "Elevated buildings".

B. The Director of Building Inspections shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

C. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight 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 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 Section 3.01.15(A)(3) and Section 3.01.15(B).

D. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

3.01.21 Standards for Subdivision Proposals

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 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.

D. For subdivisions and/or developments greater than fifty (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.

3.01.22 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.

3.01.23 Variance Procedures

A. The Gordon County Planning Commission as established by the Gordon County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this section.

B. The Gordon County Planning Commission shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Director of Building Inspections in the enforcement or administration of this section.

C. Any person aggrieved by the decision of the Gordon County Planning Commission may appeal such decision to the Superior Court of Gordon County, Georgia, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

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 section 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 Gordon County Planning Commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this section, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger to life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, in the case of a functionally dependent facility;
6. Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

H. The conditions for the granting of variances shall be as follows:
1. 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 historical structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the structure.
2. Variances shall only be issued upon:
   a. A showing 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.
3. 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.
4. The Director of Building Inspections shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
5. Upon consideration of the factors listed above and the purposes of this section, the Gordon County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

3.02.00 WATER SUPPLY WATERSHED PROTECTION

3.02.01 Findings of Fact

In order to provide for the health, safety and welfare of the public and a healthy economic climate within Gordon County and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation, which threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

3.02.02 Purpose

The purpose of this section is to establish measures to protect the quality and quantity of the present and future water supply of the County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This section shall apply to the portions of watershed(s) which occur within the jurisdiction of the County and are herein identified as water supply watersheds.

3.02.03 Establishment of Water Supply Watershed District

A. Generally

1. The water supply watershed district is hereby designated and shall comprise the land that drains to the water supply intake from the stream bank to the ridge line of the watershed.

2. The boundary of the water supply watershed district is defined by the ridge line of the watershed, the boundary of a radius seven (7) miles upstream of the water supply intake or by the political boundaries of the County, where those boundaries occur within the watershed.

B. Water Quality Critical Area

1. The water quality critical area is established for land that lies within one thousand (1,000) feet on either side of a perennial stream, as measured from each stream bank, located upstream of a water supply intake and within seven (7) miles from the intake.

C. Water Supply Watershed District Map
The general boundaries of the water supply watershed and water quality critical area are shown on Figure 3.02 Water Supply Watershed District. The figure is provided for planning purposes only and shall not serve as a substitute for delineation of water supply watershed and water quality critical area boundaries as identified on a site plan prepared by a licensed professional engineer or surveyor.

### 3.02.04 Permit Requirements

A. Within the water supply watershed district, no land-disturbing activity, construction or other development, other than certain exempted activities identified herein, may be conducted without a permit from the County or its designee and must be in full compliance with the terms of this section and other applicable regulations.

B. All activities that are not permissible as of right or as special permit uses shall be prohibited.

### 3.02.05 Exemptions

The following land-use activities are exempted from the permit and site plan requirements of this section:

A. Agriculture and forestry

1. Normal agricultural activities involving planting and harvesting of crops, as well as livestock, poultry and horticulture are exempted if they conform to best management practices established by the Georgia Department of Agriculture and USDA.

2. Silvicultural activities must conform to best management practices established by the Georgia Forestry Commission.

B. Mining activities. All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act as amended are exempted.
Figure 3.02 Water Supply Watershed District
3.02.06 Land Use Restrictions

A. Within the water supply watershed district, the following limitations on permissible uses shall apply to all water quality critical areas:

1. Industries. No industries or businesses that distribute or warehouse hazardous materials may be located within the water quality critical area.

2. Commercial and service establishments. Uses that provide for the sale of fuel for motor vehicles are prohibited within the water quality critical area.

3. Residential land use. There are no additional restrictions on the types of residential land use allowed within the water quality critical area.

4. Agricultural land use. Uses that are not in conformance with the best management practices (BMPs) of the Georgia Department of Agriculture and USDA are prohibited.

5. Landfills and waste disposal. No landfills or wastewater disposal facilities of any kind (except for septic tanks approved by the Board of Health) shall be allowed within the water quality critical area.

6. Hazardous and toxic materials. No underground fuel or chemical storage tanks shall be allowed in the water quality critical area. No facilities that dispose of toxic or hazardous waste may be located within the water quality critical area. No industries or businesses classified as large quantity generators of hazardous waste may be located within the water quality critical area.

7. Fuel and chemical storage tanks. Underground fuel or chemical storage tanks within the water supply watershed district shall meet all applicable requirements set by the Georgia Department of Natural Resources, Environmental Protection Division.

B. Impervious surface setbacks

1. For all perennial streams within a seven-mile radius of water supply intake, no impervious surface shall be constructed within a one-hundred-fifty (150) feet setback area on both sides of the stream as measured from the stream banks.

2. For all perennial streams beyond a seven (7) mile radius of the water supply intake, no impervious surface shall be constructed within a seventy-five (75) feet setback area on both sides of the stream as measured from the stream banks.

C. Vegetative buffers

1. Stream buffers within water quality critical area. For all perennial streams within a seven (7) mile radius of a water supply intake, a vegetative buffer shall be maintained for a distance of fifty (50) feet on both sides of the stream as measured from the stream banks.
2. Stream buffers outside the water quality critical area. For all perennial streams beyond a seven (7) mile radius of a water supply intake, a buffer shall be maintained for a distance of twenty-five (25) feet on both sides of the stream as measured from the stream banks.

3. Silvicultural BMPs. Notwithstanding any other provisions of this section, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas.

4. Agricultural BMPs. Notwithstanding any other provisions of this section, the continued cultivation of agricultural crops and the pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

D. Septic tank drainfield restrictions. Septic tanks and septic tank drainfields are prohibited in the setback area established in subsections (B)(1) and (B)(2) above.

E. Street runoff and drainage
   1. New streets constructed within the water quality critical area shall not require any curb and gutter improvements additional to those required in this ULDC.
   2. New streets that cross perennial streams within a seven (7) mile radius upstream of the water supply intake shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross.
   3. Such design features shall be shown on the site plan.

F. Hazardous materials handling
   1. New facilities located within the water supply watershed district that handle hazardous materials of a type and amounts requiring a permit from the department of natural resources or that require disposal at a hazardous materials facility by a hazardous materials handler permitted or licensed by the department of natural resources, shall perform their operations on impermeable surfaces having spill and leak collection systems.
   2. Such spill and leak collection systems shall be shown on the site plan in detail and must be approved, as part of the site plan, by the Director of Planning and Development.

G. Soil erosion and sedimentation control. All developments and land-disturbing activity within the water supply watershed district shall comply fully with Section 3.06.00 of this ULDC.
3.02.07  Enforcement
The County or its designee, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this section and may make or cause to be made such examinations, surveys or sampling as the County or its designee deems necessary.

A. The Director of Planning and Development is hereby designated as the administrator and enforcement authority for this section.

B. The Director of Planning and Development shall have authority to:
   1. Enforce this section;
   2. Issue permits hereunder; and
   3. Address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions.
   4. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

C. Law enforcement officials or other officials having police powers shall have authority to assist the Director of Planning and Development in enforcement of this section.

D. Any person who commits, takes part in or assists in any violation of any provision of this section shall be fined not more than two thousand five hundred dollars ($2,500.00) for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

E. The Director of Planning and Development shall have the authority to issue cease and desist orders in the event of any violation of this section. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 3.02.11 below.

F. When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.

G. When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

3.02.08  Administration
Applications for a development permit within the watershed district shall include:

A. Site plans required

   Except for the exemptions listed in this section, all forms of development within the watershed district shall be required to have a site plan prepared and approved according to this section before any building permits or other development related permits may be issued or any land-disturbing activity may take place.
B. Information required. Each site plan submitted under this section shall include the following:

1. A site plan drawn to a scale of not less than one (1) inch equals fifty (50) feet showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainageways; water, wastewater and stormwater facilities; and utility installations.

2. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.

3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

4. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet.

5. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

6. 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.

C. 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 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 Director of Planning and Development. Minor changes, such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

D. Exemptions from site plan requirement. The following activities and developments are exempt from the requirement for detailed site plans:

1. Single-family detached homes constructed within a subdivision of fewer than five (5) parcels.

2. Repairs to a facility that is part of a previously approved and permitted development.

3. Construction of minor structures, such as sheds or additions to single-family residences.
E. Pre-application conference
A pre-application conference between the applicant and the Director of Planning and Development can be scheduled at the request of the applicant. The purpose of the meeting is to review local land use restrictions, site plan requirements and the permitting process.

F. Filing fee
   1. At the time of the application, the applicant shall pay a filing fee specified by the County or its designee.
   2. Filing fees up to a maximum of one hundred dollars ($100.00) may be required to evaluate the application.
   3. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment and mitigation measures as deemed necessary by the Director of Planning and Development.

G. Review procedures
   1. The application shall be made to the Director of Planning and Development and will be reviewed within thirty (30) days.
   2. The review period shall include the preparation of findings (approval or disapproval) by the Director of Planning and Development.
   3. The applicant will receive written notification of the findings of the Director of Planning and Development.
   4. If the review process is not completed within thirty (30) days, the application is considered to be approved.

H. Appeals
   1. Decisions on permit applications made by the Director of Planning and Development may be appealed to the Gordon County Planning Commission.
   2. The appeal must be made within thirty (30) days of the decision rendered by the Director of Planning and Development.
   3. A public hearing shall be held for appeals.
   4. Public announcement of the hearing shall be printed in local newspapers at least fifteen (15) days prior to the hearing.
   5. Any person may offer testimony at the hearing.
   6. The decision of the Gordon County Planning Commission may be appealed to a court of competent jurisdiction, as discussed in Section 3.02.11.

I. Public notice and public hearing
   1. Public notice of permit applications, through publication in local newspapers, is required.
   2. A public hearing on the application may be scheduled if requested by a citizen.
3. Notice of the public hearing, through a local newspaper of general circulation, must be published at least fifteen (15) days prior to the hearing.

4. A record of the proceedings shall be made and kept on file by the County or its designee.

5. Any person may testify at the hearing.

J. Duration of permit validity

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.

2. If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve (12) months after the date that work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as far as practicable.

3.02.09 Non-Conforming Uses

A. Previous uses preserved generally. The lawful use of any building, structure or land use existing at the time of the enactment of this section may be continued, even though such use does not conform with the provisions of this section, except that the nonconforming structures or use shall not be:

1. Changed to another nonconforming use;

2. Reestablished after discontinuance for one (1) year;

3. Extended except in conformity with this section;

4. Structurally altered, except for repairs necessary for the continuation of the existing use.

B. Replacement of nonconforming uses. A nonconforming building, structure or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure, building or improvement, as determined by the Director of Planning and Development, may not be reconstructed or restored to the same nonconforming use except upon written approval of the Director of Planning and Development.

C. Application to projects partially complete

1. For any development that has received, before the effective date of this section, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the County or its designee and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this section.
2. Any significant additions, expansions or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this section.

3.02.10 Variances

A. When issued. The Director of Planning and Development may authorize, upon appeal in individual cases, variances from the terms of this section as will not be contrary to the public interest. Variances will only be issued in cases where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship. Such variance may be granted in individual cases of practical difficulty or unnecessary hardship only upon a finding by the Director of Planning and Development that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of this section to the particular piece of property would create an unnecessary hardship;
3. Relief, if granted, would not cause substantial detriment to the water quality of the water supply intake stream or impair the purposes and intent of this section;
4. The special circumstances surrounding the request for a variance are not the result of acts by the applicant;
5. The variance is not a request to permit a use of land, buildings or structures that is not permissible in the district involved; and
6. The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to Section 3.02.06.

B. Conditions. The County or its designee may, as a condition of the variance to certain provisions of this section, require that alternative measures be taken by the applicant such that the purposes of this section may be achieved through alternative means.

3.02.11 Judicial Review

A. Jurisdiction. All final decisions of the County or its designee concerning denial, approval or conditional approval of a special permit shall be reviewable in the County superior court.

B. Alternative actions. Based on these proceedings and the decision of the court, the Director of Planning and Development may, within the time specified by the court, elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Director of Planning and Development.

3.02.12 Amendments
These regulations and the watershed district map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

3.02.13 Assessment Relief
Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

3.03.00 GROUNDWATER RECHARGE AREA PROTECTION

3.03.01 Findings of Fact
A. In order to provide for the health, safety and welfare of the public and a healthy economic climate within Gordon County, Georgia, and surrounding communities, it is essential that the quality of public drinking water be ensured.

B. For this reason, it is necessary to protect the subsurface water resources that the County and surrounding communities rely on as sources of public water.

C. Groundwater resources are contained within aquifers, which are permeable rock strata occupying vast regions of the subsurface.

D. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas.

E. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas.

F. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

3.03.02 Objectives
The objectives of this section are to:

A. Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;

B. Protect groundwater quality by limiting density of development; and

C. Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

3.03.03 Establishment of Groundwater Recharge Area District
A groundwater recharge area district is hereby established which shall correspond to all lands within the jurisdiction of the County that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition.
3.03.04 Determination of Pollution Susceptibility

Each recharge area shall be determined to have a pollution susceptibility of high, medium or low based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

3.03.05 Permit Requirements and Enforcement

A. Generally

No building permit, rezoning request or subdivision plan will be approved by the Director of Planning and Development unless the permit, request or plan is in compliance with the groundwater protection standards listed in Section 3.03.06.

B. Enforcement

Gordon County, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this section and may make or cause to be made such examinations, surveys or sampling as the County deems necessary.

1. The Director of Planning and Development is hereby designated as the administrator and enforcement officer for this section.

2. The Director of Planning and Development shall have authority to enforce this section; issues permits hereunder, and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

3. Law enforcement officials or other officials having police powers shall have authority to assist the Director of Planning and Development in enforcement.

4. Any person who commits, takes part in or assists in any violation of any provision of this section shall be fined not more than two thousand five hundred dollars ($2,500.00) for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

5. The Director of Planning and Development shall have the authority to issue cease and desist orders in the event of any violation of this section. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 3.03.07.

6. When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.

7. When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.
8. No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, not install an on-site sewage management system or component thereof without having first applied for and obtained from the Board of Health a construction permit for the installation.

C. Permit review and site plan requirement

With the exception of certain exempted activities identified in subsection 3.03.05(D), applications for a development permit within the groundwater recharge area district shall include a site plan. The following information is required for all site plans:

1. A map or maps, drawn to a scale of not less than one (1) inch equals fifty (50) feet, showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainageways, water lines, wastewater and stormwater facilities, and utility installations, shall be provided by the applicant.

2. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.

3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

4. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet.

5. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

6. 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.

7. 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 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 Director of Planning and Development. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.
D. Exemptions to site plan requirements

The following activities and developments are exempt from the requirement for detailed site plans:

1. Single-family detached homes constructed within a subdivision of fewer than five (5) parcels.
2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to single-family residences.

E. Review procedures

1. The application shall be made to the Director of Planning and Development and will be reviewed within thirty (30) days.
2. The review period shall include the preparation of findings (approval, approval with conditions or disapproval) by the Director of Planning and Development.
3. The applicant will receive written notification of the findings of the Director of Planning and Development.
4. If the review process is not completed within thirty (30) days, the application is considered to be approved.
5. Decisions of the Director of Planning and Development may be appealed to the County.

F. Public notice and public hearing

1. Public notice of permit applications, through publication in local newspapers, is required.
2. A public hearing on the application, to be held before the County, may be scheduled if requested by a citizen.
3. Public announcement of the hearing shall be printed in a local newspaper of general circulation at least fifteen (15) days prior to the hearing.
4. A record of the proceedings shall be made and kept on file by the County.
5. Any person may testify at the hearing.
6. Decisions of the County may be appealed to a court of competent jurisdiction identified in Section 3.03.07.

G. Duration of permit validity

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the County.

3.03.06 Groundwater Protection Standards

A. For all pollution susceptibility areas, new waste disposal facilities must have synthetic liners and leachate collection systems.

B. New agricultural impoundments shall meet the following requirements:
   1. For areas of high susceptibility, a liner shall be provided that is approved by the Natural Resource and Conservation Service (NRCS).
   2. For areas of medium susceptibility, an NRCS approved liner shall be provided if the site exceeds fifteen (15) acre-feet.
   3. For areas of low susceptibility, an NRCS approved liner shall be provided if the site exceeds fifty (50) acre-feet.

C. No land disposal of hazardous waste shall be permitted within any significant groundwater recharge area.

D. For all significant groundwater recharge areas, the handling, storage and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).

E. For all significant groundwater recharge areas, new aboveground chemical or petroleum storage tanks larger than six hundred fifty (650) gallons must have secondary containment for one hundred ten (110) percent of tank volume or one hundred ten (110) percent of the largest tanks in a cluster of tanks.

F. For high pollution susceptibility areas, new wastewater treatment basins shall have an impermeable liner approved by EPD.

G. For high pollution susceptibility areas, no new stormwater infiltration basins may be constructed.

H. For high pollution susceptibility areas, wastewater spray irrigation systems or the land spreading of wastewater sludge shall be practiced in accordance with department of natural resources criteria for slow rate land treatment. An application for a development permit for activities involving wastewater spray irrigation or land spreading of wastewater sludge must be accompanied by proof that the applicant has received a land application system permit from EPD.

I. Minimum lot sizes and septic systems. To provide for the orderly and safe development of property utilizing on-site sewage management systems, minimum lot sizes have been established. Larger lot sizes may be required depending on the proposed development of the property. The Board of Health and/or other County authorities may require larger minimum lot sizes: the larger minimum lot sizes will take precedence. Lot sizing requirements are as follows for single-family dwellings such as mobile
homes, stick built homes, modular homes, etc. on individual lots in subdivisions and mobile home lots located in areas other than commercial mobile home parks. See Tables 3.03.06 A. and 3.03.06 B. below.

Table 3.03.06(A). Minimum Lot Size Requirements

<table>
<thead>
<tr>
<th>Pollution Susceptibility</th>
<th>New Homes Served by Septic Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Pollution Susceptibility</td>
<td>150% of minimum lot sizes specified in Table 3.03.06(B)</td>
</tr>
</tbody>
</table>

Note: Refer to Section 3.03.04, Determination of pollution susceptibility.

Table 3.03.06(B). Minimum Lot Sizes and Maximum Allowable Sewerage Flow, Based on Type of Water Supply System

<table>
<thead>
<tr>
<th>Soil Percolation Rates</th>
<th>Minimum Lot Sizes based on Type of Water Supply System</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-Public</td>
</tr>
<tr>
<td>5-15 min. percolation</td>
<td>43,560 (sq. ft.)</td>
</tr>
<tr>
<td>16-30 min. percolation</td>
<td>48,000 (sq. ft.)</td>
</tr>
<tr>
<td>31-45 min. percolation</td>
<td>52,000 (sq. ft.)</td>
</tr>
<tr>
<td>46-60 min. percolation</td>
<td>56,000 (sq. ft.)</td>
</tr>
<tr>
<td>61-90 min. percolation</td>
<td>60,000 (sq. ft.)</td>
</tr>
<tr>
<td>91-120 min. percolation</td>
<td>3 acres</td>
</tr>
</tbody>
</table>

¹Zoning district may require a larger minimum lot size; reference Chapters 2 and 4 for requirements.

1. The above minimum lot sizes are for the typical size home (three- or four-bedroom) with basic appurtenances such as driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, larger lots will be required by the Board of Health to assure usable soil area.

2. The Board of Health will also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope over five (5) percent, percolation rates higher than forty-five (45) minutes per inch, and need for subsurface drainage or adverse topographic features.

3. The following land area is not considered as a part of a lot when calculating the required minimum lot size: Rights-of-way of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, bodies of water, land within a
flood plain, land within fifty (50) feet of a lake, river, stream, wetland or other body of water and similar limiting factors.

4. There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an equal or larger area, as appropriate, for an approved replacement system. This will include sufficient area for necessary site modifications for installation of both the initial system and replacement system. All pertinent County zoning setbacks and other space requirements must also be met.

5. The maximum daily sewage flow for each lot or parcel of land shall not exceed six hundred (600) gallons per acre per day (gpad) or twelve hundred (1,200) gpad when served by a non-public or public water supply system respectively. When sewage flows exceed these quantities (600 or 1,200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally according to the following example: Assume a public water supply exists (so 1,200 gpad maximum sewage flow allowed per minimum required land area 21,780 square feet), and there is a proposed sewage flow of five thousand (5,000) gpad. To determine \(X\) = the square footage of the lot needed, use the following formula (Note: 43,560 sq. ft. = One (1) acre):

\[
\begin{align*}
X &= \frac{5,000 \text{ gal/day}}{1,200 \text{ gal/acre/day}} \\
   &= 4.17 \text{ acres} \\
   &= 4.17 \times 43,560 \text{ sq. ft.} \\
   &= 181,500 \text{ sq. ft. area of land needed}
\end{align*}
\]

J. Minimum lot sizes are determined based on site specific high intensity soil study conducted by approved soil classifiers. Soil classifiers are as defined in the Rules of Department of Community Health Public Health, Chapter 290-5-26, On-Site Management Systems.

1. Minimum requirements for a High Intensity Soil Study

   i. A High Intensity Soil Study shall be identified as a Level III Soil Survey and Map. A Level III Soil Survey and/or Soil Map are based on a comprehensive soils investigation of a given landscape. The purpose of the soil survey is to identify, delineate and interpret the suitability of the soil series found on the site as it pertains to use for an on-site sewage management systems. The soil survey must meet or exceed specified accuracy and quality standards for the data from which the Board of Health permits on-site sewage management systems.
ii. All Level III Soil Surveys and related interpretive data shall be based on the Georgia Department of Community Health Manual for On Site Sewage Management Systems, National Cooperative Soil Survey standards and the current Soil Survey Manual (Soil Survey Staff, 1993). Soil series used to name map units must be classified according to the most recent edition of Soil Taxonomy (Soil Survey Staff, 1999), with map unit boundaries and map features plotted on a map at a scale that may range from one inch equals ten feet (1”=10’) to one inch equals one hundred feet (1”=100’). Smaller map scales (1”=200’, 1”=500’, etc.) are not acceptable.

iii. Level III Soil Surveys must be based on a two-foot contour interval topographic map. The topographic map and boundary survey must be provided before the beginning of any fieldwork. The soil survey must include a title block or caption that includes the project and/or client name, location of the project, date of the survey, narrative and bar scale and north arrow. The soil survey shall include any features that may affect the location or performance of on-site sewage management systems. Examples are: the location of springs, wells, existing structures, rock outcrops, ephemeral drains, gullies and visible trash pits. The soil survey must include a legend that defines any symbols used to illustrate these features on the soil map. The soil survey and soil map must bear the name, stamp, address and telephone number of the Certified Soil Classifier, Registered Engineer or Registered Geologist performing the survey. The “Official” Level III Soil Survey used for on-site sewage management system permitting is that which bears the original seal and signature of the individual performing the work. The Certified Soil Classifier, Registered Engineer or Registered Geologist shall affix their signature and seal only on soil surveys that are their work or work performed under their direct supervision. Any revision to a Level III Soil survey must be clearly designated as such and dated.

iv. The Level III Soil Survey must include a table or narrative that describes site-specific properties of each map unit (named for soil series) mapped at the site. For each map unit, the table or narrative must include the following: soil series name (symbols are not allowed), the percent slope or slope range (symbols are not allowed), minimum depth (range is unnecessary) to seasonal saturation (seasonal high water table), minimum depth (range is unnecessary) to auger refusal or impervious layer (soft or hard bedrock or other horizons that restrict water movement), recommended installation depth (if applicable) and estimated
percolation rate at the recommended installation depth (if applicable). The estimated percolation rate shall be based on the most limiting soil horizon that comes into contact with the absorption trench sidewall, bottom and for a distance one (1') foot below the recommended installation depth.

v. The upper and lower depth limits of the horizon in which installation is recommended shall be provided for each map unit. The depth range over which installation is recommended must be at least 24 inches to encompass a 12 inch sidewall thickness and 12 inches of soil below the trench bottom. If the 24 inch thickness installation zone includes a horizon with lower percolation rate than the optimum, the maximum percolation rate in the depth interval must be used for on site system design. Minimum depths to bedrock or seasonal saturation shall be provided for each map unit and specific depths identified for each boring on the soil map. Phases of soil series are an acceptable method to map depths more narrow than those used to define the series. Variants of series have different interpretations than the named series and these differences shall be reflected in the interpretive table.

vi. An interpretive statement describing the limitations for utilization of on site sewage management systems shall be provided for each Soil Series map unit. This interpretive statement may contain notes, observations or other pertinent information reflecting the soil properties of the map unit that affect its ability to function for wastewater disposal. These map unit interpretation statements must be based on the soil properties and landscape positions observed on site by the approved professional. Map unit interpretive statements shall be expressed in a narrative format on the soil survey report or soil map.

vii. The number of soil observations required for the Level III Soil Survey will depend on the soil conditions encountered during the study and landscape complexity at the site. At least four (4) pedons shall be evaluated and classified for each one (1) acre mapped. For example, if an area is 1.5 acres, a minimum of 6 test borings must be evaluated and classified. If the site is less than one acre, a minimum of four (4) pedons shall be evaluated and classified. However, the soil classifier, registered engineer or registered geologist shall perform as many soil boring observations as necessary to ensure the named soil series or a soil series with similar or more favorable properties are verifiable onsite. All soil observations must be numbered and flagged on site and their location illustrated with a symbol and
corresponding boring number on the finished soil map. All permanent and reproducible ground control points utilized to locate soil observations will be shown on the finished soil map so these observation points can be reestablished at a later date. All soil maps must contain a statement describing the method and/or instruments used to locate each soil observation from control points.

viii. Boundaries between map units are commonly gradual instead of abrupt as implied by a line drawn on a map. In addition, the boundary between map units may be difficult to locate exactly unless definitive landscape features are present or closely spaced soil observations are made to locate the boundary. To ensure that on-site sewage systems are not installed in soils unsuitable for their use, soil delineation lines between suitable soils, limited suitable soils and unsuitable soils shall be accurate to within 20 feet of the delineated soil boundary. If through additional closely spaced soil observations the site evaluator can document the area within 20 feet of the boundary has soils suitable for an on-site sewage system (conventional or alternative), the system may be installed closer than 20 feet from the suitable-limited suitable-unsuitable boundary. The location of all observations used to determine near boundary soil suitability must be shown on the final soil map and characteristics observed must be summarized in the site report.

ix. All soil observations shall be a minimum depth of 72 inches unless a refusal layer, including seasonal saturation horizon, is identified. If the lower limit of the recommended installation depth is greater than 48 inches, the soil observation must be extended to no less than 24 inches beneath this lower limit. Backhoe pits may be substituted for observations from auger borings. Mechanical augers, which disturb soil structure, shall not be used.

x. The soil classifier, registered engineer or registered geologist must keep field notes for each soil observation that include: boring number, soil series name, percent slope, depth and type of restrictive horizons present and morphological properties of major subsoil horizons (upper and lower depth, texture, matrix and redoximorphic feature color (Munsell notation)). All surveys and related interpretive data shall meet National Conservation Soil Survey (NCSS) and United States Department of Agriculture (USDA) Soil survey manual standards for map purity. Map units will not have more than 15 percent inclusions of soils with different interpretation for on-site sewage management systems from the named series.
2. Minimum requirements for special soil investigations
   i. A special soil study shall be identified as a Level IV Soil Survey. The Board of Health may require special soil studies when alternative on-site sewage management systems are proposed and additional soil data are needed to adequately address site suitability and/or system design. The Board of Health should be consulted prior to the initiation of the special investigation.

   ii. The special investigation will typically be made for a specific location within an individual lot or parcel in the area proposed for the installation of an on-site sewage management system. Special investigations may include measurement of percolation rate for specific horizons, excavations to determine bedrock hardness and continuity, monitoring seasonal groundwater tables or other similar data that may be needed to aid in the interpretation of soil suitability and the protection of ground and surface water. Finished soil reports will have clear and obvious designations as to information that is Level III and/or Level IV.

   iii. A Level IV Soil Survey expands on the existing Level III Soil Survey in thoroughness and/or detail. Results of the Level IV soil investigation should be presented in a format similar to that of the Level III soil investigation, including a map with more detailed soil delineations and/or location of measurements, an interpretive table and, if needed, narrative statements describing methods and results that impact suitability for an on-site sewage management system. The Level IV Soil Survey shall meet all minimum requirements of the Level III Soil Survey, with the exception that test boring sites from the previous Level III investigation may be used for the Level IV investigation. There is no minimum number of pedon observations required for a Level IV. At a Level IV intensity, individual soil series are expected to be mapped and delineated with such a degree of accuracy that, at any location chosen to investigate within a given map unit, the named soil series or one with similar or more favorable properties for the installation of an on-site wastewater management system must be verifiable. The name, official seal and signature of the Certified Soil Classifier, Registered Engineer or Registered Geologist performing the investigation must be on the report.

3. Soil data acceptability for individual lots
   i. Soil evaluations on individual lots shall be performed by the following individuals: A Certified Soil Classifier, Registered Engineer or Registered Geologist if a Level 3 Soil Survey is required.
ii. With the approval of the Board of Health, an Environmental Health Specialist I or higher, District Environmental Health Director, DCH Environmental Health Program Director, meeting the following requirements, may conduct soil investigations for individual lots for single family residences: A Level II Inspector Certification; and, successfully passes a field examination demonstrating the ability to identify soil texture and expected percolation rate, identify redoximorphic features and identify restricted or impervious soil horizons.

iii. Individuals who are approved by the Board of Health that perform soil evaluations on individual lots for single family residences shall follow the following protocols: A minimum of three soil borings shall be dug in the proposed location of the on-site sewage management system absorption field and duplicate absorption field area; and, all borings shall be dug to a minimum depth of 72 inches unless a refusal layer is identified or to no less than 24 inches beneath the planned absorption trench bottom installation depth.

iv. A soil report shall be made containing: a sketch identifying boring locations; a table identifying boring number, expected percolation rate and depth at which it occurs, the depth of seasonal high water table and depth of any refusal layer; and, sites with poor percolation, redoximorphic features or impervious soil horizons within 24 inches of the planned absorption trench bottom, a seasonal high water table within 30 inches of the original ground surface or any other questionable soil features will be referred to a certified soil classifier, registered engineer or registered geologist for evaluation.

4. Evaluation of soil for use as fill material

   i. Evaluation of soil for use as fill material on individual lots may be performed by the following individuals: a Certified Soil Classifier, Registered Engineer or Registered Geologist; with approval of the Board of Health, a Level II Certified Environmental Health Specialist I or higher, who has successfully completed training and demonstrated proficiency in soil fill evaluation may approve soil for fill material.

   ii. Individuals approved by the Board of Health to perform soil evaluations of fill material shall follow the following protocols: a minimum of four (4) borings shall be dug within the in place fill material; all borings shall be dug to a minimum depth twelve (12) inches below the original soil surface; and, a fill site evaluation form shall be completed providing evidence that the vegetative topsoil has been removed and fill area properly tilled, the soil fill is examined for texture and fines, the percolation
rate is estimated, and the size of the filled area is identified and the filled area properly sloped.

3.03.07 Judicial Review
A. Jurisdiction. All final decisions of the County or its designee concerning denial, approval or conditional approval of a special permit shall be reviewable in the County superior court.

B. Alternative actions. Based on these proceedings and the decision of the court, the Director of Planning and Development may, within the time specified by the court, elect to:
1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Director of Planning and Development.

3.03.08 Amendments
These regulations may, from time to time, be amended in accordance with procedures and requirements in general state statutes and as new information becomes available to Gordon County.

3.03.09 Assessment Relief
Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

3.04.00 RIVER CORRIDOR PROTECTION
3.04.01 Findings and Purpose
A. The Conasauga, Coosawattee and Oostanaula Rivers have been designated as protected rivers by the Georgia Department of Community Affairs, and the Gordon County River Corridor Protection Plan has been adopted by the County.

B. The purpose of the Gordon County River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Conasauga, Coosawattee and Oostanaula Rivers.

3.04.02 Establishment of River Corridor Protection Districts
A. The County river corridor protection district is hereby designated and shall comprise the land within one hundred (100) feet horizontally on both sides of the Conasauga, Coosawattee and Oostanaula Rivers, which have been designated as protected rivers by the Georgia Department of Community Affairs.

B. The district establishes measures to guide future growth and development in areas adjacent to the Conasauga, Coosawattee and Oostanaula Rivers. 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 designated as an overlay district. Within the range of land uses which can be located within the district, there are established in Section 3.04.04 protection criteria which apply to development within the district.

3.04.03 Regulation of Underlying Zoning District

Unless otherwise noted in this section, the regulation of the underlying zoning district as provided in this ULDC shall be maintained and not affected.

3.04.04 Protection Criteria

A. All development within the County river corridor district shall maintain a natural vegetative buffer except as otherwise provided herein.

B. The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.

C. Except as noted below, all construction within the buffer area is prohibited.

D. Exemptions from protection requirements:

1. 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 provisions pertaining to soil erosion and sedimentation control as identified in this ULDC.

2. Land use existing prior to the adoption of this section subject to the following conditions:

a. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and

b. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

3. Mining activities if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

4. Utilities (except as discussed above in subsection 3.04.04(D)(2), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:

a. The utilities shall be located as far from the river bank as reasonably possible;

b. 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

c. Utilities shall not impair the drinking quality of the river water.
6. Specific forestry and agricultural activities except as discussed in subsection 3.04.04(D)(7) below.

7. 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:
      1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
      2. 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, Article 1, Chapter 2, Title 12 (as amended).
   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-surface 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:
      1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
      2. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
      3. 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 Georgia Department of Natural Resources or under Section 404 of the Clean Water Act, with the exception of inhabitable structures.

3.04.05 Use Limitations
Within the County 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 Section 3.04.04(D)(1) 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.

D. Other uses unapproved by the County shall not be acceptable within river corridors.

3.05.00 WETLANDS PROTECTION

3.05.01 Findings, Title, and Purpose

A. Findings of fact

1. The wetlands within Gordon County, Georgia, are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations.

2. 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; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

3. Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

4. It is therefore necessary for the County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

B. Title

This section shall be known as "Wetlands Protection."

C. Purpose

The purpose of this section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this section is to protect wetlands from alterations that will significantly affect or reduce their primary functions for
water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

3.05.02 Wetlands Protection District

A. The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of Gordon County, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service, National Wetlands Inventory Maps. The NWI Maps are available at http://www.fws.gov/nwi

B. The generalized wetland map is a general reference document, and wetland boundaries indicated on the map are approximations. The purpose of the generalized wetland map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity.

C. The generalized wetland map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of the County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.

D. Any local government action under this section does not relieve the landowner from federal or state permitting requirements.

3.05.03 Local Development Permit Requirements

A. Generally

1. No regulated activity will be allowed within the wetland protection district without written permission from the County or its designee in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this section and other applicable regulations.

2. All activities that are not identified in subsection (B) below or in other provisions of this ULDC shall be prohibited without prior issuance of a local development permit.

3. If the area proposed for development is located within two hundred (200) feet of the wetland protection district boundary, as determined from the generalized wetland map, a U.S. Army Corps of Engineers determination shall be required.

4. If the corps determines that wetlands are present on the proposed development site and that a Section 404 permit or letter of permission is required, a local development permit will be issued only following issuance of the Section 404 permit or letter of permission.
B. Permissible uses (uses as of right)

The following uses shall be allowed as of right within a wetland to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein:

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 permit.

2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.

3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.

4. The continued cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural best management practices are followed.

6. Education, scientific research and nature trails.

7. Temporary emergency permit. A temporary emergency permit can be issued by the County or its designee for the following reasons:

   a. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunications or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the County or their designee and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.

   b. Temporary water-level stabilization measures associated with ongoing silvicultural operations.

   c. Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use.
d. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

C. Site plans

Applications for a local development permit within the generalized wetland protection district shall include a site plan, drawn at a scale of not less than one (1) inch equals fifty (50) feet, with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.

2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of one hundred (100) feet.

4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

5. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two (2) feet; and no greater than one (1) foot for slopes less than or equal to two (2) percent.

6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

7. All proposed temporary disruptions or diversions of local hydrology.

D. 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. The site plan may be amended only with the approval of the County or its designee. The County or its designee may require additional information deemed necessary to verify compliance with the provisions of this section or to evaluate the proposed use in terms of the purposes of this section.

E. Subdivision design options in the wetland protection district

Any subdivision that includes jurisdictional wetlands shall be allowed and encouraged to use the following options:

1. Lot size averaging

Lot size averaging is encouraged in single-family detached subdivisions as a means to work around wetland areas. The County or their designee
may allow a reduction in lot size provided that the same number of lots in the same subdivision are oversized by an equal or greater area. The maximum permissible reduction shall not exceed twenty-five (25) percent of the minimum required lot area. The number of lots with areas reduced shall not exceed twenty-five (25) percent of the total number of lots in the subdivision. The County or its designee shall require no more than a twenty-five (25) percent adjustment of rear, side and front setbacks for each affected lot.

2. Cluster development

Clustering of residential development is encouraged. When considering subdivision approval, the County or its designee will allow incorporation of wetland or other significant natural areas as open space in the subdivision plan. Such plans should designate at least twenty-five (25) percent of the gross land area as open space. Density shall be calculated by subtracting from the total acreage of a parcel all land dedicated or in use for private or public roads, including all vehicular rights-of-way. The resultant acreage will then be divided by the minimum allowed lot size of the district to derive the number of lots permissible.

F. Filing fee

At the time of the application, the applicant shall pay a filing fee specified by the County or its designee. Filing fees up to a maximum of one hundred dollars ($100.00) may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the County or its designee.

G. Enforcement authority

The Director of Planning and Development is hereby established as the administrator of this section.

H. Review procedures

The application shall be made to the Director of Planning and Development and will be reviewed within thirty (30) days. The review period shall begin upon determination by the Director of Planning and Development that the application submitted is complete. The review period shall include the preparation of findings (approval or disapproval) by the Director of Planning and Development. The applicant will receive written notification of the findings of the County or its designee. If the review process is not completed within thirty (30) days, the application is considered to be approved.

I. Appeals

Decisions on permit applications made by the Director of Planning and Development may be appealed to the Gordon County Planning Commission. The appeal must be made within thirty (30) days of the decision rendered by the Director of Planning and Development. A public hearing shall be held for appeals. Public announcement of the hearing shall be printed in a local
newspaper of general circulation at least fifteen (15) days prior to the hearing. Any person may offer testimony at the hearing. The decision of the Gordon County Planning Commission may be appealed to a court of competent jurisdiction, as discussed in Section 3.05.06.

J. Duration of permit validity

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.

2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.

3. Written notice of the pending expiration of the development permit shall be issued by the Director of Planning and Development.

3.05.04 Monitoring and Enforcement

A. The County or their designee, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this section and may make or cause to be made such examinations, surveys or sampling as the County or its designee deems necessary.

1. All enforcement and monitoring activities conducted by the County or its designee that involves entrance to privately owned land by the County or its designee shall be preceded by written notification to the landowner. Said notification shall be issued at least seven (7) days prior to the activities specified in the notification.

2. The Director of Planning and Development shall have authority to enforce this section; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

3. Law enforcement officials or other officials having police powers shall have authority to assist the Director of Planning and Development in enforcement.

4. The Director of Planning and Development shall have authority to issue cease and desist orders in the event of any violation of this section. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 3.05.06.

B. The County or its designee may require a bond in an amount of one thousand dollars ($1,000.00) and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this section. In the event of a breach of any condition of
any such bond, the County or its designee may institute an action in a
court of competent jurisdiction upon such bond and prosecute the same to
judgment and execution.

3.05.05 Penalties
A. Any person who commits, takes part in or assists in any violation of any
provision of this section may be fined not more than two thousand five
hundred dollars ($2,500.00) for each offense. Each violation shall be a
separate offense and, in the case of a continuing violation, each day's
continuance shall be deemed to be a separate and distinct offense.
B. When a building or other structure has been constructed in violation of
this section, the violator may be required to remove the structure at the
discretion of the County or its designee.
C. When removal of vegetative cover, excavation or fill has taken place in
violation of this section, the violator may be required to restore the
affected land to its original contours and to restore vegetation, as far as
practicable, at the discretion of the County or its designee.
D. If the County or its designee discovers a violation of this section that also
constitutes a violation of any provision of the Clean Water Act as
amended, the County or its designee shall issue written notification of the
violation to the U.S. Environmental Protection Agency, the U.S. Army
Corps of Engineers and the landowner.
E. Suspension, revocation. The County or its designee may suspend or revoke
a permit if it finds that the applicant has not complied with the conditions
or limitations set forth in the permit or has exceeded the scope of the work
set forth in the permit. The County or its designee shall cause notice of
denial, issuance, conditional issuance, revocation or suspension of a
permit to be published in a daily newspaper having a broad circulation in
the area where the wetland is located.

3.05.06 Judicial Review
A. Jurisdiction. All final decisions of the County or its designee concerning
denial, approval or conditional approval of a special permit shall be
reviewable in the County superior court.
B. Alternative actions. Based on these proceedings and the decision of the
court, the Director of Planning and Development may, within the time
specified by the court, elect to:
1. Institute negotiated purchase or condemnation proceedings to acquire
an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions
(i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within
the jurisdiction of the Director of Planning and Development.
3.05.07 Amendments
These regulations and the generalized wetland map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

3.05.08 Assessment Relief
Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

3.05.09 Source Material Appendix
The following map resource materials may be used as source material for the preparation of Generalized Wetland Maps:

A. National Wetlands Inventory Maps (NWI)
   1. NWI maps are the most commonly used maps. Most of these maps are at scales of 1:24,000 and correspond to United States Geologic Survey (USGS) topographic maps. The minimum area mapped is usually one (1) to three (3) acres. Small wetlands and very narrow wetlands in river corridors may be missed.
   2. These maps were developed from interpretations of available aerial photographs; therefore, mapped boundaries of wetlands do not reflect jurisdictional boundaries (as would be determined if the federal delineation manual were used on the ground).
   3. Only a small portion of the maps has been "ground-truthed," but nationwide efforts to assess the accuracy of the maps have been extensive. Accuracy varies upward from about sixty (60) percent, with most maps being at least ninety (90) percent accurate.
   4. The strength of these maps is the spatial resolution (often to within one (1) acre, which is relatively good). NWI maps identify the location of wetlands and indicate wetland type using the Cowardin classification scheme.
   5. The limitations of these maps are that wetlands that were cultivated at the time of mapping are generally not depicted and forested wetlands are poorly discriminated. In some areas, these two (2) wetland types are a major portion of the wetlands resource. Particularly in areas of rapid growth and accelerated wetlands loss, many maps have become quickly outdated.
   6. Maps are available through:
a. Department of Community Affairs, 60 Executive Park South, NE, Atlanta, Georgia, 30329. Telephone: 1-404-679-4940.
d. Other information, including information about wetland functions and values and options for their protection, can be obtained from the EPA Wetland Protection Hotline, LABAT-ANDERSON, Inc., 2200 Clarendon Boulevard, Suite 900, Arlington, Virginia, 22201. Telephone: 1-800-832-7828.

B. County soil survey maps

1. These maps range in scale from 1:15,840 to 1:31,680. Soil maps do not delineate wetlands, but rather their presence may be inferred from the occurrence of soils classified as "hydric" by the soil conservation service. From accompanying soil interpretation record data, wetlands might cautiously be classified by type. These maps were developed by trained soil scientists who examined vertical soil profiles at regular intervals along ground transects and generalized subjectively from them to the surrounding landscape on the basis of landform, vegetation and other factors.

2. These maps do not specify wetland type as do the NWI maps. Most published soil surveys report the acreage of each soil series in the survey area. Soil survey maps are extensively used as a secondary data source for wetlands mapping. However, hydric soil inclusions (patches of hydric soil too small to map) are probably common in many soils mapped as nonhydric, but the extent to which this occurs is unknown. It should also be noted that some soils classified as hydric are not hydric everywhere they are mapped: marginally hydric soils indicate wetlands only in certain landscape positions. Caution should therefore be used when inferring the presence of wetlands from soils classified and mapped as hydric.

3. The advantage of using these maps is that they are sometimes available in areas where NWI maps are not yet available. Soil surveys might be used, with caution, to infer locations of cropped wetlands not included in NWI maps; to differentiate among some wetland functional types (alluvial seasonally flooded vs. isolated seasonally flooded) when linked with the Natural Resource and Conservation Service (NRCS) SOILS database which describes the physical properties of each soil series; and to categorize hydrologic and water purification function of specific wetlands.
4. Limitations of these maps are numerous. Many small but cumulatively significant areas that often are wetlands (with hydric soil inclusions) are not mapped because the soil classification systems used in soil survey maps classify soils in landscape groupings. A quatic bed and many tidal or permanently flooded wetlands are typically mapped as open water, not wetlands, on NRCS maps. Areas classified as having hydric soils are not always wetlands, in part because they may have been drained (either prior to or after the survey was conducted). This can lead to overestimation of current wetlands acreage. Many drained hydric soils can retain sufficient "hydric" features to result in their being classified by soil mappers as hydric even after decades of continuous drainage. Conversely, not all wetlands contain soils that are classified as hydric, and this can lead to underestimation of wetlands acreage. Wetlands may be the result of recent impoundment; in such areas, it typically takes at least a decade for hydric soil features to appear. Moreover, even the soils of some wetlands with hydric characteristics that have existed for decades do not appear on the NRCS hydric soils list.

5. Maps are available through: U.S. Department of Agriculture, Natural Resource and Conservation Service (NRCS) field offices (generally located in the county seat of each county).

C. State Soil Geographic Data Base (STATSGO) and National Soil Geographic Data Base (NATSGO) maps

1. STATSGO maps are available at 1:250,000 scale with about one hundred (100) acres resolution. These maps include soils on federal land.

2. NATSGO maps are available at 1:3,000,000 and are currently available showing the entire United States. They do not include federal land.

3. STATSGO maps are generally based on soil surveys completed since 1960. NRCS has determined the map unit composition (the groupings of soil types mapped as a single polygon or unit) by transecting or sampling areas on the more detailed NRCS County Soil Survey maps and expanding the data statistically to characterize each whole map unit.

4. Wetlands themselves are not delineated; rather their presence may be inferred from the presence of soils officially considered "hydric." From accompanying SOILS data, which describe the physical properties of each soil series, these wetlands landscapes might cautiously be classified by function.

5. NATSGO maps are also generally based on soil surveys completed since 1960. Map units are the polygons of NRCS's Major Land Resource Area (MLRA) map. The sample points of the National Resources Inventory (NRI) are statistically aggregated within each
MLRA unit. Each NRI record is keyed to the soil interpretation record (SOILS) database so that soil attributes relevant to wetlands function are available for each of the three hundred thousand (300,000) NRI sample points.

6. These maps are relatively new and have not been tested extensively against wetlands field data.

7. Both map types are the only currently available maps from which the landscape-level water purification and flood control functions of wetlands might be inferred for all areas of the United States.

8. The scale/resolution of the maps is inappropriate for most planning purposes at the local level. Also, these maps cannot be used to infer the functions of an individual wetland. Inferences of wetlands functions at the landscape level would be based on hydric soils, but not all hydric soils are wetlands. In the case of the STATSGO data, the soil mapping units do not necessarily coincide with physical boundaries that are relevant to defining landscape functional units (watersheds). This could lead to some imprecision in estimates compiled on that basis. The generation and compilation of thematic maps from STATSGO and NATSGO maps requires a mainframe computer with adequate storage, advanced database management and GIS software and a skilled computer technician.


D. Natural Resource and Conservation Service (NRCS) Swampbuster Maps

1. These maps are mostly at a scale of 1:12,000 or 1:20,000 and primarily cover cropland and areas closely associated with cropland.

2. Most maps were completed since 1987 and largely represent a one-time assessment; about five (5) percent may be reassessed annually.

3. Wetland boundaries were hand drawn on recent aerial photographs. The delineations were based on an overlay of hydric soils maps; hydrophytic vegetation and presence of surface water (as visible from aerial photographs from multiple years); and, in some cases, field checking to confirm wetlands status.

4. These maps probably represent the most extensive, detailed and up-to-date map source for wetlands in certain areas. However, because these maps are relatively new, they are not widely used because of limited distribution.

5. These maps are not for sale but can be viewed at state NRCS offices.

6. The strength of these maps is that they are a useful complement to NWI maps because they include many of the wetlands that NWI misses, specifically, cropped and very small wetlands.
7. The limitation of these maps is that, because wetland boundaries were
drawn on aerial photographs not printed for mass distribution, the
maps are difficult to access and compile and they often do not include
prior converted wetlands.

E. FEMA Flood Hazard Maps

1. The scale varies depending on the locality and ranges from one (1) inch
   = two thousand (2,000) feet to one (1) inch = two hundred (200) feet.

2. Maps show floodplains of one-hundred- and five-hundred-year storm
   events based on analyses conducted since 1968. Floodplains were
delineated from topographic maps, stream flow data, channel cross-
sectional measurements and aerial photographs supplemented with
limited hydraulic modeling and ground-checking.

3. These maps are not extensively used to identify wetlands.

4. The strength of these maps is that they might be used to help identify
dominant water sources and transport vectors for specific wetlands
located near rivers. They also might be used to identify wetlands that,
if they store floodwater, are likely to have greater value because they
help protect downstream properties that otherwise are likely to be
flooded.

5. Limitations are that FEMA maps are not available for all jurisdictions.
The one-hundred- and five-hundred-year floodplains do not have any
particular ecological or geomorphic significance (annual, two-year and
five-year floodplains are probably more functionally important) and
their correlation with wetlands or hydric soil extent or function is
unknown. Their accuracy may be reduced in areas with very wide, flat
floodplains and backwater flooding. Boundaries may be outdated on
maps of communities that have experienced rapid development since
mapping.

6. Maps are available through: Flood Map Distribution Center, Federal
Emergency Management Agency, Baltimore, MD.

F. USGS Land-Use Land Analysis Maps (LUDA)

1. Most LUDA maps are at a scale of 1:250,000; some are at 1:100,000.
The minimum map unit size for the former is generally forty (40) acres
(ten (10) acres for open water).

2. These maps are based on interpretation of aerial photographs at a
scale of 1:62,500 and recognize only two (2) types of wetlands: forested
and nonforested wetlands. Additionally, each map represents only one
(1) time period, ranging from the late 1960s to the present.

3. The maps are seldom used in identifying wetlands.

4. The strengths of these maps are that they are the only source of digital
wetlands data for nearly the entire United States and the only map
data source that includes all landscape components, not just wetlands.
This allows for better integration of wetlands data with other landscape data when interpreting the role of wetlands in the landscape.

5. The limitation of these maps is that wetlands are grossly underestimated, because the minimum map unit size is too coarse and also because a consistent, modern definition of wetlands was not used during the mapping. In particular, forested, cropped and aquatic bed wetlands appear to be ignored or severely underestimated.


G. Georgia Department of Natural Resources (DNR) Landcover Maps

1. These maps show fifteen (15) types of land use, including seven (7) wetland classes, and have been produced at a scale of 1:24,000. They are not available for general distribution, but are on file at RDC offices.

2. Digital versions of the landcover data are available from: USGS Center for Spatial Analysis Technologies, Georgia Institute of Technology Research Institute, Baker Building, Atlanta, Georgia, 30332. This information is derived from automated classification of lands at satellite imagery. As with NWI maps, they cannot be used to determine jurisdictional wetlands as regulated by the Army Corps of Engineers. Although a useful complement to NWI maps, they were produced at an accuracy of eighty-five (85) percent and have not been thoroughly field checked.


### 3.06.00 SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

#### 3.06.01 Title

This section will be known as “Soil Erosion, Sedimentation and Pollution Control.”

#### 3.06.02 Exemptions

This section 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 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 paragraph. For single-family residence construction covered by the provisions of this paragraph, 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 fifty (50) horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, but the Director may grant variances to no less than twenty-five (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 twenty-five (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 paragraph 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 aquaculture, horticultural, dairy, livestock, poultry, eggs and aparian 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 Sections 3.06.03(C)(15) and (16), 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 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 two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "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 two hundred (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 Georgia 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 Department of Transportation, or 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. § 12-7-6 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.

3.06.03 Minimum Requirements for Soil Erosion, Sedimentation, and Pollution Control Using Best Management Practices (BMPs)

A. General provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this ULDC and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this section 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 and sedimentation control measures and practices shall conform to the minimum requirements of Sections 3.06.03 (B) and (C). The application of measures and practices shall apply to all features of the site, including 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 this ULDC and the NPDES General Permit.

B. Minimum requirements/BMPs

1. Best management practices as set forth in Sections 3.06.03 (B) and (C) 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 Director or to any other allegation of noncompliance with paragraph (2) below or any substantially similar terms contained in a permit for the discharge of storm water 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 "property designed" means 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).

2. 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 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 discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (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 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.

3. 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.

4. The Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

5. The local issuing authority may set more stringent buffer requirements than stated in Sections 3.06.03 (C)(15) and (16), in light of O.C.G.A § 12-7-6(c).

C. Additional requirements

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:

1. Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;

2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

6. Disturbed soil shall be stabilized as quickly as practicable;

7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

9. To the extent necessary, sediment in run-off 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 paragraph, 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.;

10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

13. 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;

14. 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 on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 3.06.03 (B)(2);

15. Except as provided in paragraph (16) of this subsection, there is established a twenty-five (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 Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or 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 twenty-
five (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 Director as provided in this paragraph. The following requirements shall apply to any such buffer:

a. 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

b. 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 twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1. Stream crossings for water lines; or
2. Stream crossings for sewer lines; and

16. There is established a fifty (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 twenty-five (25) gallons per minute or less shall have a twenty-five (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 of Natural Resources, 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 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:

a. 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

b. 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 twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
   1. Stream crossings for water lines; or
   2. Stream crossings for sewer lines;

D. Nothing contained in this section 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 Sections 3.06.03 (B) and (C).

E. 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 section or the terms of the permit.

3.06.04 Application and Permit Process

A. General

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 review this section, this ULDC, 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 operator and/or operators are the only parties who may obtain a permit.
B. Application requirements

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Gordon County without first obtaining a permit from the Gordon County Department of Building Inspections to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to the Gordon County Department of Building Inspections 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 Section 3.06.04(C). 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 Sections 3.06.03 (B) and (C) will be met. Applications for a permit will not be accepted unless accompanied by six (6) 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.

3. A fee, as set annually by the Gordon County Board of Commissioners, shall be charged for each acre or fraction thereof in the project area.

4. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed eighty dollars ($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.

5. 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 thirty-five (35) days of receipt. Failure of the District to act within thirty-five (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 Sections 3.06.03(C) (15) and (16) have been obtained, all fees have been paid, and bonding, if required as per Section 3.06.04 (B)(7) 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. Failure of the local issuing authority with plan review authority to act within thirty-five (35) days shall be considered an approval of the revised plan submittal.

6. If a permit applicant has had two (2) or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.

7. 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, three thousand dollars ($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.

C. Plan requirements

1. Plans must be prepared to meet the minimum requirements as contained in Sections 3.06.03 (B) and (C), or through the use or 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 Section 3.06.00. 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 storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations for shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or and land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of
involvement with the process, 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.

2. 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 permit was issued.

D. Permits

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (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.

2. 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 section, any variances required by 3.06.03(C) (15) and (16) are obtained, bonding requirements, if necessary, as per Section 3.06.04 (B)(7) 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.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this section, and any other sections of this ULDC related to land development, as are applied to private persons and the Division shall enforce such requirements upon the local issuing authority.

4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. 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.

6. The local issuing authority may reject a permit application if the applicant has had two 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).

3.06.05 Inspections and Enforcement

A. The Gordon County Department of Building Inspections 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 section, 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 twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The Gordon County Department of Building Inspections shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this section, 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 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). 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.G.C.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 ninety (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 thirty (30) days after notification by the Division, the Division may revoke the certification of the county or municipality as a local issuing authority.

3.06.06 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 section 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

1. For the first and second violations of the provisions of this section, the Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the 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 Director or the local issuing
authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the local issuing authority shall issue an immediate stop-work order; and:

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. 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 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 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 section and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 3.06.04(B)(7). 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 section, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this section shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) per day. For the purpose of enforcing the provisions of this section, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars ($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 section under County ordinances approved under this section shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars ($2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

3.06.07   Education and Certification

A. All 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 person who is in responsible charge of erosion and sedimentation 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 section.

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 O.C.G.A. § 12-7-19(b)(4).

3.06.08   Administrative Appeal and 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 Board of Commissioners within ten days.
(10) 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 Gordon County, Georgia.

3.06.09 Validity and Liability

A. Validity

If any section, paragraph, clause, phrase, or provision of this section shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this section.

B. Liability

1. Neither the approval of a plan under the provisions of this section, nor the compliance with provisions of this section 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.

2. 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 section or the terms of the permit.

3. No provision of this section 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.
CHAPTER 4
SITE DESIGN STANDARDS

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4.03.20  Golf Courses and Driving Ranges  
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4.00.00 GENERALLY

4.00.01 Purpose
The purpose of this chapter is to provide design standards applicable to all development activity within the County. This chapter also provides design standards applicable in specific situations, such as development within overlay districts or development of specific uses that require additional standards to address potential impacts.

4.00.02 Principles of Site Design and Development
Development design shall first take into account the protection of environmental and natural resources as set forth in Chapter 3. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

4.00.03 Applicability
The design standards set forth in this chapter apply to all development in unincorporated Gordon County.

4.01.00 SITE DESIGN STANDARDS FOR BASE ZONING DISTRICTS

4.01.01 Design Standards for Lots
A. Only one (1) principal residential building and its allowable accessory buildings shall hereafter be erected on any one (1) lot, parcel, or tract of land in any rural zoning district or single-family residential zoning district.

B. Except as specifically provided in this ULDC, no lot existing at the time of adoption of this ULDC shall be reduced, divided, or changed so as to produce a lot or tract of land which does not comply with the minimum dimensional or area requirements of this section.

C. Where the owner of a Lot of Record at the time of the adoption of this ULDC, or their successor in title thereto, does not own sufficient land to enable him or her to conform to the lot dimensional or area requirements of this ULDC, shall be allowed to build upon said lot in accordance with all other regulations of the applicable zoning district and with the approval of the Board of Health when such lots utilize a septic tank waste water system.

D. Land which is required, dedicated, and accepted for public use is exempt from the requirement of Section 4.01.01(B).

E. Lot width shall be measured at the building line, parallel to the street right-of-way line.

F. Impervious surface standards are expressed as the maximum percent of land coverage for each zoning district. The impervious surface ratio is calculated by dividing the total of all impervious surfaces on the lot by the
lot area. Impervious surfaces include all buildings, structures, paving and water bodies.

G. All lots shall front upon a dedicated street having a right-of-way of not less than fifty (50) feet in width.

H. Side lot lines shall, as much as practical, be at right angles to straight street lines or radial to curved street lines and cul-de-sacs.

I. All lots shall conform to the provisions of this ULDC.

J. The minimum width of lot frontage shall be twenty-five (25) feet along the street right-of-way line on cul-de-sacs or eyebrows.

K. Access on all double frontage lots in residential subdivisions shall be restricted to the lesser used street or the street with the lowest hierarchy in the street classification system.

L. Commercial uses on corner lots which have frontage on interior residential subdivision streets shall have access only from the higher level street.

M. The owner of lots zoned commercial, office, and institutional shall grant an access easement to each adjoining property that is zoned such. The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining lot owner. Stub-outs and other design features shall be provided that make it visually obvious that the abutting lots will be tied in to provide cross-access, unless topography prohibits such features. Upon the availability of access to driveways and parking areas of the adjoining property, the pavement of each driveway and parking area shall be extended by each owner to the point of access on the lot line.

N. Standards for lot area, width, and impervious surface coverage are set forth in Table 4.01.01(N).

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area With Private Septic System</th>
<th>With Public Sewer System</th>
<th>Min. Lot Width at Building Line &amp; Min. Lot Frontage (feet)</th>
<th>Maximum Impervious Surface Ratio (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Lot Width²</td>
<td>Minimum Lot Frontage²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RC-1</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>A-1</td>
<td>5 acres</td>
<td>5 acres</td>
<td>150</td>
<td>150³</td>
</tr>
<tr>
<td>RA-1</td>
<td>2 acres</td>
<td>2 acres</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>R-1</td>
<td>25,000 sq.ft.</td>
<td>20,000 sq.ft.</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>R-2</td>
<td>N/A</td>
<td>15,000 sq.ft.</td>
<td>90</td>
<td>75</td>
</tr>
<tr>
<td>R-3</td>
<td>N/A</td>
<td>10,000 sq.ft.</td>
<td>80⁴</td>
<td>75</td>
</tr>
</tbody>
</table>
Table 4.01.01(N). Standards for Lot Area, Width, and Impervious Surface

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area</th>
<th>Min. Lot Width at Building Line &amp; Min. Lot Frontage (feet)</th>
<th>Maximum Impervious Surface Ratio (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With Private Septic System</td>
<td>With Public Sewer System</td>
<td>Minimum Lot Width</td>
</tr>
<tr>
<td>R-4</td>
<td>N/A</td>
<td>Duplex 10,000 sq.ft. Townhome 1 acre Single-family detached 5,000 sq.ft.</td>
<td>75</td>
</tr>
<tr>
<td>R-5</td>
<td>N/A</td>
<td>5 acres</td>
<td>100</td>
</tr>
<tr>
<td>R-6</td>
<td>25,000 sq. ft.</td>
<td>8,000 sq.ft.</td>
<td>60 on sewer 100 on septic</td>
</tr>
<tr>
<td>O-I</td>
<td>1 acre</td>
<td>10,000 sq.ft.</td>
<td>100</td>
</tr>
<tr>
<td>C-C</td>
<td>1 acre</td>
<td>10,000 sq.ft.</td>
<td>100</td>
</tr>
<tr>
<td>C-G</td>
<td>1 acre</td>
<td>10,000 sq.ft.</td>
<td>100</td>
</tr>
<tr>
<td>C-H</td>
<td>1 acre</td>
<td>10,000 sq.ft.</td>
<td>100</td>
</tr>
<tr>
<td>I-1</td>
<td>1 acre</td>
<td>20,000 sq.ft.</td>
<td>100</td>
</tr>
<tr>
<td>I-2</td>
<td>1 acre</td>
<td>1 acre</td>
<td>125</td>
</tr>
</tbody>
</table>

1 Installation of septic systems are subject to the approval of the Board of Health.
2 Non-cul-de-sac lots. Cul-de-sac lots shall have a minimum lot width at the building line of seventy-five (75) feet and a minimum lot frontage of twenty-five (25) feet.
3 Family Ties Subdivision requests are exempt in accordance with Section 4.04.04(C).
4 Lot width and frontage may be reduced to sixty (60) feet with rear loading attached garage or front loading detached garage.
5 Minimum individual lot width per townhome is 20 feet.
6 Total minimum land area required for a Manufactured Housing Development is 10 acres.

4.01.02 Dimensional Standards for Building Height and Location

A. Measures of setbacks

1. Front setbacks shall be measured from the edge of the public right-of-way to the wall of the building or structure.
2. Side and rear setbacks shall be measured from the property line to the wall of the building or structure.
B. Encroachments into required setbacks
   1. Building features, such as steps, fire escapes, cornices, eaves, gutters, sills and chimneys may project not more than three (3) feet beyond a required setback line, except where such projections would obstruct driveways which are used or may be used for access of service and/or emergency vehicles. An unenclosed front or side porch, portico or stoop in a residential zoning district shall be allowed not more than three (3) feet beyond the required front yard setback.
   2. In the case of automobile service stations and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkway within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line. Such canopies shall provide a minimum twelve (12) feet vertical clearance.

C. Lots with multiple frontage
   1. Buildings constructed on lots abutting the right-of-way of more than one (1) street or road, regardless of whether said street or road is public or private, shall comply with the front yard setback requirements of the district on each frontage and all remaining property lines shall be considered side yards for setback purposes.

D. Maintenance of setbacks
   1. No open space or yard established through standards for setbacks shall be encroached upon or reduced in any manner except as allowed herein this ULDC. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall not be construed to be an encroachment of yards.
   2. No part of any required yard, open space, or off-street parking or loading space shall be considered to be part of a required yard, open space, or off-street parking or loading space for any other building or structure or use.

E. Building setback and height standards are provided in Table 4.01.02(E).

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setback From ROW (feet)</th>
<th>Minimum Setbacks from Property Lines (feet)</th>
<th>Maximum Building Height (stories)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Side</td>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>RC-1</td>
<td>40</td>
<td>20   50</td>
<td>2.5</td>
</tr>
<tr>
<td>A-1</td>
<td>40</td>
<td>20   50</td>
<td>2.5</td>
</tr>
<tr>
<td>RA-1</td>
<td>40</td>
<td>20   50</td>
<td>2.5</td>
</tr>
<tr>
<td>R-1</td>
<td>25</td>
<td>10   30^2</td>
<td>2.5</td>
</tr>
<tr>
<td>R-2</td>
<td>25</td>
<td>10   30^2</td>
<td>2.5</td>
</tr>
<tr>
<td>R-3</td>
<td>20</td>
<td>10^1 30^2</td>
<td>2.5</td>
</tr>
</tbody>
</table>
### Table 4.01.02(E). Building Setback and Height Standards

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setback From ROW (feet)</th>
<th>Minimum Setbacks from Property Lines (feet)</th>
<th>Maximum Building Height (stories)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Side</td>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>R-4</td>
<td>20</td>
<td>Non-common wall, 10 Single-family detached, 8</td>
<td>30² Duplex &amp; Detached single-family, 2.5 Townhouse, 3.5</td>
</tr>
<tr>
<td>R-5</td>
<td>20</td>
<td>10</td>
<td>50 4.5</td>
</tr>
<tr>
<td>R-6</td>
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<td>10</td>
<td>30² 2.5</td>
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<td>O-I</td>
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<td>10</td>
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<td>C-C</td>
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<td>C-G</td>
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<td>C-H</td>
<td>35</td>
<td>20</td>
<td>20 5.5</td>
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<tr>
<td>I-1</td>
<td>50</td>
<td>20</td>
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<td>I-2</td>
<td>50</td>
<td>20</td>
<td>20 60 feet</td>
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1. Side yard may be reduced to eight (8) feet for lots having sixty (60) feet of road frontage.
2. Rear yard shall be a minimum of fifty (50) feet when abutting an A-1 zoning district having active agricultural farming or processing operations.

### 4.01.03 Design Standards for Structures in Rural Zoning Districts and Residential Zoning Districts

**A. General**

1. This section applies to all principal structures or buildings in a rural zoning district or residential zoning district as established herein this ULDC, whether constructed on-site or partially or wholly constructed off-site.

2. Structures subject to these standards shall meet the standards for the zoning district in which the structure is proposed for location.

**B. Additional standards to ensure appearance consistent with the surrounding neighborhood are required as follows:**

1. All single-family dwelling structures shall be situated on the lot so that the conventional front of the structure faces the front yard (excludes the R-6 zoning district).

2. Single-family dwelling structures shall be constructed according to standards established by the applicable codes listed in Section 1.07.04 and/or the State Minimum Standards Codes, the Standard Building Code, the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Building Act.

3. All residential dwelling structure roofs shall have an overhang or eave having a minimum width of twelve (12) inches as measured from the wall of the dwelling to the outermost edge of the starter trim, drip rail, shingles, or the guttering system.
4. All residential dwelling structure roofs shall have a minimum roof pitch of 3:12 unless otherwise regulated herein this ULDC.
5. The area beneath all residential dwelling structures shall be enclosed. The enclosure will include the space between the floor joists and the ground level, except for the required minimum ventilation and access.
6. Exterior doors of all residential dwelling structures shall have a landing, porch, or stoop that is a minimum of thirty-six (36) inches by thirty-six (36) inches. Such landing shall be securely affixed to the ground.
7. Exterior wall surfaces of all residential dwelling structures shall be brick, stone (natural or manufactured), solid wood, natural stucco, cement fiber board or other similar building code approved lapboard siding, or vinyl siding provided the grade of vinyl meets or exceeds the Standard Specification for Rigid PVC Siding (ASTM D-3679) and all manufacturers' recommendations concerning vinyl siding installation are closely followed. Said exterior wall surfaces shall not be made of a metal panel sheathing product or standard cement masonry unit (cement block).
8. Detached single-family residential dwellings in the R-4 District shall have rear loading access or front loading detached access.
9. Residential dwelling structures in the R-3 District with attached front loading access shall provide a garage that shall not extend beyond the front façade of the principal structure by more than three (3) feet.
10. Detached residential dwelling structures in the R-4 District shall provide a front porch that is a minimum eight (8) feet in width.

C. The following standards shall apply to manufactured homes:
1. All new and pre-owned manufactured homes placed in the County shall require a State moving permit and a County manufactured home moving permit prior to placing or relocating the home into the County.
2. All manufactured homes placed in the County shall be constructed in conformity with the requirements of the U.S. Department of Housing and Urban Development (HUD) and shall comply with the following standards:
   a. Any manufactured home shall be required to be skirted/underpinned at the time of installation. The underpinning shall consist of one (1) of the following: masonry, vinyl siding/panels or aluminum siding/panels or such other material as may be approved by the building inspector prior to installation. The following types of materials are not permitted to be used, including but not limited to, tin, wood (unless of natural decay-resistant types such as cedar), plastic sheeting or gypsum board (black board). The underpinning must be adequately secured to the manufactured house and, where necessary for stability, secured to the ground. Two (2) access doors are required to be installed in a manner which
will provide adequate access for inspections and maintenance. Provisions must be made for adequate ventilation for the crawl space underneath the manufactured house.

b. All tongues, wheels, axles, transporting lights, and other towing apparatus shall be removed from the home and placed out of sight prior to occupancy.

c. All manufactured homes placed in the County shall be installed so as to comply with Chapter 120-3-7 *Rules and Regulations for Manufactured Homes* of the Rules of Comptroller General Safety Fire Commissioner, as authorized by O.C.G.A. § 8-2-160, *et seq.* The installation of tiedowns and ground anchors may vary from model to model and may comply with manufacturer's specifications where said specifications exist.

d. Permanent additions may be built onto or become a part of any manufactured home unit and may include porches, carports, decks, and additional living space prescribed by the technical codes and with proper permits. However, in no case shall one (1) or more manufactured homes be attached to an existing manufactured home as a temporary or permanent addition.

e. Any porch or deck located thirty (30) inches or greater above the ground shall be provided with guardrails and handrails as indicated in the International Residential Code for One and Two Family Dwellings. Steps higher than three (3) risers shall be provided with handrails.

f. Electric service equipment (meter base and outside service disconnect switch) may be permanently attached to a manufactured home only when installed in accordance with the manufacturer's specifications.

g. Each owner of a manufactured home located in the County shall obtain, at the time of purchase and each year thereafter that said home is located in the County, between January 1 and April 1, a County location decal (County tax sticker). Said decal shall be purchased from the tax commissioner of the County. No person shall be entitled to purchase a decal until he/she presents to the tax commissioner a certificate of title or other proof of his/her ownership. Failure to obtain a decal each year shall constitute a violation of this section.

h. Any manufactured home which is damaged beyond repair, as determined by the building inspector and/or fire inspector of the County, by fire, natural disaster or man-made disaster, shall be removed and disposed of by the owner within ninety (90) days from inspection. An extension of time not to exceed an additional ninety (90) days may be approved by the building inspector upon a showing of good cause for such extension.
i. No manufactured home permit shall be issued until the applicant provides certification from the City of Calhoun that the parcel is served by public sewer or, if a private septic tank system is proposed, whether existing or new, said system has been approved by the Board of Health and the applicant receives from said board a septic system permit.

j. No manufactured home shall be used for any purpose other than as a dwelling unit, except in commercial applications when the unit has been specifically manufactured for that commercial purpose (i.e., office trailer on construction site).

k. Any manufactured housing development validly existing prior to the adoption date of this ULDC shall not be expanded or enlarged in regards to the number of lots or pads for the purpose of accommodating additional manufactured homes. Such existing developments shall be considered “grandfathered” non-conforming uses of land and shall be regulated by the ordinances herein this ULDC.

3. All pre-owned manufactured homes shall require a safety inspection permit prior to placing or relocating the home in Gordon County.
   a. Owners of homes that do not pass the required safety inspection shall post a $1,000 refundable guarantee of condition bond or cash deposit for the purpose of bringing the home into compliance with Section 4.01.03(C)(5) of this ULDC. Failure to bring the home into compliance within ninety (90) days of posting the bond or cash deposit shall result in forfeiture of the bond or cash deposit. The bond or cash deposit shall be refunded when a certificate of occupancy is issued or when it has been determined by the Building Inspector that all noted safety deficiencies are in compliance with this ULDC.
   b. Pre-manufactured homes currently located outside the County shall post the required bond prior to placing the home in the County. The applicant shall obtain a safety inspection permit upon the home’s placement in Gordon County.

4. All pre-owned manufactured homes shall require a manufactured home moving permit.
   a. Pre-owned manufactured homes currently located in the county. Should the owner of a pre-owned manufactured home request to relocate the home from its current location in Gordon County to another location in the County, the following information shall be provided to the Building Inspector in order to apply for a manufactured home moving permit:
      i. Proof that the manufactured home is located in the County, in the form of documentation from the office of the tax commissioner of the County that all taxes were paid during each
year as the said taxes become due. If the owner is not able to establish that taxes have been paid on a yearly basis, then that manufactured home shall not be allowed to be relocated and a manufactured home moving permit shall not be issued.

i. A certificate of ownership (title) which corresponds with the manufacturer’s serial number stamped into the frame of the manufactured home.

ii. A copy of the approved safety inspection performed on the home by the County Building Inspector, or posting of a refundable $1,000 guarantee of condition bond or cash deposit.

iii. A copy of the State moving permit.

iv. A copy of the Board of Health septic permit or certification of sewer service by the City of Calhoun.

v. A completed County manufactured home moving permit application form.

vi. The permit and inspection fees required by the County.

b. Pre-owned manufactured homes located outside of the County.

Should the owner of a pre-owned manufactured home request to relocate the home from its current location outside of Gordon County to a location in the County, the following information shall be provided to the Building Inspector in order to apply for a manufactured home moving permit:

i. A certificate of ownership (title) which corresponds with the manufacturer’s serial number stamped into the frame of the manufactured home.

ii. A copy of the approved safety inspection performed on the home by the County Building Inspector, or posting of a refundable $1,000 guarantee of condition bond or cash deposit.

iii. A copy of the State moving permit.

iv. A copy of the Board of Health septic permit or certification of sewer service by the City of Calhoun.

v. A completed County manufactured home moving permit application form.

vi. The permit and inspection fees required by the County.

5. A pre-owned manufactured home shall be issued a manufactured home moving permit after it is found by the Building Inspector to be in compliance with: the electrical wiring standards as set forth in the National Electric Code; the standards set forth in Chapter 120-3-7 *Rules and Regulations for Manufactured Homes* of the Rules of Comptroller General Safety Fire Commissioner, as authorized by O.C.G.A. § 8-2-160, *et seq.*; and, the following minimum health and safety standards:
a. The home shall be in compliance with HUD requirements and shall not have been altered in such a way that the home no longer meets the HUD requirements.

b. Every floor, interior wall, and ceiling 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.

c. The exterior of a home shall be free of loose or rotting boards or timbers and 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.

d. Every plumbing fixture, water, and waste pipe shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

e. Heating shall be safe and in working condition. Unvented heaters shall be prohibited.

f. Electrical systems, including but not limited to switches, receptacles, and fixtures, shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. All branch circuit conductors shall be copper. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.

g. Each home shall contain a water heater in safe and working order.

h. Each bedroom shall have at least one operable window of sufficient size to allow egress if necessary.

i. The kitchen shall have at least one operating window or other ventilating device.

j. Each home shall contain one operable battery-powered smoke detector in each bedroom and outside each separate sleeping area in the immediate vicinity of the bedrooms. The detectors shall be installed in accordance with the manufacturer's recommendations.
4.01.04 Design Standards for Structures in Commercial, Office, and Institutional Zoning Districts

A. General

1. This section applies to all principal structures or buildings constructed in a Commercial, Office, and Institutional Zoning District as established herein this ULDC.

2. Structures subject to these standards shall meet the standards for the zoning district in which the structure is proposed for location.

3. Proposed designs shall be submitted with applications for development plan approval in accordance with Section 10.02.04.

4. Designs shall include a front elevation that depicts the exterior appearance of the front façade and clearly shows by way of illustration and explanatory text that the proposed design is in conformance with Section 4.01.04(B). The front elevation shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid.

B. Standards to ensure quality in appearance are required as follows:

1. Front and side exterior wall surfaces shall be brick, stone (natural or manufactured), solid wood, natural stucco, architectural or rusticated cement masonry units, cement fiber board or other building code approved composite lapboard siding, Exterior Insulation Finish System (EIFS) product, or vinyl siding provided the grade of vinyl meets or exceeds the Standard Specification for Rigid PVC Siding (ASTM D-3679) and all manufacturers' recommendations concerning vinyl siding installation are closely followed. Metal panel sheathing or a standard cement masonry unit (cement block) is prohibited on front and side exterior façades, with the exception that cut-face, or split-face, block is permitted on front and side exterior façades.

2. No greater than seventy-five percent (75%) of the total surface area of exterior front or side walls shall be constructed of any one exterior wall veneer product permitted in Section 4.01.04(B)(1) above (excluding Exterior Insulation Finish Systems) with the exception that any wall may be constructed entirely of brick, solid wood, natural stone, natural stucco, or cement fiber board or other building code approved composite lapboard siding.

3. No greater than twenty-five percent (25%) of the total surface area of exterior front or side walls, including accent trim, shall be constructed of vinyl siding or an Exterior Insulation Finish System (EIFS) product.

4. Not less than thirty percent (30%) of the total surface area of the front facade shall be public entrances and windows (including retail displays windows).

5. Windows on front or side facades shall be transparent. Mirrored glass is prohibited on front or side facades.
6. Rigid canopies or all fabric (non-vinyl), shed-style awnings are allowed. Awnings may be sideless construction. Projection shall be no less than 5.5 feet with a bottom edge no less than 7.5 feet above the sidewalk. Canopies and awnings shall only be as wide as the storefront and shall not cross major vertical building elements.

7. Gable roofs and Hip roofs shall provide a minimum overhang or eave of twelve (12) inches beyond the building wall. Flat roofs may be allowed with the use of a parapet wall having a minimum height of three (3) feet. Shed roofs shall be prohibited with the exception that such roofs may be allowed on incidental rooms or building wings attached to the primary structure and said roofs shall not exceed thirty percent (30%) of the total roof area. Where roof materials are visible from the public right of way, only standing seam metal, stamped metal shingles, or fiberglass composite shingles may be utilized.

8. Standards 4.01.04(B)1-7 shall apply to all side walls on a building that is located on a double frontage lot or through lot.

4.01.05 Structure Numbering

A. Designation of street names and numbers
Streets now being maintained by the County and other public agencies within the unincorporated County shall in the future be named and numbered as now designated on the official map and official index of the County as amended by each implementing resolution. Every other street within the unincorporated County shown on the official index shall hereafter be referred to as designated on the official index for structure numbering purposes.

B. Designation of structure numbers
The Emergency Management Director shall keep a record of all numbers assigned under this section. Such records may be maintained in data processing storage systems if so desired. Structure numbers for dwelling units, places of business, industrial locations and all other structures and uses requiring same shall be assigned by:

1. The Emergency Management Director in conjunction with the United States Postal Service during the implementation stage of the system; and
2. The Emergency Management Director following the implementation phase of the system.

C. Posting of designated structure numbers
The owner, occupant or person in charge of any dwelling unit, structure or use to which a number has been assigned shall be notified in writing by the implementing agency of the number assigned to the same. Within sixty (60) days after receipt of such written notification, the owner, occupant or person in charge of any dwelling unit, structure or use to which a number has been assigned shall cause the same to be posted in either one (1) or two (2) locations depending on the following conditions:
1. If the mailbox is located on the same side of the street and adjacent to the driveway or curb cut, the number shall be affixed to the mailbox in letters two (2) inches in height or larger and of a color contrasting with the color of the mailbox. This section does not preclude an individual from also numbering the front entrance of the structure if so desired.

2. If the mailbox is not on the same side of the street and adjacent to the driveway or curb cut, the number shall be posted at two (2) locations:
   a. On the mailbox as prescribed by U.S. Postal Service regulations; and
   b. Either on the structure front if visible from the street or on an aboveground sign attached to a post or other object at the driveway or curb cut. The numbers shall be two (2) inches in height or larger and of a color contrasting with the color of the background. This section does not preclude an individual from also numbering the front entrance of his structure if so desired.

3. In the case that a building is served by two (2) or more driveways or curb cuts, the number shall be assigned and posted to the front entrance or driveway.

4. It shall be the duty of the owner, occupant or person in charge of the dwelling unit, structure or use, upon affixing the new number, to remove any different number which might be mistaken for or confused with the number assigned to the structure.

5. In such cases where the assigned number cannot be posted as required above, the number shall be posted as prescribed by the Emergency Management Director after consultation with the owner.

D. Types of numbers

Two (2) types of numbers are used under this section:

1. A primary number to be assigned to each street frontage of each parcel of land, whether or not the parcel is occupied. The primary number is required to be posted only if the parcel occupied by a dwelling unit, structure or active use and the owner, occupant or person in charge is notified under Section 4.01.05.C. Other primary numbers are reserved for future development of the numbered parcels and will be assigned at the time of development.

2. Secondary numbers may be used when a number of units, structures and uses coexist on the same parcel of land. Examples of parcels requiring secondary numbers include apartment projects, condominium projects, mobile home developments, office parks, recreational vehicle parks, recreational areas, shopping centers and other uses where the use of secondary numbers would clarify the location of a unit or use for public safety purposes. To provide secondary numbers, the Emergency Management Director shall work with the owner, manager, or person in charge of the project to determine a logical numbering system under the following guidelines:
a. Existing numbered units and uses shall retain the present set of addresses with only the primary number being changed if the primary number is not in sequence with the overall system.
b. Buildings on a single parcel with more than one (1) and less than five (5) units may be given a number designation as requested by the owner.
c. A single building on a single parcel of land and with five (5) or more units may be given numerical designations such as Suite 5, Apartment 5, etc., if so desired.
d. Multiple buildings on the same parcel of land may be given secondary numbers consisting of number designations if the buildings are accessed from a main entrance to the project. Generally the number designations should increase in a clockwise direction from the main entrance.
e. Mobile home developments, recreational vehicle parks and similar uses shall be given number designations for lots or sections and number designations for individual lots or sites.

E. Implementation in stages

Because of the large and complex nature of the County and the existing numbering system now in place in some portions of the Unincorporated County, this section shall be implemented in stages covering small sections of the entire area by the adoption of implementation resolutions for each section of the County. It shall be the policy of the County not to change existing numbered addresses if the existing system follows a logical and expandable order.

F. Exempt and excluded structures

Those structures that do not present a significant danger to human life if destroyed by fire or other events shall be excluded from the provisions of this section. The following structures shall be excluded from the provisions of this section:

1. Agricultural buildings not requiring a separate mailing address such as a barn, poultry house, outbuilding or equipment storage buildings. Buildings used as dwelling units, office or the normal work station of an employee shall not be exempt from the provisions of this section.

2. Storage and accessory buildings for the use of the occupant of another building on the property. Buildings used as dwelling units, offices, or the normal work station of an employee, or requiring a separate mailing address, shall be exempt.

G. New structure and lots

1. Structure numbers will be assigned to each new lot, tract or building site on the original drawings of a final subdivision plat or other plan requiring the approval of the Building Inspector or by the Planning and Development Department.
2. No building, electrical, plumbing or mechanical permit for any new or remodeled or repaired structure will be issued by the Building Inspector following the implementation of this section in the affected area of the County until the owner, developer or builder has procured from the Emergency Management Director the official structure number or numbers. Final approval for a certificate of occupancy of any principal building erected or repaired, or use requiring such number, shall be withheld until permanent and proper numbers have been displayed in accordance with the standards of this section.

H. Utility company compliance
Following the implementation of this section in any area of the County, all utility services regulated by the Georgia Public Service Commission or any utility cooperative service organization shall withhold service from any building until the owner or other requesting party has furnished the utility with a valid structure number.

4.02.00 SITE DESIGN STANDARDS FOR SPECIAL AND OVERLAY DISTRICTS
Overlay Districts are a special purpose zoning classification used to supplement, not substitute for, the current zoning districts, called the "underlying district," in order to protect and promote public and private investment. More stringent controls generally apply within the overlay district than would normally be required in the underlying districts.

4.02.01 Site Design Standards for the New Echota Overlay District
A. Description
The New Echota Overlay district shall be defined as all property east of Interstate 75 abutting or adjacent to State Highway 225, Craigtown Road, and Newtown Church Road as designated on the Gordon County Official Zoning Map.

B. Generally
1. The purpose of the New Echota Overlay District is to protect the historic setting and viewsheds of the New Echota Historic Site and the unique experience enjoyed by residents and visitors by ensuring that new development in the district will complement rather than detract from the historic value of the site and surrounding area and will respect the district’s rural character, natural features and significance as the former Cherokee Capital and Trail of Tears site and round-up route.

2. This section establishes standards that apply to any new development on any lot or portion thereof that is in whole or in part contained within the boundaries of the New Echota Overlay District. These standards and criteria shall be applied in addition to the site design standards of the underlying zoning district and all other applicable standards of this ULDC. In the event of a conflict between the
requirements of the New Echota Overlay District and the underlying zoning district or other applicable standards of this ULDC, the stricter standard shall apply.

3. The provisions of these standards do not apply to:
   a. Farm or agricultural-related structures;
   b. Single-family dwellings and manufactured homes on an existing lot of record;
   c. Developments existing on the effective date of this section, provided that expansions or additions to existing development as defined in Section 4.02.01(C)(3) on or after the effective date of this section shall be subject to compliance with these regulations.

4. The provisions of these standards do not require any change in the construction, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which is pursuant to a valid building permit.

5. Nothing contained herein shall be construed to replace or supersede existing zoning classifications of properties within the New Echota Overlay District. It is, however, the intent of this section for all properties developed in the district to meet all of the standards outlined herein. It is further the intent of this section that previously zoned properties shall develop using the standards outlined in this section.

C. The following standards shall apply within the New Echota Overlay District:

1. General Site Design
   a. Preservation of Site Features
      Significant site features such as existing vegetation, natural or historic manmade ground forms, and significant view corridors shall be identified and incorporated into development plans. Clearing of native vegetation shall be limited to that required for the provision of essential purposes (e.g. access, building, utility crossing, sewage disposal).
   b. Site Grading
      Developments shall be designed to fit the existing contours and landform of the site and to minimize the amount of excavation and moved earth to minimize visual impacts, erosion, and destruction of historic, manmade earthworks and archaeological resources.
      i. Where cut and fill is necessary, it shall be balanced.
      ii. When grading must occur, it shall blend with the natural landform as much as possible.
      iii. Abrupt or unnatural-appearing grading shall be prohibited, including the creation of harsh, easily eroded banks and cuts.
      iv. The height and length of retaining walls shall be minimized and screened with appropriate landscaping. The use of terracing or
walls consisting of natural materials that blend with the vegetation or abutting landscaping features shall be required in areas that are visible from the public right-of-way. Tall or prominent, smooth-faced concrete retaining walls are prohibited in areas that are visible from the public right-of-way.

v. Disturbed areas that are not used for roads, buildings or other auxiliary uses shall be replanted.

2. Tree Protection
The removal of trees incidental to the development of land or to the marketing of land for development shall be done in conformance with the following provisions:

a. Cutting and Clearing
All reasonable efforts shall be made to minimize cutting or clearing of trees and other woody plants.

i. Removal of trees over five (5) inches in caliper shall be prohibited, where possible, by appropriately siting buildings, parking lots or entrance/exit drives.

ii. Residential and mixed-use developments are required to retain twenty (20) percent of the site as woodland.

iii. Commercial, office, institutional and industrial developments are required to retain fifteen (15) percent of woodland on the site.

iv. If the site is not currently forested, or only partially forested, the property owner/developer shall be required to plant trees to meet this requirement.

b. Replacement Trees
Where replacement or new trees are necessary to meet the above requirements, Sections 4.07.04(B)(6-8) of this ULDC shall be followed in addition to the following provisions:

i. Trees shall be compatible with the site ecologically and in terms of space requirements.

ii. Trees shall have potential for size and quality comparable to those removed.

iii. No one genus shall comprise more than thirty (30) percent of the replacement trees.

c. Protection of Trees During Construction
Tree protection devices shall be installed prior to the issuance of a land use permit for any clearing and/or grading. All reasonable efforts to protect retained trees during the construction process shall be made, including, but not limited to, the following measures:

i. Placing protective barriers (chain link fencing, orange laminated plastic fencing supported by posts, rail fencing, or other equivalent restraining material) around trees, including the trees’ critical root zone (CRZ), which for the purpose of this
section shall be defined as the minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The protective barrier shall be located at the outer CRZ or the drip line, whichever is greater. For the purpose of this section the drip line shall be defined as line on the ground of points projected vertically from the ends of farthest branches of the tree;

ii. Marking the required protective barriers with “tree save area” signs;

iii. Not grading, excavating, or locating utilities within the trees’ CRZ;

iv. Maintaining the CRZ as a pervious surface;

v. Maintaining the topsoil in the CRZ and preventing siltation; and

vi. Maintaining tree protection devices in functioning condition throughout all phases of development, subject to inspection by Gordon County Building Inspector.

d. Buffers
All buffers with existing trees that may be required by this ULDC or provided by a development shall be delineated on plans as tree save areas.

e. Exempt Uses
The provisions of this section shall not apply to agricultural uses, to single-family dwellings and manufactured homes on an existing lot of record, and to new single-lot residential development not part of a residential subdivision.

3. Commercial Development
The following standards shall apply to all new development, with the exception of development in a Rural Zoning District or a Residential Zoning District. In addition, these standards shall apply to any existing developed lot, parcel, or tract of land not located in a Rural Zoning District or a Residential Zoning District for which a sign or building permit is required. These standards shall be waived for any renovation of or addition to an existing building which the cost thereof is less than fifty percent (50%) of the ad valorem tax value as established by the current digest at the time the proposed renovations and/or building additions begin or are contemplated.

a. General Appearance Standards

i. A building’s size, scale, massing, fenestration, rhythm, setback, materials and context shall be compatible with the character of the district.

ii. Exterior building features visible from a public right-of-way shall be organized to allow diversity in architectural design while incorporating traditional elements of commercial building
forms such as canopies or awnings, storefront windows, cornice lines atop building façades, structural columns, façade recesses and projections, traditional roofs or parapet walls, varied parapet height, or traditional or varied arrangement of exterior building materials.

iii. Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

b. Size and Scale
The relationship of a building to the project site (building “size”) and to buildings around it (“scale”) shall be addressed as part of the design process. The following provisions shall apply:

i. Maximum building height for a principal building shall be forty (40) feet, measured from the bottom of the base of the structure at ground level to the highest point of such structure.

ii. The height of proposed buildings and adjacent structures shall be compatible.

c. Massing
The relationship of a building’s various parts to each other (“massing”) shall reflect a human scale. For illustrative purposes, building elements that contribute to this desired scale include, but are not limited to, prominent entry features, inset windows or the use of cornice lines.

d. Fenestration
The placement of doors and windows (“fenestration”) shall create a balanced façade with traditional proportions and limited blank wall space, in accordance with the following provisions:

i. Not less than sixty (60) percent of the total surface area of the front façade shall be public entrances and windows.

ii. Blank façades visible from any public right-of-way are prohibited. Up to eighty (80) percent of the length of a façade may be exempt from this standard if oriented toward a loading or service area or if visible from, but not facing, a public right-of-way.

iii. Windows shall be transparent. Mirrored, smoked or tinted glass is prohibited.

e. Rhythm
The relationship of fenestration and façade recesses and projections (“rhythm”) shall add visual interest and prevent long or continuous building walls. The following provision shall also apply:

i. Building surfaces greater than two (2) stories in height or fifty (50) feet in width shall include changes in wall plane (i.e. recesses and projections).
f. Setback
Building setbacks shall meet the minimum standards required by this ULDC.

g. Materials
Exterior building materials shall meet the provisions identified below. Materials not identified shall be prohibited.

i. Exterior wall surfaces shall be unpainted brick, stone, architectural or rusticated cement masonry units to imitate the look of stone, cement fiber board or other building code approved composite lapboard siding.

ii. Facades facing a public right-of-way shall be a minimum of eighty (80) percent brick and/or stone.

iii. Side facades shall be a minimum of fifty (50) percent brick and/or stone.

iv. Rear façades not visible from a public right-of-way shall be permitted to consist of the materials identified above, in addition to natural or synthetic stucco. The color of the rear façade shall coordinate with the remaining façades of the building.

v. A minimum of twenty (20) percent of a façade visible from a public right-of-way shall be a physical building material change. This change may include a change in color of a permitted building material, a change in permitted building materials, or a change in assembly of permitted building materials.

vi. Framing of windows, doors and store fronts shall be constructed with wood or aluminum casings of no less than 1.5 inches in width, a profile depth of no less than 1 inch, and frame or pier divisions between windows having a width of no less than 5 inches. All windows must have a sill with a profile no less than 5 inches. The portion of the façade below display windows
“bulkhead” should match exterior cladding materials or be of framed wood.

vii. Rigid canopies or all fabric (non-vinyl), shed-style awnings are permitted. Awnings may be sideless construction. Valances on all canopy and awnings shall be fabric (non-vinyl) and shall be no less than eight (8) inches in width. Awnings shall project from the building façade no less than 5.5 feet, and the bottom edge shall be no less than 7.5 feet above the sidewalk. Canopies and awnings shall only be as wide as each storefront and shall not cross major vertical building elements, such as building piers or pilasters. Back-lit canopies or awnings are prohibited.

viii. Roof materials, when visible from the public right-of-way, shall be standing seam, stamped metal shingle or faux architectural composite shingle.

h. Building Color
i. Façade colors shall be low reflectance, and neutral or earth-tone colors. High-intensity colors, metallic colors, black, fluorescent or neon colors are prohibited.

i. Roof Form
Gable, hip, pyramid or flat roofs shall be required on any principal building, in accordance with the following provisions:

i. Sloped roofs shall meet in a clear roof line or peak.
ii. Gable and pyramid roofs shall have a minimum slope of 6/12.
iii. Hip roofs shall have a minimum slope of 4/12.
iv. Gable, pyramid and hip roofs shall provide a minimum overhang or eave of twelve (12) inches beyond the building wall.

v. Flat roofs may be permitted with the use of a parapet wall having a minimum height of three (3) feet.

vi. Shed roofs shall be prohibited with the exception that such roofs may be allowed on incidental rooms or building wings attached to the principal structure. Said roofs shall have a minimum slope of 4/12, shall provide a minimum overhang of twelve (12) inches beyond the building wall, and shall not exceed thirty (30) percent of the total roof area.

vii. Other roof types not identified in this section are prohibited.

viii. Roof materials shall be in accordance with Section 4.02.01(C)(3)(g)(viii).
j. Signage

i. Single Building on a Lot
A combination of one wall and one monument sign is permitted for businesses and for public/institutional facilities. A wall sign shall not exceed two (2) square feet per linear foot of the building façade, with the total sign area not to exceed 150 square feet. Except for double frontage lots no single building or unit shall be permitted more than one wall sign. No monument sign, which shall be defined as the sign area and the base combined, shall have a height greater than six (6) feet, or an area greater than thirty-five (35) square feet per side. A monument sign shall not be located within ten (10) feet of a street right-of-way or within fifty (50) feet of any other sign, structure or building. Monument signs shall be mounted on a base constructed of the same material as the exterior building material of the principal use. If the principal use is constructed of a material not permitted in this section, the sign base shall be constructed of a material identified as permissible for front building facades in Section 4.02.01(C)(3)(g). No air space shall be visible within or between any portion of the sign display area and sign structure. Permitted signs shall not be internally illuminated.

ii. Two or More Businesses
Two (2) or more businesses consisting of individual buildings or units which are adjacent or abutting one another on a lot shall be permitted to erect one shared (1) monument sign. No monument sign, which shall be defined as the sign area and the base combined, shall have an area greater than forty-five (45) square
feet or a height greater than six (6) feet. No portion of the sign shall include an area for changeable letters. One tenant directory sign is permitted per entrance. Directory signs shall not be designed or placed so as to be read from a public road. Each tenant shall be allowed up to 108 square inches of signage. Each panel on a directory sign shall be of the same size, color, and font. Each building or unit with a separate entrance, not accessible by other tenants, shall be permitted one wall sign with a maximum area of five percent of the building facade which it is mounted upon, but not to exceed 150 square feet. Additional wall signs are not allowed for multiple facade frontages. If two or more tenants, as in the case of an office building, share an entrance to a building, wall signs on the exterior of the building are not permitted. Permitted signs shall not be internally illuminated.

**Fig 3A. Appropriate Sign Types**

*Source: Planning and Urban Design Standards (APA, 2004); MACTEC*

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iii. Use of Awnings and Windows

The use of awnings and windows for business signs shall be reserved for secondary signs, which for the purpose of this section are defined as signs that are secondary in nature to, and smaller in size than, primary wall and monument signs. Each business shall be permitted to use either an awning or window space for secondary sign use. The use of an awning for signage shall be limited to the valance. Window signs shall be limited to the ground floor, and no window shall be covered by more than thirty (30) percent of signage. Window signs may be painted on the inside of the window. Hand written signs shall not be permitted. A maximum of twenty (20) percent of the allowable square footage of space for a wall sign shall be permitted for a secondary sign.
iv. Prohibited Signs
In addition to the prohibited signs identified in Section 5.04.02 of this ULDC, banners, rooftop signs, free-standing pole signs, electronic or changeable message/copy signs, flashing, blinking, rotating, fluctuating, or otherwise animated signs, streamers or pennants, and outdoor advertising signs (billboards) are prohibited.

k. Sign Landscaping
Sign landscaping shall conform to Sections 4.07.03, 4.07.04 and 4.07.05 of this ULDC in addition to the following provisions:

i. Monument signs shall have a landscaped area at the base of the sign which is a minimum of three (3) feet wide on each side, and at least the length of the sign. The sign area landscaping shall consist of a dense vegetative ground cover or a minimum one (1) shrub per three (3) linear feet of landscaped area on each side of the sign. Landscaped areas containing shrubs greater than three (3) feet in height shall be located a minimum of twenty (20) feet from the intersection of two (2) street rights-of-way lines, or the intersection of a street right-of-way line with a driveway pavement edge.

l. Site Landscaping
Site landscaping shall conform to Sections 4.07.03, 4.07.04 and 4.07.05 of this ULDC in addition to the following provisions:

i. A landscaped buffer having a minimum width of fifteen (15) feet is required along the entire length of any property line abutting a public right-of-way, residential uses or any residential or rural zoning district. There shall be one (1) tree for every thirty (30) feet of lot frontage along said property line.

ii. Tree placement shall follow the guidelines established in Table 4.02.01(C)(3)(l) Guidelines to Avoid Conflicts with Infrastructure.
Table 4.02.01(C)(3)(l) Guidelines to Avoid Conflicts with Infrastructure

<table>
<thead>
<tr>
<th>MATURE SIZE</th>
<th>LARGE 50–70 FT</th>
<th>MEDIUM 30-40 FT</th>
<th>SMALL 15-20 FT</th>
<th>EVERGREEN 40-50 FT</th>
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<td>Minimum Width of Tree Lawn (area required for planting)</td>
<td>8 Feet</td>
<td>5 Feet</td>
<td>3 Feet</td>
<td>Yards Only</td>
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<tr>
<td>Spacing Between</td>
<td>60 Feet</td>
<td>40 Feet</td>
<td>20 Feet</td>
<td>30 Feet</td>
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<tr>
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<td>Do Not Plant</td>
<td>Acceptable</td>
<td>Acceptable</td>
<td>Do Not Plant</td>
</tr>
<tr>
<td>Distance from Signs, Utility Poles, Driveways, Fire Hydrants</td>
<td>10 Feet</td>
<td>10 Feet</td>
<td>10 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Distance From Intersection</td>
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<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Distance From Underground Utilities</td>
<td>5 Feet</td>
<td>5 Feet</td>
<td>5 Feet</td>
<td>5 Feet</td>
</tr>
</tbody>
</table>

a. Site Lighting
Exterior lighting shall be architecturally compatible with the building style, material and colors and shall be directed onto the site.

i. Full cut-off light fixtures are required to direct light downward, and in no case shall such lighting project into the right-of-way or neighboring properties.

ii. Pedestrian scaled accent lighting to highlight building, landscape and sign features is permitted.

iii. Roof lighting, down-lighting washing the building walls, illuminated awnings or canopies, searchlights, laser lights, and flashing, moving, revolving, flickering, strobe lights, or any lights that change intensity or color are prohibited.

iv. Fixture mounting height in parking lots or service areas shall not exceed twenty (20) feet in height.

v. Low, bollard-type fixtures no greater than four (4) feet in height are encouraged as pedestrian-area lighting.

b. Fencing and Walls
In addition to meeting the provisions of Section 5.02.03 of this ULDC, the following provisions apply:

i. The design and materials of fences and walls shall be compatible with the architecture of the main building(s).

ii. Where permitted, fences shall be located in side and rear yards only, with the exception of property in a rural zoning district that is not within a platted subdivision, whereby fencing is permissible in accordance with Table 5.02.03(B) of this ULDC.

iii. Where chain link is permitted, it shall be vinyl coated (black or green in color).
iv. Walls along a public right-of-way are prohibited, except for low-lying decorative stone walls that do not impair viewsheds or walls that are needed for slope stabilization. Walls shall consist of natural materials and shall only be of those colors that blend with the vegetation or abutting landscape features.

c. Parking
   i. Required off-street parking and loading areas shall be located to the rear of a principal building.
   ii. Parking lots shall have a landscaped perimeter in accordance with Section 4.07.05(B) of this ULDC.
   iii. A minimum of five percent (5%) of the total parking lot area shall consist of internal landscaping.
   iv. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping in accordance with Section 4.07.05(C) of this ULDC.

d. Access
   i. The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans.
   ii. Interparcel site access, for pedestrians as well as vehicles, shall be provided to adjacent properties when land uses are compatible.
   iii. Common access easements for shared driveways along state highways and busy streets are strongly encouraged.

Fig 4. Interparcel access through linked parking lots at the rear of buildings

Source: Rural by Design (Arendt, 1994)

e. Utilities
   i. All electrical, cable, telephone and other such services shall be installed underground.
   ii. All transformers and other facilities and equipment, including telecommunications equipment, meters and meter boxes located on the ground shall be placed to the rear of the principal building and shall be screened from view from the public right-of-way, residential uses, or any residential or rural zoning district by 100% opaque fencing through the use of pressure treated, natural wood fencing or brick or stone walls with landscape screening and/or, the use of an earthen berm. Required landscaping shall consist of shrub plantings three (3) feet to five (5) in height and evergreen plantings five (5) feet to
eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting.

iii. HVAC equipment and satellite dishes may be located on the roof of a principal building if said equipment is screened from view on all four sides by architectural features such as the building roof, a parapet wall, or the building cornice integrated with the design of the building.

![Fig 5. Roof-top equipment is screened from view on all four sides](source: City of San Juan Capistrano (CA) Design Guidelines)

f. Dumpsters
In addition to meeting the provisions of Section 5.02.05 of this ULDC, the following provisions shall apply:

i. Screening materials are required to be 100% opaque, pressure treated, natural wood fencing or brick or stone walls with landscaping to minimize the appearance from the public right-of-way, any residential use or any residential or rural zoning district.

ii. Required landscaping shall consist of shrub plantings three (3) feet to five (5) in height and evergreen plantings five (5) feet to eight (8) feet in height designed and installed to provide a visually impervious screen within two (2) years of planting.

iii. Dumpsters are encouraged to be integrated into the mass of the principal building.

iv. Dumpsters shall not be located within fifty (50) feet of any residential use.

g. Loading Areas
Loading docks and areas shall be located to the rear of a principal building and screened from view of any public right-of-way, residential use or any residential or rural zoning district with landscape screening by a continuous planting of evergreen plantings five (5) feet to eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting, and/or the use of an earthen berm no less than five (5) feet in height.

h. Other Accessory Site Features
Other accessory site features located on the ground shall be located to the rear of a principal building and shall be screened from view of any public right-of-way, residential use or any residential or rural zoning district by a 100% opaque, minimum six (6) feet high, pressure treated
natural wood fence, landscaped berms and/or landscape screening with plantings that will reach a minimum height of six (6) feet within two years of planting.

i. Service Stations

Where service stations are permitted the following standards shall apply in addition to other applicable provisions of this section:

i. Fuel pumps and car washes shall be located to the rear of the principle building. If a car wash is incorporated into a project, the car wash opening shall be sited so that it is not directly visible as the primary view from the street into the project site.

ii. The design elements of the all structures on the site, including the principal building, canopies, cashier’s booth, or car wash facility shall have consistent architectural detail and design elements to provide a cohesive project site. The overall design of the facility shall be aesthetically compatible with the surroundings.

iii. All station amenities such as lighting fixtures, trash receptacles, and other features shall be coordinated in design with the building and the district.

iv. Striping, neon, and illuminated panels are not permitted on buildings or canopies.

v. All fuel canopy supports shall be clad in brick masonry construction or wood, with the exception that a maximum of 25% of the cladding may be constructed of architectural concrete masonry units. Standard concrete block canopy and supports shall not be permitted.

vi. The cladding of the columns shall be proportioned to the height and scale of the canopy.

vii. All canopy downspouts and related hardware shall be integrated into the canopy structure.

viii. The canopy structure shall relate to the main component of the building with respect to materials, massing, color, roof structure and overall design.

ix. Lighting luminaries mounted under the canopy structures shall be shielded such that the lamp source is not visible and glare is not created.

j. Drive-thru Facilities

i. Drive-thrus are limited to one window are may only have one drive-through lane, with the exception of banks, which may have two drive-through lanes.

ii. Drive-thru facilities and stacking lanes, when adjacent to any public right-of-way, residential use or residential or rural zoning district shall be obscured from view by an earthen berm and/or landscape screening by a continuous planting of evergreen
plantings five (5) feet to eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting.

4. Residential Uses
a. Notwithstanding other land development regulations to the contrary, the use of conservation subdivision development in accordance with Section 4.05.00 of this ULDC is mandatory as a use by right in all residential developments in this district.

b. Entrance signs to a residential development shall meet the standards for monument signs in accordance with Section 4.02.01(C)(3)(j)(i).

5. Prohibited Uses
The following uses are prohibited in the district:

a. Outdoor storage for building supply and vehicle parts/accessories visible from the public right-of-way;

b. Flea markets or similar outdoor or indoor/outdoor sales complexes;

c. Outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle), outdoor shooting and firing ranges and similar activities (excludes hunting on private property);

d. Storage yards for equipment, machinery and supplies for building and trades contractors, garbage haulers;

e. Vehicle sales, rental, service, and repair including truck stops, body shops, road services, car washes that stand alone, and the sales, rental and repair or new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes;

f. Salvage yards and impound lots;

g. Outdoor play equipment/playgrounds visible from the public right-of-way;

h. Industrial uses;
i. Telecommunication towers (includes cell towers); and
j. Adult entertainment establishments, including spas.

6. Design Review Application Process
   a. Review of proposed development in the New Echota Overlay District, with the exception of development in Rural or Residential Zoning Districts, is required prior to issuance of applicable permits. A review panel consisting of the Gordon County Historic Preservation Commission (HPC) and the Planning Director or designee shall accomplish such reviews. No review and approval of the Board of Commissioners or the Planning Commission shall be required. The Zoning Administrator shall be responsible for distributing all required application materials to each member of the review panel. Incomplete applications shall not be accepted. The review panel will meet monthly at a regularly scheduled meeting of the (HPC). No permit shall be issued prior to approval by the review panel. The following procedures shall apply to the review process:
      a. Prior to the formal submittal of a design plan, the applicant is encouraged to meet with the Planning Director or designee for a review of the location, scope and nature of the proposed project. No preliminary plans, drawings, sketches or concept plans reviewed informally, in writing, or otherwise shall confer any development rights under this section.
      b. Seven (7) copies of design plans shall be submitted at least fourteen (14) days prior to the HPC meeting at which official review is requested.
      c. Each design plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid.
      d. A design plan for new development, as defined in Section 4.02.01(C)(3), shall contain a development plan in accordance with the requirements of Section 10.02.04 Submittal Requirements for Development Plans of this ULDC with the exception that specific plans related to stormwater management, floodplain management, and erosion and sedimentation control shall not be required for review with the design plan. The design plan shall also include elevations depicting the exterior appearance of buildings, structures and signs with sufficient notation regarding proposed height, color, materials, composition and other physical elements subject to review in accordance with this section, as well as a statement indicating that the proposed design plan addresses and meets the standards of the New Echota Overlay District.
e. Upon approval of the design plan by the review panel, a proposed development shall be reviewed and approved by the appropriate entities (including Director of Public Works, Fire Chief, Engineer, Building Official, Board of Health, Georgia Department of Transportation) in accordance with the requirements of Chapter 10 of this ULDC prior to issuance of any permits. Any local government action under this section shall not relieve the landowner from federal and state permitting requirements.

7. Rezoning and Variance Applications
a. Rezoning and variance applications for property within the district shall be reviewed by the Historic Preservation Commission prior to review by the Planning Commission. The HPC shall act as a recommending body only and shall forward its review comments to the Zoning Administrator, who shall be responsible for forwarding said comments to Planning Commission members prior to any action upon the rezoning or variance application. The comments shall be considered part of the official staff report that is provided by the Department of Planning and Development for each variance and zoning application that is submitted to the Planning Commission. In addition to rezoning and variance procedural requirements in Chapters 9 and 10 of this ULDC, the following provision shall apply:
  i. The Planning Commission shall grant a variance to the provisions of this section only in cases where it finds that the variance will result in equal or greater compliance with the purposes of this section.

4.02.02 Site Design Standards for the Resaca Battlefield Overlay District
A. Description
The Resaca Battlefield Overlay district shall be generally defined as all property in unincorporated Gordon County south of the Gordon County/Whitfield County line, east of Hyde Road, along SR 136 west of Interstate 75, and west of the Conasauga River from the Whitfield County line to the Resaca town limits as designated on the Gordon County Official Zoning Map.
B. Generally
  1. The purpose of the Resaca Battlefield Overlay District is to protect the historic setting, viewsheds and topography of the Resaca Battlefield, which includes both public and private properties, and the unique experience enjoyed by residents and visitors by ensuring that new development in the district will complement rather than detract from the historic value of battlefield area and will respect the district’s
natural and historic features, its rural character, and its contributions to the heritage of Gordon County, the state and the nation.

2. This section establishes standards that apply to any new development on any lot or portion thereof that is in whole or in part contained within the boundaries of the Resaca Battlefield Overlay District. These standards and criteria shall be applied in addition to the site design standards of the underlying zoning district and all other applicable standards of this ULDC. In the event of a conflict between the requirements of the Resaca Battlefield Overlay District and the underlying zoning district or other applicable standards of this ULDC, the stricter standard shall apply.

3. The provisions of these standards do not apply to:
   a. Farm or agricultural-related structures;
   b. Single-family dwellings and manufactured homes on an existing lot of record;
   c. Developments existing on the effective date of this section, provided that expansions or additions to existing development as defined in Section 4.02.02(C)(3) on or after the effective date of this section shall be subject to compliance with these regulations.

4. The provisions of these standards do not require any change in the construction, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which is pursuant to a valid building permit.

5. Nothing contained herein shall be construed to replace or supercede existing zoning classifications of properties within the Resaca Battlefield Overlay District. It is, however, the intent of this section for all properties developed in the district to meet all of the standards outlined herein. It is further the intent of this section that previously zoned properties shall develop using the standards outlined in this section.

C. The following standards shall apply within the Resaca Battlefield Overlay District:

1. General Site Design
   a. Preservation of Site Features
      Significant site features such as existing vegetation, natural or historic ground forms or earthworks, and significant view corridors shall be identified and incorporated into development plans. Clearing of native vegetation shall be limited to that required for the provision of essential purposes (e.g. access, building, utility crossing, sewage disposal).
   b. Site Grading
      Developments shall be designed to fit the existing contours and landform of the site and to minimize the amount of excavation and
moved earth to minimize visual impacts, erosion, and destruction of historic, manmade earthworks and archaeological resources.

i. Where cut and fill is necessary, it shall be balanced.

ii. When grading must occur, it shall blend with the natural landform as much as possible.

iii. Abrupt or unnatural-appearing grading shall be prohibited, including the creation of harsh, easily eroded banks and cuts.

iv. The height and length of retaining walls shall be minimized and screened with appropriate landscaping. The use of terracing or walls consisting of natural materials that blend with the vegetation or abutting landscaping features shall be required in areas that are visible from the public right-of-way. Tall or prominent, smooth-faced concrete retaining walls are prohibited in areas that are visible from the public right-of-way.

v. Disturbed areas that are not used for roads, buildings or other auxiliary uses shall be replanted.

2. Tree Protection

The removal of trees incidental to the development of land or to the marketing of land for development shall be done in conformance with the following provisions:

a. Cutting and Clearing

All reasonable efforts shall be made to minimize cutting or clearing of trees and other woody plants.

i. Removal of trees over five (5) inches in caliper shall be prohibited, where possible, by appropriately siting buildings, parking lots or entrance/exit drives.

ii. Residential and mixed-use developments are required to retain twenty (20) percent of the site as woodland.

iii. Commercial, office, institutional and industrial developments are required to retain fifteen (15) percent of woodland on the site.

iv. If the site is not currently forested, or only partially forested, the property owner/developer shall be required to plant trees to meet this requirement.

b. Replacement Trees

Where replacement or new trees are necessary to meet the above requirements, Sections 4.07.04(B)(6-8) of this ULDC shall be followed in addition to the following provisions:

i. Trees shall be compatible with the site ecologically and in terms of space requirements.

ii. Trees shall have potential for size and quality comparable to those removed.

iii. No one genus shall comprise more than thirty (30) percent of the replacement trees.
c. Protection of Trees During Construction
Tree protection devices shall be installed prior to the issuance of a land use permit for any clearing and/or grading. All reasonable efforts to protect retained trees during the construction process shall be made, including, but not limited to, the following measures:
   i. Placing protective barriers (chain link fencing, orange laminated plastic fencing supported by posts, rail fencing, or other equivalent restraining material) around trees, including the trees’ critical root zone (CRZ), which for the purpose of this section shall be defined as the minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The protective barrier shall be located at the outer CRZ or the drip line, whichever is greater. For the purpose of this section the drip line shall be defined as line on the ground of points projected vertically from the ends of farthest branches of the tree;
   ii. Marking the required protective barriers with “tree save area” signs;
   iii. Not grading, excavating, or locating utilities within the trees’ CRZ;
   iv. Maintaining the CRZ as a pervious surface;
   v. Maintaining the topsoil in the CRZ and preventing siltation; and
   vi. Maintaining tree protection devices in functioning condition throughout all phases of development, subject to inspection by Gordon County Building Inspector.

d. Buffers
All buffers with existing trees that may be required by this ULDC or provided by a development shall be delineated on plans as tree save areas.
e. Exempt Uses
The provisions of this section shall not apply to agricultural uses, to single-family dwellings and manufactured homes on an existing lot of record, and to new single-lot residential development not part of a residential subdivision.

3. Commercial Development
The following standards shall apply to all new development, with the exception of development in a Rural Zoning District or a Residential Zoning District. In addition, these standards shall apply to any existing developed lot, parcel, or tract of land not located in a Rural Zoning District or a Residential Zoning District for which a sign or building permit is required. These standards shall be waived for any renovation of or addition to an existing building which the cost thereof is less than fifty percent (50%) of the ad valorem tax value as
established by the current digest at the time the proposed renovations and/or building additions begin or are contemplated.

a. General Appearance Standards
   i. A building’s size, scale, massing, fenestration, rhythm, setback, materials and context shall be compatible with the character of the district.
   ii. Exterior building features visible from a public right-of-way shall be organized to allow diversity in architectural design while incorporating traditional elements of commercial building forms such as canopies or awnings, storefront windows, cornice lines atop building façades, structural columns, façade recesses and projections, traditional roofs or parapet walls, varied parapet height, or traditional or varied arrangement of exterior building materials.
   iii. Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.

b. Size and Scale
   The relationship of a building to the project site (building “size”) and to buildings around it (“scale”) shall be addressed as part of the design process. The following provisions shall apply:
   i. Maximum building height for a principal building shall be forty (40) feet, measured from the bottom of the base of the structure at ground level to the highest point of such structure.
   ii. The height of proposed buildings and adjacent structures shall be compatible.

c. Massing
   The relationship of a building’s various parts to each other (“massing”) shall reflect a human scale. For illustrative purposes, building elements that contribute to this desired scale include, but are not limited to, prominent entry features, inset windows or the use of cornice lines.

d. Fenestration
   The placement of doors and windows (“fenestration”) shall create a balanced façade with traditional proportions and limited blank wall space, in accordance with the following provisions:
   i. Not less than sixty (60) percent of the total surface area of the front facade shall be public entrances and windows.
   ii. Blank façades visible from any public right-of-way are prohibited. Up to eighty (80) percent of the length of a facade may be exempt from this standard if oriented toward a loading or service area or if visible from, but not facing, a public right-of-way.
   iii. Windows shall be transparent. Mirrored, smoked or tinted glass is prohibited.
e. Rhythm
The relationship of fenestration and façade recesses and projections (“rhythm”) shall add visual interest and prevent long or continuous building walls. The following provision shall also apply:

i. Building surfaces greater than two (2) stories in height or fifty (50) feet in width shall include changes in wall plane (i.e. recesses and projections).

f. Setback
Building setbacks shall meet the minimum standards required by this ULDC.

g. Materials
Exterior building materials shall meet the provisions identified below. Materials not identified shall be prohibited.

i. Exterior wall surfaces shall be unpainted brick, stone, architectural or rusticated cement masonry units to imitate the look of stone, cement fiber board or other building code approved composite lapboard siding.

ii. Facades facing a public right-of-way shall be a minimum of eighty (80) percent brick and/or stone.

iii. Side facades shall be a minimum of fifty (50) percent brick and/or stone.

iv. Rear façades not visible from a public right-of-way shall be permitted to consist of the materials identified above, in addition to natural or synthetic stucco. The color of the rear façade shall coordinate with the remaining façades of the building.

v. A minimum of twenty (20) percent of a façade visible from a public right-of-way shall be a physical building material change. This change may include a change in color of a permitted building material, a change in permitted building materials, or a change in assembly of permitted building materials.
vi. Framing of windows, doors and storefronts shall be constructed with wood or aluminum casings of no less than 1.5 inches in width, a profile depth of no less than 1 inch, and frame or pier divisions between windows having a width of no less than 5 inches. All windows must have a sill with a profile no less than 5 inches. The portion of the façade below display windows (“bulkhead”) should match exterior cladding materials or be of framed wood.

vii. Rigid canopies or all fabric (non-vinyl), shed-style awnings are permitted. Awnings may be sideless construction. Valances on all canopy and awnings shall be fabric (non-vinyl) and shall be no less than eight (8) inches in width. Awnings shall project from the building façade no less than 5.5 feet, and the bottom edge shall be no less than 7.5 feet above the sidewalk. Canopies and awnings shall only be as wide as each storefront and shall not cross major vertical building elements, such as building piers or pilasters. Back-lit canopies or awnings are prohibited.

viii. Roof materials, when visible from the public right-of-way, shall be standing seam, stamped metal shingle or faux architectural composite shingle.

h. Building Color
i. Façade colors shall be low reflectance, and neutral or earth-tone colors. High-intensity colors, metallic colors, black, fluorescent or neon colors are prohibited.

i. Roof Form
Gable, hip, pyramid or flat roofs shall be required on any principal building, in accordance with the following provisions:

i. Sloped roofs shall meet in a clear roof line or peak.

ii. Gable and pyramid roofs shall have a minimum slope of 6/12.

iii. Hip roofs shall have a minimum slope of 4/12.

iv. Gable, pyramid and hip roofs shall provide a minimum overhang or eave of twelve (12) inches beyond the building wall.

v. Flat roofs may be permitted with the use of a parapet wall having a minimum height of three (3) feet.

vi. Shed roofs shall be prohibited with the exception that such roofs may be allowed on incidental rooms or building wings attached to the principal structure. Said roofs shall have a minimum slope of 4/12, shall provide a minimum overhang of twelve (12) inches beyond the building wall, and shall not exceed thirty (30) percent of the total roof area.

vii. Other roof types not identified in this section are prohibited.

viii. Roof materials shall be in accordance with Section 4.02.02(C)(3)(g)(viii).
j. Signage
  i. Single Building on a Lot
A combination of one wall and one monument sign is permitted for businesses and for public/institutional facilities. A wall sign shall not exceed two (2) square feet per linear foot of the building façade, with the total sign area not to exceed 150 square feet. Except for double frontage lots no single building or unit shall be permitted more than one wall sign. No monument sign, which shall be defined as the sign area and the base combined, shall have a height greater than six (6) feet above normal grade, or an area greater than thirty-five (35) square feet. A monument sign shall not be located within ten (10) feet of a street right-of-way or within fifty (50) feet of any other sign, structure or building. Monument signs shall be mounted on a base constructed of the same material as the exterior building material of the principal use. If the principal use is constructed of a material not permitted in this section, the sign base shall be constructed of a material identified as permissible for front building facades in Section 4.02.02(C)(3)(g). No air space shall be visible within or between any portion of the sign display area and sign structure. Permitted signs shall not be internally illuminated.
ii. Two or More Businesses
Two (2) or more businesses consisting of individual buildings or units which are adjacent or abutting one another on a lot shall be permitted to erect one shared (1) monument sign. No monument sign, which shall be defined as the sign area and the base combined, shall have an area greater than forty-five (45) square feet or a height greater than six (6) feet. No portion of the sign shall include an area for changeable letters. One tenant directory sign is permitted per entrance. Directory signs shall not be designed or placed so as to be read from a public road. Each tenant shall be allowed up to 108 square inches of signage. Each panel on a directory sign shall be of the same size, color, and font. Each building or unit with a separate entrance, not accessible by other tenants, shall be permitted one wall sign with a maximum area of five percent of the building facade which it is mounted upon, but not to exceed 150 square feet. Additional wall signs are not allowed for multiple facade frontages. If two or more tenants, as in the case of an office building, share an entrance to a building, wall signs on the exterior of the building are not permitted. Permitted signs shall not be internally illuminated.

Fig 3A. Appropriate Sign Types

Source: Planning and Urban Design Standards (APA, 2004); MACTEC

iii. Use of Awnings and Windows
The use of awnings and windows for business signs shall be reserved for secondary signs, which for the purpose of this section are defined as signs that are secondary in nature to, and smaller in size than, primary wall and monument signs. Each business shall be permitted to use either an awning or window space for secondary
sign use. The use of an awning for signage shall be limited to the valance. Window signs shall be limited to the ground floor, and no window shall be covered by more than thirty (30) percent of signage. Window signs may be painted on the inside of the window. Hand written signs shall not be permitted. A maximum of twenty (20) percent of the allowable square footage of space for a wall sign shall be permitted for a secondary sign.

Fig 3B. Appropriate Sign Types

Source: MACTEC

iv. Prohibited Signs
In addition to the prohibited signs identified in Section 5.04.02 of this ULDC, banners, rooftop signs, free-standing pole signs, electronic or changeable message/copy signs, flashing, blinking, rotating, fluctuating, or otherwise animated signs, streamers or pennants, and outdoor advertising signs (billboards) are prohibited.

k. Sign Landscaping
Sign landscaping shall conform to Sections 4.07.03, 4.07.04 and 4.07.05 of this ULDC in addition to the following provisions:

i. Monument signs shall have a landscaped area at the base of the sign which is a minimum of three (3) feet wide on each side, and at least the length of the sign. The sign area landscaping shall consist of a dense vegetative ground cover or a minimum one (1) shrub per three (3) linear feet of landscaped area on each side of the sign. Landscaped areas containing shrubs greater than three (3) feet in height shall be located a minimum of twenty (20) feet from the intersection of two (2) street rights-of-way lines, or the intersection of a street right-of-way line with a driveway pavement edge.
1. Site Landscaping

Site landscaping shall conform to Sections 4.07.03, 4.07.04 and 4.07.05 of this ULDC in addition to the following provisions:

i. A landscaped buffer having a minimum width of fifteen (15) feet is required along the entire length of any property line abutting a public right-of-way, residential uses or any residential or rural zoning district. There shall be one (1) tree for every thirty (30) feet of lot frontage along said property line.

ii. Tree placement shall follow the guidelines established in Table 4.02.02(C)(3)(l) Guidelines to Avoid Conflicts with Infrastructure:

<table>
<thead>
<tr>
<th>MATURE SIZE</th>
<th>LARGE 50–70 FT</th>
<th>MEDIUM 30–40 FT</th>
<th>SMALL 15–20 FT</th>
<th>EVERGREEN 40–50 FT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width of Tree Lawn (area required for planting)</td>
<td>8 Feet</td>
<td>5 Feet</td>
<td>3 Feet</td>
<td>Yards Only</td>
</tr>
<tr>
<td>Spacing Between</td>
<td>60 Feet</td>
<td>40 Feet</td>
<td>20 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Overhead Utilities</td>
<td>Do Not Plant</td>
<td>Acceptable</td>
<td>Acceptable</td>
<td>Do Not Plant</td>
</tr>
<tr>
<td>Distance from Signs, Utility Poles, Driveways, Fire Hydrants</td>
<td>10 Feet</td>
<td>10 Feet</td>
<td>10 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Distance From Intersection</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Distance From Underground Utilities</td>
<td>5 Feet</td>
<td>5 Feet</td>
<td>5 Feet</td>
<td>5 Feet</td>
</tr>
</tbody>
</table>

m. Site Lighting

Exterior lighting shall be architecturally compatible with the building style, material and colors and shall be directed onto the site.

i. Full cut-off light fixtures are required to direct light downward, and in no case shall such lighting project into the right-of-way or neighboring properties.

ii. Pedestrian scaled accent lighting to highlight building, landscape and sign features is permitted.

iii. Roof lighting, down-lighting washing the building walls, illuminated awnings or canopies, searchlights, laser lights, and flashing, moving, revolving, flickering, strobe lights, or any lights that change intensity or color are prohibited.

iv. Fixture mounting height in parking lots or service areas shall not exceed twenty (20) feet in height.

v. Low, bollard-type fixtures no greater than four (4) feet in height are encouraged as pedestrian-area lighting.
n. Fencing and Walls
In addition to meeting the provisions of Section 5.02.03 of this ULDC, the following provisions apply:

i. The design and materials of fences and walls shall be compatible with the architecture of the main building(s).

ii. Where permitted, fences shall be located in side and rear yards only, with the exception of property in a rural zoning district that is not within a platted subdivision, whereby fencing is permissible in accordance with Table 5.02.03(B) of this ULDC.

iii. Where chain link is permitted, it shall be vinyl coated (black or green in color).

iv. Walls along a public right-of-way are prohibited, except for low-lying decorative stone walls that do not impair viewsheds or walls that are needed for slope stabilization. Walls shall consist of natural materials and shall only be of those colors that blend with the vegetation or abutting landscape features.

o. Parking

i. Required off-street parking and loading areas shall be located to the rear of a principal building.

ii. Parking lots shall have a landscaped perimeter in accordance with Section 4.07.05(B) of this ULDC.

iii. A minimum of five percent (5%) of the total parking lot area shall consist of internal landscaping.

iv. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping in accordance with Section 4.07.05(C) of this ULDC.

p. Access

i. The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans.

ii. Interparcel site access, for pedestrians as well as vehicles, shall be provided to adjacent properties when land uses are compatible.

iii. Common access easements for shared driveways along state highways and busy streets are strongly encouraged.

Fig 4. Interparcel access through linked parking lots at the rear of buildings

Source: Rural by Design (Arendt, 1994)
q. Utilities
   i. All electrical, cable, telephone and other such services shall be installed underground.
   ii. All transformers and other facilities and equipment, including telecommunications equipment, meters and meter boxes located on the ground shall be placed to the rear of the principal building and shall be screened from view from the public right-of-way, residential uses, or any residential or rural zoning district by 100% opaque fencing through the use of pressure treated, natural wood fencing or brick or stone walls with landscape screening and/or the use of an earthen berm. Required landscaping shall consist of shrub plantings three (3) feet to five (5) in height and evergreen plantings five (5) feet to eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting.
   iii. HVAC equipment and satellite dishes may be located on the roof of a principal building if said equipment is screened from view on all four sides by architectural features such as the building roof, a parapet wall, or the building cornice integrated with the design of the building.

r. Dumpsters
   In addition to meeting the provisions of Section 5.02.05 of this ULDC, the following provisions shall apply:
   i. Screening materials are required to be 100% opaque, pressure treated, natural wood fencing or brick or stone walls with landscaping to minimize the appearance from the public right-of-way, any residential use or any residential or rural zoning district.
   ii. Required landscaping shall consist of shrub plantings three (3) feet to five (5) in height and evergreen plantings five (5) feet to eight (8) feet in height designed and installed to provide a visually impervious screen within two (2) years of planting.
   iii. Dumpsters are encouraged to be integrated into the mass of the principal building.
iv. Dumpsters shall not be located within fifty (50) feet of any residential use.

s. Loading Areas
Loading docks and areas shall be located to the rear of a principal building, and screened from view of any public right-of-way street, residential use or any residential or rural zoning district with landscape screening by a continuous planting of evergreen plantings five (5) feet to eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting, and/or the use of an earthen berm no less than five (5) feet in height.

t. Other Accessory Site Features
Other accessory site features located on the ground shall be located to the rear of a principal building and shall be screened from view of any public right-of-way, residential use or any residential or rural zoning district by a 100% opaque, minimum six (6) feet high, pressure treated natural wood fence and/or an earthen berm and/or landscape screening with plantings that will reach a minimum height of six (6) feet within two years of planting.

u. Service Stations
Where service stations are permitted the following standards shall apply in addition to other applicable provisions of this section:

i. Fuel pumps and car washes shall be located to the rear of the principle building. If a car wash is incorporated into a project, the car wash opening shall be sited so that it is not directly visible as the primary view from the street into the project site.

ii. The design elements of the all structures on the site, including the principal building, canopies, cashier's booth, or car wash facility shall have consistent architectural detail and design elements to provide a cohesive project site. The overall design of the facility shall be aesthetically compatible with the surroundings.

iii. All station amenities such as lighting fixtures, trash receptacles, and other features shall be coordinated in design with the building and the district.

iv. Striping, neon, and illuminated panels are not permitted on buildings or canopies.

v. All fuel canopy supports shall be clad in brick masonry construction or wood, with the exception that a maximum of 25% of the cladding may be constructed of architectural concrete masonry units. Standard concrete block canopy and supports shall not be permitted.

vi. The cladding of the columns shall be proportioned to the height and scale of the canopy.
vii. All canopy downspouts and related hardware shall be integrated into the canopy structure.

viii. The canopy structure shall relate to the main component of the building with respect to materials, massing, color, roof structure and overall design.

ix. Lighting luminaries mounted under the canopy structures shall be shielded such that the lamp source is not visible and glare is not created.

drive-thru Facilities

i. Drive-thrus are limited to one window area and may only have one drive-through lane, with the exception of banks, which may have two drive-through lanes.

ii. Drive-thru facilities and stacking lanes, when adjacent to any public right-of-way, residential use or residential or rural zoning district shall be obscured from view by an earthen berm and/or landscape screening by a continuous planting of evergreen plantings five (5) feet to eight (8) feet in height that are designed and installed to provide a visually impervious screen within two (2) years of planting.

4. Residential Uses

a. Notwithstanding other land development regulations to the contrary, the use of conservation subdivision development in accordance with Section 4.05.00 of this ULDC is mandatory as a use by right in all residential developments in this district.

b. Residential uses proposed on property with a natural slope of twenty-five percent (25%) or more, including the crests, summits, and ridge tops which lie at elevations higher than any such areas even though the slopes of such crests, summits and ridge tops have a slope less than twenty-five percent (25%) shall be subject to Section 4.02.02(C)(7).

c. Entrance signs to a residential development shall meet the standards for monument signs in accordance with Section 4.02.02(C)(3)(j)(i).

Fig 6. Conventional subdivision design (left) and conservation subdivision design (right), which maximizes open space and protects existing vegetation, and natural and historic features

Source: Rural by Design (Arendt, 1994)
5. Industrial Uses
Industrial development, where permitted by zoning, shall meet the provisions for Commercial Development as delineated in this section with the following exception:
   a. Building size and scale shall be regulated by Sections 4.01.01 and 4.01.02 of this ULDC.

6. Prohibited Uses
The following uses are prohibited in the district:
   a. Outdoor storage for building supply and vehicle parts/accessories visible from the public right-of-way;
   b. Flea markets or similar outdoor or indoor/outdoor sales complexes;
   c. Outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle), outdoor shooting and firing ranges and similar activities (excludes hunting on private property);
   d. Storage yards for equipment, machinery and supplies for building and trades contractors, garbage haulers;
   e. Vehicle sales, rental, service, and repair including truck stops, body shops, road services, car washes that stand alone, and the sales, rental and repair or new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes;
   f. Salvage yards and impound lots;
   g. Outdoor play equipment/playgrounds visible from the public right-of-way;
   h. Telecommunication towers (includes cell towers); and
   i. Adult entertainment establishments, including spas.

7. Hillside Development
The following provisions shall apply to any development proposal for property with a natural slope of twenty-five percent (25%) or more, including the crests, summits, and ridge tops which lie at elevations higher than any such areas even though the slopes of such crests, summits and ridge tops have a slope less than twenty-five percent (25%).
   a. The following land uses or activities are exempt from the provisions of this section:
      i. Agriculture and forestry, provided that they are consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission, consistent with all state and federal laws, and all applicable regulations promulgated by the Georgia Department of Agriculture;
      ii. Landscape maintenance activities, including the removal of diseased, dead or damaged trees provided that such activities
shall be carried out in conformance with applicable regulations of this section and ULDC:

iii. Any land, or part of any land, which was contained in or subject to any development plan, and which was filed with and approved by the County prior to the effective date of this section; and,

iv. Additions to single-family residences on legal lots of record with existing residences that were approved prior to the effective date of this section, provided that the height of the building addition does not exceed thirty-five (35) feet measured vertically from the highest point of the natural grade and no land disturbance is required to accomplish the building addition.

b. For purposes of determining whether these provisions apply to a development proposal, the natural slope of a given property shall be calculated perpendicular to topographic contours from property line to property line, prior to grading, using quadrangle maps of the United States Geological Survey, other reputable topographic maps of the subject area or a topographic survey of the subject property. Although the Steep Slopes Map prepared as part of the Gordon County Comprehensive Plan: 2007-2027 may be used as a general reference, it does not necessarily represent the boundaries of steep slopes within unincorporated Gordon County, Georgia and shall not serve as a substitute for delineating steep slope boundaries via the methods identified herein.

c. For a proposed conservation subdivision (CS) development, these provisions shall not result in a loss in the number of units permissible by the zoning district in which the CS is located.

d. Grading

Development on a site shall be located, designed and oriented so that grading and other site preparation are kept to the minimum needed to serve the intended building or use while minimizing disturbance to the natural environment and to significant historical and archaeological resources. The following provisions shall also apply:

i. No grading, filling, clearing or excavation of any kind in excess of fifty (50) cubic yards shall be initiated until a grading plan is approved and a land disturbance permit is obtained from the Planning and Development Department.

ii. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan or imported from outside the hillside area.

iii. Any approved cut or fill slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the project engineer that steeper slopes are feasible and such showing is accepted during the plan review process.
iv. When grading must occur, it shall blend with the natural landform as much as possible. Grading to form level pads and building sites is prohibited.

v. Projects involving more than one use or phase shall be phased into workable units in a way that minimizes the amount of soil disturbance at any given point in time.

vi. No cuts shall be permitted solely for the purpose of obtaining fill unless specifically approved in the grading plan.

vi. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Steep-cut slopes shall be retained with stacked rock, engineered retaining walls or a functional equivalent, to control erosion and stabilize the slope. Retaining materials shall blend with the natural surroundings.

vii. Cut faces on a terraced section shall not exceed a maximum height of five (5) feet, as measured on a vertical plane from the high point of the cut or fill to the bottom-most point.

viii. Terrace widths shall be a minimum of three (3) feet to allow for the introduction of vegetation for erosion control. The total height of a cut slope shall not exceed fifteen (15) feet.

ix. Fill slopes shall not exceed a total vertical height of twenty (20) feet, as measured on a vertical plane from the high point of the cut or fill to the bottom-most point. The toe of any fill slope area not utilizing an engineered retaining structure shall be a minimum of six (6) feet from any property line.

Fig 7. When grading must occur, it shall blend with the natural landform as much as possible.

Source: Mountain and Hillside Development Ordinance, White County, GA
e. Lot Size Requirements
All new lots created by subdivision shall contain a building envelope with a natural slope of thirty-five percent (35%) or less and shall meet the lot size minimum based on slope as provided in this subsection below. Existing parcels without adequate buildable area less than or equal to 35 percent (35%) cannot be subdivided but shall be considered buildable for one unit. Subdivision of land, land disturbance, and development of lands that are subject to this section shall meet the requirements shown below:

<table>
<thead>
<tr>
<th>Average Slope of Lot To Be Developed (%)</th>
<th>Minimum Lot Size of Any New Lot Created* (acres)</th>
<th>Minimum % of Lot that Must Remain Undisturbed</th>
<th>Maximum % of Lot That May Be Disturbed</th>
<th>Maximum % of Lot That May Be Impervious Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-29%</td>
<td>1.5</td>
<td>50%</td>
<td>50%</td>
<td>25%</td>
</tr>
<tr>
<td>30-34%</td>
<td>2.0</td>
<td>60%</td>
<td>40%</td>
<td>20%</td>
</tr>
<tr>
<td>35-39%</td>
<td>2.5</td>
<td>70%</td>
<td>30%</td>
<td>15%</td>
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<tr>
<td>40% or more</td>
<td>3.0</td>
<td>80%</td>
<td>20%</td>
<td>10%</td>
</tr>
</tbody>
</table>

*Lot size may not be less than what is required by a property’s zoning district (see Chapter 4 of this ULDC).

f. Trees and Vegetation
i. Existing deep-rooted vegetation, including trees, bushes and ground covers, shall be removed only in cases where necessary for buildings, roads, driveways, parking and minimum required yards. View corridors from the proposed development to surrounding areas may be provided, but the thinning of limbs of individual trees is preferred over tree removal as a means to provide a view corridor.

ii. No trees, other than those located within a building envelope, within a proposed street, driveway or parking area, or within a utility easement, shall be removed except by permit issued by the Planning and Development Department and upon approval by same department of a tree replacement plan.

g. Roads, Driveways and Parking Areas
Roads, driveways, and parking areas shall be located and designed to parallel the natural contours of the site and such that the maximum number of existing trees on the site is preserved, and there is minimum feasible disturbance of soil and minimum feasible amounts of land coverage. No new road, driveway or parking area shall be constructed at or along the crests, summits, and ridge tops of mountains or hills in areas regulated by this section, and any such road shall be located at an elevation at least twenty (20) feet below said crests, summits, and ridge tops. Road design and construction must be approved by the Director of Public Works and shall be in accordance with applicable regulations found in Chapter 6 of this
ULDC. Variations in road design and road construction specified by the County in this ULDC shall be permitted, as approved by the Director of Public Works, to meet the standards of this section. Proposed variations shall be clearly itemized on plans submitted for review and approval in accordance with Section 4.02.02(C)(9).

h. Buildings
   i. Large building pads and footings shall be split into more than one (i.e., split-level homes that step down the hillside), where possible, to allow the building pad and structure to more closely follow the existing slope of the land. Building footprint coverage should be minimized where possible by using multiple-level (two or more story) buildings.
   ii. Buildings and structures with roofs must be designed such that the roofline of the building shall be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Flat roofs are prohibited. The slope angle of roof pitch shall be at or below the angle of the natural hillside slope.
   iii. The height of all buildings and structures shall not exceed 35 feet measured vertically from the highest point of the natural grade and shall not extend closer than twenty (20) feet to the uppermost point of the crest, summit or ridge top of the hill or mountain on which the structure is located. Appurtenances attached to a single-family dwelling are permitted provided they do not extend to or beyond the uppermost point of the crest, summit, or ridge top of the hill or mountain on which said dwelling is constructed.
   iv. Building envelopes or buildable areas shall not be allowed to be established on the crest, summit, or ridge top of the mountain or hill on which said dwelling is constructed. In the case of an existing lot of record, the Planning Director or designee may permit a dwelling or other permitted use to be sited on the crest, summit, or ridge top of the mountain or hill on which said dwelling is constructed, if it is shown by the applicant to the satisfaction of the Planning Director or designee that no other reasonable building location is feasible within the boundaries of the lot of record.
   v. When appropriate, buildings and structures should be located as close to the street as possible to preserve the natural terrain and to minimize disturbance and the length of driveways.
   vi. The visible mass of larger buildings and structures should be reduced by utilizing below-grade rooms cut into the natural slope.
vii. Buildings and structures should be clustered where possible to reduce disturbance and removal of vegetation.

viii. Exterior colors for new buildings and structures shall be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

ix. Exterior windows, trim, and other exterior building materials shall be non-reflective.

x. All outdoor lights shall have shielded fixtures that direct the light downward to eliminate scattered light and excessive glare. Light poles shall not exceed the height of surrounding buildings.

xi. Application Process (non-Steep Slope)

Review of proposed development in the Resaca Battlefield Overlay District, with the exception of development in Rural or Residential Zoning Districts, is required prior to issuance of applicable permits. A review panel consisting of the Gordon County Historic Preservation Commission (HPC) and the Planning Director or designee shall accomplish such reviews. No review and approval of the Board of Commissioners or the Planning Commission shall be required. The Zoning Administrator shall be responsible for distributing all required application materials to each member of the review panel. Incompletion applications shall not be accepted. The review panel will meet monthly at a regularly scheduled meeting of the (HPC). No permit shall be issued prior to approval by the review panel. The following procedures shall apply to the review process:

a. Prior to the formal submittal of a design plan, the applicant is encouraged to meet with the Planning Director or designee for a review of the location, scope and nature of the proposed project. No preliminary plans, drawings, sketches or concept plans reviewed informally, in writing, or otherwise shall confer any development rights under this section.

b. Seven (7) copies of design plans shall be submitted at least fourteen (14) days prior to the HPC meeting at which official review is requested.

c. Each design plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid.

d. A design plan for new development, as defined in Section 4.02.02(C)(3), in accordance with the requirements of Section 10.02.04 Submittal Requirements for Development Plans of this ULDC with the exception that specific plans related to stormwater management, floodplain management, and erosion and sedimentation control shall not be required for review with the design plan. The design plan shall also include elevations...
depicting the exterior appearance of buildings, structures and signs with sufficient notation regarding proposed height, color, materials, composition and other physical elements subject to review in accordance with this section, as well as a statement indicating that the proposed design plan addresses and meets the standards of the Resaca Battlefield Overlay District.

e. Upon approval of the design plan by the review panel, a proposed development shall be reviewed and approved by the appropriate entities (including Director of Public Works, Fire Chief, Engineer, Building Official, Board of Health, Georgia Department of Transportation) in accordance with the requirements of Chapter 10 of this ULDC prior to issuance of any permits. Any local government action under this section shall not relieve the landowner from federal and state permitting requirements.

8. Application Process (Steep Slope)

a. Prior to the formal submittal of any plans, the applicant is encouraged to meet with the Planning Director or designee for a review of the location, scope and nature of the proposed project. No preliminary plans, drawings, sketches or concept plans reviewed informally, in writing, or otherwise shall confer any development rights under this section.

b. Owners of individual lots that are subject to the requirements of this section shall be required to submit the following information, in addition to the requirements of Section 10.02.02 of this ULDC, for review and approval prior to issuance of any development permits:

i. Topographic data including existing and planned contours for the area of construction or land disturbance, (cuts and fills for structures, driveways, etc.) shown in five-foot contour intervals, and indicating the slope of the buildable area.

ii. Building elevations showing the height of the proposed structure, as well as building materials, color, and roof pitch.

iii. Proposed retaining walls, driveway, septic tank and drainfield locations, and freestanding outdoor lighting.

iv. Tree replacement plan if trees are proposed to be removed beyond areas cleared to accommodate the building envelope, a street, driveway or parking area, or a utility easement.
c. For all other proposed development, including residential subdivisions, the applicant shall submit plans as required by Chapter 10 of this ULDC in addition to the additional elements identified in Section 4.02.02(C)(9)(b) above.

9. Rezoning and Variance Applications

Rezoning and variance applications for property within the district shall be reviewed by the Historic Preservation Commission prior to review by the Planning Commission. The HPC shall act as a recommending body only and shall forward its review comments to the Zoning Administrator, who shall be responsible for forwarding said comments to Planning Commission members prior to any action upon the rezoning or variance application. The comments shall be considered part of the official staff report that is provided by the Department of Planning and Development for each variance and zoning application that is submitted to the Planning Commission. In addition to rezoning and variance procedural requirements in Chapters 9 and 10 of this ULDC, the following provision shall apply:

i. The Planning Commission shall grant a variance to provisions of this section only in cases where it finds that the variance will result in equal or greater compliance with the purposes of this section.

4.03.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

4.03.01 Animal Care Facilities (Animal Hospitals, Veterinary Clinics, Kennels or other Animal Boarding Facilities)

A. Animal hospitals and veterinary clinics are permissible in the A-1, O-1, C-C, C-G, C-H, I-1 and I-2 zoning districts, subject to the site design standards for the districts and the supplemental standards of this section.

B. Animal hospitals and veterinary clinics shall be permissible in freestanding buildings only.

C. Design standards for an animal hospital or veterinary clinic are shown in the following table:

<table>
<thead>
<tr>
<th>Development Features</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animals allowed</td>
<td>Domestic pets, farm animals, and livestock; wild animals are prohibited</td>
</tr>
<tr>
<td>Minimum building setback from all property lines which abut a residential zoning district</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minimum outdoor run setback from all property lines which abut a residential zoning district</td>
<td>75 feet</td>
</tr>
</tbody>
</table>
D. Keeping of canines or felines, whether as pets for personal enjoyment, breeding, or boarding shall be considered a kennel when there are six (6) or more adult canines or felines on a property.

1. A kennel without an outdoor run is permissible in the A-1, RA-1, O-I, C-C and C-H zoning districts subject to the site design standards of the zoning district and the supplemental standards of this section.

2. A kennel with an outdoor run is permissible in the A-1 and RA-1 zoning districts subject to the site design standards of the zoning district and the supplemental standards of this section.

3. A kennel shall comply with the nuisance requirements pertaining to animal control as set forth in the County Code of Ordinances.

4. A kennel shall meet the design standards set forth in Table 4.03.01(D).

**Table 4.03.01(D). Standards for Kennels.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animals allowed</td>
<td>Canines or felines</td>
</tr>
<tr>
<td>Minimum lot size for a kennel with an outdoor run</td>
<td>10 acres</td>
</tr>
<tr>
<td>Minimum building setback from all property lines which abut a residential zoning district</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum outdoor run setback, includes fencing, from all property lines which abut a rural or residential zoning district</td>
<td>300 feet</td>
</tr>
<tr>
<td>Outdoor runs</td>
<td>Grounds shall be maintained in a sanitary condition at all times with solid surface areas having drains</td>
</tr>
</tbody>
</table>
connected to an approved sanitary facility. Odor and pest control shall be required at all times. Hours of operation limited to 7:00 a.m. until 7:00 p.m.

<table>
<thead>
<tr>
<th>Buffer requirements</th>
<th>1.5 times the buffer requirement of Section 4.07.06 plus a fence or wall on any residentially zoned property line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor boarding</td>
<td>Soundproofing required</td>
</tr>
</tbody>
</table>

4.03.02 Agricultural Uses (not including Commercial Greenhouses and Plant Nurseries)

A. Agricultural and Farming operations are permissible in the A-1, RA-1, I-1, and I-2 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.

B. Commercial Riding Stable Facilities are permissible in the A-1, RA-1, I-1, and I-2 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.

C. Horse Stables (non-commercial) are permissible in the A-1, RA-1 and R-1 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.

D. Commercial timber operations, including the operation of Sawmills and Woodyards, are permissible in the A-1, I-1, and I-2 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.

E. Supplemental standards for Agricultural and Farming Operations are shown in the following table:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>5 acres</td>
</tr>
<tr>
<td>Livestock allowed</td>
<td>Poultry (chicken coops), swine, bovine, goats, sheep, and equine</td>
</tr>
<tr>
<td>Buildings and structures associated with agricultural use, excluding livestock shelter structures, that are adjacent to residential zoning districts or properties used primarily for residential purposes</td>
<td>Minimum setback of 50 feet from all property lines</td>
</tr>
<tr>
<td>Buildings and structures for the keeping of livestock and poultry</td>
<td>Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling</td>
</tr>
</tbody>
</table>
Buildings used for public commercial livestock uses (e.g. auction barn)

Buildings used for storage of animal waste or dead animals

Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling

Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling

Direct sales or “pick your own” sales

Parking spaces shall be provided for customers

Odor and pests related to the keeping of livestock

Property owner shall have a management plan for odor and pest control

Fences

The parcel shall be fenced if free roaming livestock is kept

F. Supplemental standards for Commercial Riding Stable Facilities are shown in the following table:

**Table 4.03.02(F). Standards for Commercial Riding Stable Facilities**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>20 acres</td>
</tr>
<tr>
<td>Number of horses allowed</td>
<td>No more than one (1) horse per one (1) acre of improved pastureland or per two (2) acres of unimproved pastureland</td>
</tr>
<tr>
<td>Buildings, structures, arenas, outdoor tracks and exercise yards adjacent to residential zoning districts or properties used primarily for residential purposes</td>
<td>Minimum setback of 100 feet from adjoining property line</td>
</tr>
<tr>
<td>Stables</td>
<td>Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling</td>
</tr>
<tr>
<td>Odor and pests related to the keeping of horses</td>
<td>Property owner shall have a management plan for odor and pest control</td>
</tr>
<tr>
<td>Fences</td>
<td>The parcel shall be fenced</td>
</tr>
<tr>
<td>Other operational requirements</td>
<td>State license is required</td>
</tr>
</tbody>
</table>
Supplemental standards for non-commercial Horse Stables are shown in the following table:

**Table 4.03.02(G). Standards for Non-Commercial Horse Stables**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>5 acres in the A-1 district 3 acres in the RA-1 and R-1 district</td>
</tr>
<tr>
<td>Number of horses</td>
<td>No more than one (1) horse per one (1) acre of improved pastureland or per two acres (2) of unimproved pastureland</td>
</tr>
<tr>
<td>Ownership of horses</td>
<td>Property owner</td>
</tr>
<tr>
<td>Stables</td>
<td>Minimum setback of 100 feet from all property lines and a minimum setback of 250 feet from any neighboring residential dwelling</td>
</tr>
<tr>
<td></td>
<td>Shall be located in a rear yard</td>
</tr>
</tbody>
</table>

G. Supplemental standards for Commercial Timber Operations, including Sawmills and Woodyards, are shown in the following table:

**Table 4.03.02(H). Standards for Commercial Timber Operations**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Sawmill or woodyard</td>
<td>Minimum setback of 150 feet from adjoining property line</td>
</tr>
<tr>
<td></td>
<td>Minimum setback of 500 feet from any neighboring residential dwelling</td>
</tr>
</tbody>
</table>

**4.03.03 Commercial Greenhouses and/or Plant Nurseries**

A. Commercial greenhouses and/or plant nurseries are permissible in the A-1 zoning district subject to the standards of the district.

B. Commercial greenhouses and/or plant nurseries are permissible in the RA-1, C-C, C-G and C-H zoning districts, subject to the standards of the district and the supplemental standards of this section.

C. The following are the site design requirements for greenhouses and plant nurseries:

**Table 4.03.03(B). Standards for Commercial Greenhouses and Plant Nurseries.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Arterial or major collector road</td>
</tr>
</tbody>
</table>
Outdoor storage and loading areas in general

| Shall be in a side or rear yard and the buffer adjacent to such area shall be 2.0 times the district buffer requirement of Section 4.07.06. In addition, such areas shall be a minimum of 100 feet from any adjacent residence. |

Outdoor storage of specific loose materials, including, but not limited to, topsoil, compost, mulch, gravel, sand and similar materials

| In addition to the requirements for outdoor storage and loading areas mentioned herein this table, such materials shall be stored in areas having a solid wall surrounding three (3) sides. Stockpiles of such materials shall not exceed a height of twenty (20) feet. |

**4.03.04 Building Materials and Supply**

A. Building materials and supply establishments are permissible in the C-G, C-H and I-1 zoning districts, subject to the standards of the zoning district and the supplemental standards of this section.

B. Outdoor storage of materials and supplies is permissible, subject to the following standards:
   1. Storage areas shall be in a side or rear yard;
   2. Storage areas abutting all other properties, excluding properties in an industrial district, shall provide a buffer equal to the width as stated in the district buffer requirements of Section 4.07.06., and
   3. Materials stored in such areas shall not exceed a height of twenty (20) feet.

C. The primary access to the lumber and building supply establishment shall be from an arterial street. Where the property has frontage on two (2) streets, one (1) secondary access may be allowed on a collector street. Access on any local street is prohibited.

D. All outside areas used for display, storage, or sale shall contain a dust-free surface.

E. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be designed so as not to be audible from adjacent properties at a level which may be a nuisance.

F. Required parking shall not be used for storage, seasonal sales, promotional sales, or other retail or wholesale activities. Required parking shall be used for parking purposes only.

**4.03.05 Farmers Markets, Outside and Seasonal Sales Facilities**

A. Farmers Markets and other outside and seasonal sales facilities are temporary or seasonal in nature and permissible in the A-1 zoning district subject to the standards of the district.

B. Farmers Markets and other outside and seasonal sales facilities are temporary or seasonal in nature and permissible in the RA-1, C-G, C-H
and I-1 zoning districts, subject to the standards of the zoning district and the supplemental standards of this section.

C. Outside sales may include the sale of vegetables, fruit, produce, eggs, or other agricultural products, Christmas trees, pumpkins, and arts and crafts objects or supplies. Agricultural products shall not include poultry or livestock. Outside sales facilities as regulated herein do not include food or other vendors otherwise regulated by the County Code of Ordinances.

D. Outside sales facilities may include temporary shelters, such as canopies, tents, or other similar structures, subject to the following standards.

1. All such canopies, tents, or other structures shall comply with the International Building Code and any national, state, or local fire code.

2. Tents shall be located at least five (5) feet from any curb, sidewalk, crosswalk, or fire hydrant.

3. Tents shall be positioned so as to keep entrances, exits, and emergency exits clear at all times.

4. Tables, chairs, displays, display stands, and other similar equipment shall be located at least five (5) feet from any curb, sidewalk, crosswalk, fire hydrant, entrance, or emergency exit.

D. Outside sales facilities shall comply with the standards set forth in the following table:

**Table 4.03.05(D). Standards for Outside Sales, Including Farmers Markets.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking and Patron areas</td>
<td>One (1) parking space for every 200 square feet of sales area shall be provided. Parking spaces shall be separate from the sales area. Parking shall be provided out of the right-of-way. Parking areas shall provide a paved, graveled, or other dust-free surface. Patron areas shall have an all-weather surface such as grass, hay, mulch, sand, sawdust or other similar material.</td>
</tr>
<tr>
<td>Outside storage of boxes, crates, pallets</td>
<td>Shall be stored in an orderly fashion at the rear of the facility.</td>
</tr>
<tr>
<td>Exterior lighting</td>
<td>No exterior lighting shall shine or cause glare on any abutting property</td>
</tr>
<tr>
<td>Sanitary facilities</td>
<td>All outside sales facilities shall provide sanitary facilities consistent with State law</td>
</tr>
</tbody>
</table>
4.03.06 Vehicle Sales Establishments (Cars, Trucks, Motorsport Vehicles, Boats, or RVs)

A. Vehicle sales establishments are permissible in the C-H zoning district, subject to the standards of the district and the supplemental standards of this section.

B. Vehicle sales establishments may sell, rent, or lease new and/or used vehicles.

C. The following are the site design standards for vehicle sales establishments.

Table 4.03.06(C). Standards for Vehicle Sales Establishments.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum vehicle display, sales, and/or parking area buffer from property zoned for residential use</td>
<td>25 feet. Said buffer shall be planted in accordance with buffer planting requirements stated herein this ULDC</td>
</tr>
<tr>
<td>Vehicle display, sales, and/or parking areas</td>
<td>Shall be provided with a paved surface</td>
</tr>
<tr>
<td></td>
<td>Shall not include any parking spaces required to meet the standards of Section 6.01.07</td>
</tr>
<tr>
<td>Mechanical repairs, body work, and paint repairs</td>
<td>Permitted as an accessory use to facilities providing new vehicles, watercraft, and recreational vehicle sales</td>
</tr>
<tr>
<td></td>
<td>Repairs shall only be conducted within an enclosed building which meets all applicable federal and state requirements, including health, safety, and fire prevention regulations</td>
</tr>
<tr>
<td>Exterior lighting</td>
<td>Shall be directed or shielded to avoid illumination of adjacent properties</td>
</tr>
<tr>
<td>Paging systems</td>
<td>Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be designed so as not to be audible from adjacent properties at a level which may be a nuisance</td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>Shall be in a side or rear yard only and screened from all adjoining properties with an opaque fence or adequate landscaping of an evergreen species of plant having a minimum of six (6) feet in height. Required fences shall be constructed with the finished side outward.</td>
</tr>
</tbody>
</table>
D. Only motor vehicles, recreational vehicles, and watercraft that are operable may be sold or leased.

E. The owner of vehicle sales establishment shall prepare a plan and inventory for the safe storage of flammable or hazardous materials to be stored or used on the property. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the County prior to the site plan approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the County.

F. Vehicles shall not be stored, parked, displayed, or otherwise placed on public rights-of-way at any time.

4.03.07 Vehicle Repair Shops (Major Repair)

A. Vehicle repair shops conducting major repairs to cars, trucks, boats, motorsport vehicles, or other similar vehicles are permissible in the C-H zoning district, subject to the standards of the zoning district and the supplemental standards of this section.

B. Major repair shall be defined as the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or other major components of vehicles mentioned herein this section, including, but not limited to, body work.

C. Drainage pits for oil and fluid change shall be located within an enclosed structure. Applications for vehicle repair shops providing oil and fluid change facilities and services shall include proof of compliance with State and federal regulations regarding handling and disposal of oil and automotive fluids.

D. Vehicle repair shops (major repair) shall comply with the standards set forth in the following table:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffers</td>
<td>2.0 times the buffer requirements stated in Section 4.07.06</td>
</tr>
<tr>
<td>Vibration or electromagnetic interference</td>
<td>Shall not be discernable on adjacent properties</td>
</tr>
<tr>
<td>Loading docks</td>
<td>Screened from view from adjacent properties and from the public right-of-way</td>
</tr>
<tr>
<td>Outside storage</td>
<td>Shall be in a side or rear yard only and screened from all adjoining properties with an opaque fence or adequate landscaping of an evergreen species of plant having a minimum of six (6) feet in</td>
</tr>
</tbody>
</table>
4.03.08 Mini-storage or Self-service Storage Facilities

A. Self-service storage facilities, also called mini-storage or self-storage, are permissible in the C-G, C-H and I-1 zoning districts, subject to the standards of the zoning district and the supplemental standards of this section.

B. The following activities or uses are prohibited on the grounds or within the buildings of self-service storage facilities:
   1. Wholesale sales;
   2. Retail sales, including garage sales, or other commercial activities;
   3. Manufacturing, fabrication, processing, or other industrial activity;
   4. Service or repair of vehicles, engines, electronic equipment or similar activities;
   5. Rehearsal or practice of musical instruments; and
   6. Residential use.

C. Notwithstanding the limitations described in Section 4.03.08(B) above, the following activities may be conducted:
   1. Rental of storage bays;
   2. Truck rental business, limited to a maximum of twenty-five (25) percent of the gross site area;
   3. Sales of boxes or goods related directly to the operation of a self-service storage facility; and
   4. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.

D. Except as specifically provided in this section, all property stored on the site shall be entirely within enclosed buildings.

E. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

F. As an accessory use, one (1) dwelling unit may be established for security personnel, management personnel, or the facility owner.

G. Exterior wall surfaces of such facilities located in the I-1 zoning district shall not be constructed of a metal panel product or standard cement masonry unit (standard cement block.)

H. The following site design requirements shall be met:

- Height: Required fences shall be constructed with the finished side outward.
- Exterior lighting: Directed and shielded to avoid illumination of adjacent properties.
- Loudspeakers and paging equipment: Prohibited.
Table 4.03.08(H). Site Design Standards for Self-Service Storage Facilities.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area</td>
<td>2 acres</td>
</tr>
<tr>
<td>Maximum site area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Arterial or major collector road</td>
</tr>
<tr>
<td>Minimum setbacks for buildings or</td>
<td></td>
</tr>
<tr>
<td>walls:</td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>40 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Buffers</td>
<td>1.5 times the buffer required by Section 4.07.06 if located in the C-G or C-H district</td>
</tr>
<tr>
<td>Dumpsters and trash containers</td>
<td>Fully screened from view from adjacent properties and public right-of-way</td>
</tr>
<tr>
<td>Outdoor lighting</td>
<td>Shielded and directed to avoid direct illumination of adjacent residential properties, as measured at the property line</td>
</tr>
<tr>
<td>Loudspeakers and paging equipment</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

I. Outdoor (open) storage is permissible, subject to the following standards:

Table 4.03.08(I). Standards for Outdoor Storage at Self-Service Storage Facilities.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of goods to be stored</td>
<td>Any operable vehicle, boat, or trailer</td>
</tr>
<tr>
<td></td>
<td>Dry stacking of boats when covered to provide screening from view</td>
</tr>
<tr>
<td></td>
<td>Abandoned, wrecked, or junked vehicles are prohibited</td>
</tr>
<tr>
<td>Maximum area devoted to outdoor</td>
<td>30 percent of building area of the site</td>
</tr>
<tr>
<td>storage</td>
<td></td>
</tr>
<tr>
<td>Fencing</td>
<td>Maximum of 8 feet in height</td>
</tr>
<tr>
<td></td>
<td>Razor wire or barbed wire shall be prohibited in the C-C and C-H districts</td>
</tr>
<tr>
<td>Fence location</td>
<td>May be either in front of or behind the buffer</td>
</tr>
<tr>
<td>Security</td>
<td>Gate, equipped with alarm and keyless opening required</td>
</tr>
</tbody>
</table>
J. Traffic circulation requirements:
   1. Traffic lane widths shall be established to provide for the adequate circulation, safety, and accessibility of trucks, cars, and individuals who utilize dead storage in such facilities;
   2. The minimum traffic lane width shall be twenty-five (25) feet;
   3. The maximum traffic lane width shall be forty (40) feet;
   4. Traffic flow patterns, directional signage, and painted land markings with arrows shall also be clearly marked;
   5. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the County Engineer and the Fire Chief at the time of preliminary plan review; and
   6. There shall be no aisle ways or other vehicular access ways located in the buffer area or within the designated rights-of-ways.

4.03.09 Recreational Vehicle Parks and Campgrounds

   A. Recreational vehicle (RV) parks and campgrounds are permissible in the A-1, RC-1, and C-H zoning districts, subject to the site design standards of the zoning district and the supplemental standards of this section.

   B. Recreational vehicle parks and campgrounds may include motor homes, travel trailers, fifth wheel trailers, pop-up trailers, tents, and other similar vehicles.

   C. The condition of soils, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

   D. Such parks or campgrounds shall provide restroom facilities. If such facilities are not connected to public sanitary sewer system, a private septic tank system shall be required as approved by the Board of Health.

   E. Accessory uses and structures permissible in the recreational vehicle park include management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park. Standards for accessory uses are in the following table:

   **Table 4.03.09(E). Standards for Accessory Uses in RV Parks and Campgrounds.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area, including structures and associated parking</td>
<td>10 percent of gross area of park</td>
</tr>
<tr>
<td>Use of accessory structures</td>
<td>Limited to park tenants</td>
</tr>
</tbody>
</table>
F. Site design standards for recreational vehicle parks are set forth in the following table:

**Table 4.03.09(F). Site Design Standards for RV Parks and Campgrounds.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area</td>
<td>20 acres</td>
</tr>
<tr>
<td>Maximum density</td>
<td>10 RV lots per gross acre</td>
</tr>
<tr>
<td>Minimum site width</td>
<td>300 feet</td>
</tr>
<tr>
<td>Access</td>
<td>Prohibited through residential zoning districts</td>
</tr>
<tr>
<td>Minimum setback for pads or campsites from a public right-of-way</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum setback for pads or campsites from the nearest adjacent residence on an adjoining parcel</td>
<td>200 feet</td>
</tr>
<tr>
<td>Occupancy of individual pads or campsites</td>
<td>Maximum of 90 days</td>
</tr>
<tr>
<td>Buffers</td>
<td>Minimum fifty (50) feet from A-1, RA-1, or any residential zoning district and planted in accordance with Section 4.07.06</td>
</tr>
</tbody>
</table>

### 4.03.10 Religious Facilities

A. Religious facilities, including churches and other places of worship, together with specified accessory uses and structures are permissible in the A-1, RA-1, R-1, R-2, R-3, R-4, R-5, R-6, and O-1 zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. The principal use is considered worship, which is a form of religious practice, together with its creed and ritual.

C. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the primary use. Such uses and activities shall be limited to:

1. Religious instruction (such as “Sunday School,” Bible school, or similar instruction or study typically associated with the religion);
2. Offices to support the establishment;
3. Child or adult day care, subject to the standards of Section 4.03.10(E);
4. Private academic school, including nursery school or preschool, subject to the standards of Section 4.03.10(F);
5. A fellowship hall, with or without a kitchen, (which may be known as a community center, activity hall, or life center);
6. Recreation facilities;
7. Individual meeting spaces; and
8. A parsonage, subject to the standards of Section 4.03.10(H).
D. All accessory uses are subject to the following requirements:
   1. The accessory use shall be owned and operated only by the owner of the primary use;
   2. The facility housing the accessory use shall meet all local, State, or federal standards;
   3. The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses;
   4. Loudspeaker or paging systems shall be located to ensure that they cannot be heard at the property line of adjacent properties;
   5. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties, as measured at the property line;
   7. Outdoor play or activity areas shall be no closer than fifty (50) feet from any residential property line;
E. Child day care, adult day care, preschool, or child nursery uses are allowable accessory uses subject to the following standards:
   1. An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.
F. Private academic schools are allowable accessory uses subject to the following standards:
   1. The entrance and vehicle drop off points for students shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.
G. One (1) residential dwelling unit is allowable to serve as a parsonage, subject to the following standards:
   1. A minimum lot area, within the parcel developed for religious uses and facilities, to be devoted to the dwelling unit (“parsonage lot”) shall be 8,000 square feet. The parsonage lot shall be used exclusively for the dwelling unit, and shall not include any primary or other accessory use allowable on the site. The parsonage lot shall not be used for any support activity to the primary or accessory uses, such as outdoor play areas, storage, or parking, other than as specifically provided in Section 4.03.10(H)(2) through (3) below.
   2. Two off-street (2) parking spaces shall be provided within the parsonage lot.
   3. The maximum building height on the parsonage lot shall be 2.5 stories.
H. A specific parking plan shall be provided. This plan shall identify the principal use and each accessory use proposed on the site. The parking plan shall indicate the hours of operation and peak times of use (parking demand) for the primary use and each accessory use on the site. The parking standards for the principal use and each accessory use shall be identified based upon ULDC requirements, set forth in Section 6.01.07.
The parking plan may propose reduced or shared parking. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

I. For religious facilities that exceed 10,000 square feet in total floor area, excluding the parsonage, if any, the minimum setback from any property line that is otherwise required shall increase five (5) feet for each 2,000 square feet, or portion thereof, over 10,000 square feet.

J. All principal use exterior lighting shall be directed or shielded to avoid illumination of adjacent properties, as measured at the property line.

K. Religious facility properties shall comply with Section 4.07.00 of this ULDC regarding landscaping, buffers, and tree protection.

L. Religious facility buildings and specified accessory structures built in any district mentioned in Section 4.03.10(A) shall comply with the following:
   1. Front and side exterior wall surfaces shall be constructed of unpainted brick, stone (natural or manufactured), solid wood, natural stucco, architectural or rusticated cement masonry units, cement fiber board or other building code approved composite lapboard siding, or vinyl siding provided the grade of vinyl meets or exceeds the Standard Specification for Rigid PVC Siding (ASTM D-3679) and all manufacturers’ recommendations concerning vinyl siding installation are closely followed, or Exterior Insulation Finish Systems (EIFS);
   2. Front and side exterior wall surfaces exterior wall surfaces shall not be constructed of metal panel sheathing or standard cement masonry units (cement blocks), with the exception that cut-face, or split-face, block is permitted on front and side exterior façades;
   3. No greater than seventy-five percent (75%) of the total exterior wall surface area of any front and side exterior wall shall be constructed of any one exterior wall veneer product permitted in 4.03.10(L)(1.) with the exception that any such wall may be constructed entirely of unpainted brick, solid wood, natural stone, natural stucco, or cement fiber board or other building code approved composite lapboard siding;
   4. Roofs shall have an overhang or eave having a minimum width of twelve (12) inches as measured from the wall of the building to the outermost edge of the starter trim, drip rail, shingles, or guttering system;
   5. Flat roofs shall require a parapet wall having a minimum height of three (3) feet. Shed roofs shall be prohibited as a primary roof system and shall be allowed only as a secondary roof system subordinate to the primary roof; and
   6. Such buildings and structures, when erected in a rural or residential zoning district, shall be compatible in design and structural integrity with the surrounding built residential environment.
4.03.11 Cemeteries

A. Cemeteries are permissible in the A-1, RA-1, R-1, O-I, C-C, C-G, C-H, and I-1 zoning districts, and any zoning district when an accessory use to a church or other place of worship, subject to the site design standards of the district and the specific supplemental standards of this section. Cemeteries for interment of human remains shall comply with State law and the provisions of Section 4.03.11. Cemeteries for interment of pet remains shall comply with the provisions of Section 4.03.11.

B. A cemetery may include one (1) or more of the following:
   1. Burial park for earth interments;
   2. Mausoleum for vault or crypt interments;
   3. Columbarium; and/or
   4. Chapel

C. A cemetery shall not include a crematorium.

D. Site design requirements are set forth in the following table:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td></td>
</tr>
<tr>
<td>Registered cemeteries (per State law)</td>
<td>10 acres</td>
</tr>
<tr>
<td>Pet cemeteries</td>
<td>5 acres</td>
</tr>
<tr>
<td>Minimum setbacks for structures, storage, materials,</td>
<td></td>
</tr>
<tr>
<td>equipment, or interment lots:</td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>40 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Adjacent to a residentially zoned property</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum road frontage</td>
<td>200 feet</td>
</tr>
<tr>
<td>Minimum buffer requirements when adjacent to state</td>
<td>25 feet. Said buffer shall be planted in</td>
</tr>
<tr>
<td>bodies of water or when adjacent to any rural or</td>
<td>accordance with Section 4.07.06</td>
</tr>
<tr>
<td>residential zoning district</td>
<td></td>
</tr>
<tr>
<td>Access requirements</td>
<td>Arterial, collector or state highway</td>
</tr>
<tr>
<td>Access for existing cemeteries</td>
<td>Easements for access may be required in new</td>
</tr>
<tr>
<td></td>
<td>subdivisions</td>
</tr>
</tbody>
</table>

E. Location requirements

1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.

2. All new cemeteries must be located not less than 150 feet from a drinking water well.
F. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.

G. The entrance and exits to the cemetery shall be only from the frontage street.

H. Mausoleums and columbaria may be located only within the boundaries of approved cemeteries. Mausoleums and columbaria shall have facades of brick or stone.

4.03.12 Child Day Care, Nursery School, and Preschool Facilities

A. The requirements of this section apply to child day care facilities, nursery schools, and private preschools or Pre-K schools.

B. Child day care facilities, nursery schools, private preschools or Pre-K schools are permissible in the following zoning districts, subject to the site design standards of the district and the supplemental standards of this section:

1. Child Day Care Centers, nursery schools, and private preschools or Pre-K schools providing care or teaching for nineteen (19) or more children are permissible in the O-I, C-C, C-G and C-H zoning district.

2. Group Day Care Homes, nursery schools, and private preschools or Pre-K schools providing care or teaching for at least seven (7) and not more than eighteen (18) children are permissible in the A-1, RA-1, R-1, R-2, O-1, C-C, C-G, and C-H zoning districts.

3. Family Day Care Homes, nursery schools, and private preschools or Pre-K schools providing care or teaching for less than seven (7) children are permissible in the A-1, RA-1, R-1, R-2, R-3, O-1, C-C, C-G, and C-H zoning districts.

C. All facilities regulated in this section shall comply with State regulations and acquire applicable State licenses for operation.

D. When any child day care facility or private school mentioned herein this Section is operated as a home occupation, it shall comply with the provisions of Section 5.01.00 pertaining to home occupations.

E. Child day care centers, nursery schools, private preschools or Pre-K schools providing care or teaching for nineteen (19) or more children shall comply with the following standards:

Table 4.03.12(E). Standards for Child Day Care Centers, Nursery Schools, Private Preschools or Pre-K Schools. (Nineteen (19) or more children)

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of children</td>
<td>Nineteen (19) or more</td>
</tr>
<tr>
<td>Place of operation</td>
<td>Freestanding structure, or Within a religious facility (see Section 4.03.10 for standards), or Within a private school</td>
</tr>
</tbody>
</table>
Outdoor play area | Minimum of 100 square feet per child
| Fully enclosed by a fence a minimum of five (5) feet in height, according to standards in Section 5.02.03

Indoor play area | Minimum of 35 square feet per child

Access requirements | Drop-off location shall be off-street

F. Group day care homes, nursery schools, private preschools or pre-k schools providing care or teaching for seven (7) to eighteen (18) children and family day care homes and such schools having six (6) or less children shall comply with the following standards:

Table 4.03.12(F). Standards for Child Day Care Homes, Nursery Schools, Private Preschools or Pre-K Schools (Seven (7) to Eighteen (18) children) and Family Day Care Homes and such schools having six (6) or less children.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of children</td>
<td>Seven (7) to Eighteen (18)</td>
</tr>
<tr>
<td>Child day care home</td>
<td>Six (6) or less</td>
</tr>
<tr>
<td>Family day care home</td>
<td>Freestanding structure or within a single-family dwelling.</td>
</tr>
<tr>
<td>Outdoor play area</td>
<td>Minimum of 100 square feet per child</td>
</tr>
<tr>
<td></td>
<td>Fully enclosed by a fence, a minimum of five (5) feet in height, according to standards in Section 5.02.03</td>
</tr>
<tr>
<td>Indoor play area</td>
<td>Minimum of 35 square feet per child</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Drop-off location shall be off-street</td>
</tr>
</tbody>
</table>

4.03.13 Group Personal Care and Family Personal Care Homes

A. Group personal care homes, as defined in State law, providing care for seven (7) to no more than fifteen (15) persons, are permissible in the A-1, RA-1, R-1, O-I, C-C, C-G, and C-H zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. Family personal care homes, as defined in State law, providing care for two (2) to no more than six (6) persons, are permissible in the A-1, RA-1, R-1, O-I, C-C, C-G, and C-H zoning districts, subject to the standards of the district and the supplemental standards set forth in this section:

C. The following site design standards are required for group personal care homes and family personal care homes:
Table 4.03.13(C). Standards for Group Personal Care Homes and Family Personal Care Homes.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site location</td>
<td>Shall front a collector or arterial road</td>
</tr>
<tr>
<td>Minimum building setbacks: side and rear yards</td>
<td>50 feet</td>
</tr>
<tr>
<td>Fence</td>
<td>Outdoor activity areas shall be fenced according to the standards in Section 5.02.03 of this ULDC and NFPA 101: Life Safety Code</td>
</tr>
<tr>
<td>Signs</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Parking</td>
<td>2 spaces are required and may be located in the driveway or garage or in the rear yard; additional spaces shall be located in the rear yard only and shall be screened from view from adjacent properties. All spaces shall be paved.</td>
</tr>
</tbody>
</table>

4.03.14 Private Primary, Elementary, Junior High (Middle), or Senior High Schools

A. Private primary, elementary, junior high (middle), or senior high schools are permissible in the A-1, RA-1, R-1, R-2, and R-3, zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. Private primary, elementary, junior high (middle), or senior high schools shall comply with the supplemental standards set forth in the following table:

Table 4.03.14(B). Standards for Private Primary, Elementary, Junior High (Middle), or Senior High Schools.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area</td>
<td>2 acres</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Shall front a collector or arterial road</td>
</tr>
<tr>
<td>Outdoor recreation areas</td>
<td>Setback a minimum of 75 feet from any property zoned or used for residential purposes</td>
</tr>
<tr>
<td></td>
<td>Fully enclosed by a fence having a minimum height of four (4) feet</td>
</tr>
<tr>
<td>Outdoor lighting</td>
<td>Directed and shielded to avoid illumination of adjacent properties, as measured at the property line</td>
</tr>
<tr>
<td>Drop-off and pick-up areas</td>
<td>Separated from parking areas</td>
</tr>
</tbody>
</table>
4.03.15 Private Colleges and Universities

A. Private colleges and universities are permissible in the A-1, R-A1, R-1, R-2, and R-3 zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. The following are the site design standards for private colleges and universities:

Table 4.03.15(B). Standards for Private Colleges and Universities.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area</td>
<td>3 acres</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>200 feet</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Arterial road</td>
</tr>
<tr>
<td>Outdoor recreation areas</td>
<td>Setback a minimum of 150 feet from any property zoned or used for residential purposes</td>
</tr>
<tr>
<td>Outdoor lighting</td>
<td>Directed and shielded to avoid illumination of adjacent properties, as measured at the property line</td>
</tr>
</tbody>
</table>

4.03.16 Bed and Breakfast Lodging

A. Bed and breakfast lodging is permissible in the A-1, RA-1, O-1, C-C, and C-G zoning districts, subject to the standards applicable to the zoning district and the supplemental standards of this section.

B. The owner of the bed and breakfast inn shall reside in the inn.

C. Breakfast, social events, and activities shall be limited to the guests or lodgers in the bed and breakfast lodging, and shall not be held out to the general public.

D. Parking for bed and breakfast lodging within residential zoning districts shall located as follows:
   1. One (1) parking space per guest room in addition to two (2) parking spaces for the main dwelling use.
   2. Required parking spaces may be located to the side or rear of the principal structure and shall be paved or graveled.
   3. There shall be no on-street parking associated with the bed and breakfast lodging.

E. One (1) sign identifying the bed and breakfast inn shall be allowed, subject to the following standards:
   1. The maximum sign area shall not exceed eight (8) square feet.
   2. The sign shall have color, design, and materials consistent with the color, design, and materials of the lodging establishment.
   3. The sign shall not be illuminated.
   4. The sign shall be only a monument sign or a building mounted sign.

F. The bed and breakfast inn shall be a single-family residential dwelling having a minimum heated floor area of 2,500 square feet.
G. The bed and breakfast inn shall hold a valid hood service permit, tourist accommodations permit, and on-site sewage management permit, if applicable, from the Board of Health.

**4.03.17 Outdoor Recreation**

C. Outdoor recreation is permissible in the A-1, RA-1, RC-1, C-H, I-1, and I-2 zoning districts, subject to the standards of the district and the supplemental standards of this section.

D. Outdoor recreation facilities includes such activities as off-road biking, physical endurance courses, tracks for go-carts, paintball facilities, as well as less intensive activities such as sports fields, miniature golf, and other similar recreation activities.

E. Outdoor recreation facilities may include accessory uses, such as snack shops or food stands, gift shops, or similar uses.

F. Outdoor recreation facilities shall comply with the standards set forth in the following table:

**Table 4.03.17 (D). Standards for Outdoor Recreation Facilities.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>2 acres for less intensive uses</td>
</tr>
<tr>
<td></td>
<td>20 acres for all other uses</td>
</tr>
<tr>
<td>Minimum setback for buildings</td>
<td>100 feet on all sides</td>
</tr>
<tr>
<td>Minimum setback for parking lots and access drives, when abutting residential zoning districts</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum buffer</td>
<td>As required in Section 4.07.06</td>
</tr>
<tr>
<td>Lighting</td>
<td>No exterior lighting shall shine or cause glare on any abutting property</td>
</tr>
<tr>
<td>Loudspeakers or paging systems</td>
<td>Designed, installed, and used such that they are not heard at the property line of adjacent properties</td>
</tr>
<tr>
<td>Outside storage and loading areas</td>
<td>Screened from view from adjacent properties and from the public right-of-way</td>
</tr>
<tr>
<td></td>
<td>Setback a minimum of 200 feet from any residentially zoned property</td>
</tr>
<tr>
<td>Refuse and solid waste containers</td>
<td>Screened from view from adjacent properties and from the public right-of-way</td>
</tr>
<tr>
<td></td>
<td>Setback a minimum of 100 feet from all property lines</td>
</tr>
</tbody>
</table>
Sanitation facilities, temporary or permanent | Screened from view from adjacent properties and from the public right-of-way
Setback a minimum of 100 feet from all property lines

4.03.18 Motorsport Race Tracks (Cars, Trucks, Motorcycle, ATV, or Similar)

A. Motorsport race tracks are permissible in the A-1, RA-1, I-1, and I-2 zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. Motorsport race track facilities may include accessory uses, such as snack shops or food stands, or similar uses.

C. Motorsport race track facilities shall comply with the standards set forth in the following table:

Table 4.03.18 (D). Standards for Motorsport Race Tracks.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>One hundred (100) acres</td>
</tr>
<tr>
<td>Minimum setback for buildings</td>
<td>100 feet on all sides</td>
</tr>
<tr>
<td>Minimum setback for parking lots and access drives, when abutting residential zoning districts</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum buffer</td>
<td>Five hundred (500) feet on all sides</td>
</tr>
<tr>
<td>Lighting and hours of operation</td>
<td>No exterior lighting shall shine or cause glare on any abutting property</td>
</tr>
<tr>
<td></td>
<td>Hours of operation shall be from 7 a.m. until 10 p.m.</td>
</tr>
<tr>
<td>Loudspeakers or paging systems</td>
<td>Designed, installed, and used such that they are not heard at the property line of adjacent properties</td>
</tr>
<tr>
<td>Outside storage and loading areas</td>
<td>Screened from view from adjacent properties and from the public right-of-way</td>
</tr>
<tr>
<td></td>
<td>Setback a minimum of 200 feet from any residentially zoned property</td>
</tr>
</tbody>
</table>
Refuse and solid waste containers
Screened from view from adjacent properties and from the public right-of-way
Setback a minimum of 100 feet from all property lines

Sanitation facilities, temporary or permanent
Screened from view from adjacent properties and from the public right-of-way
Setback a minimum of 100 feet from all property lines

4.03.19 Outdoor Shooting Ranges, Gun Clubs, Hunting Camps and Lodges

A. Outdoor shooting ranges, gun clubs, hunting camps and lodges are permissible in the A-1 and RC-1 zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. Shooting ranges, gun clubs, hunting camps and lodges shall comply with the standards set forth in the following table:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Minimum buffer</td>
<td>500 feet on all sides consisting of existing natural forested area</td>
</tr>
<tr>
<td>Minimum building setback</td>
<td>100 feet on all sides</td>
</tr>
<tr>
<td>Shooting range design</td>
<td>In accordance with National Rifle Association Range Sourcebook</td>
</tr>
</tbody>
</table>

4.03.20 Golf Courses and Driving Ranges

A. Golf courses and driving ranges are permissible in A-1 and RC-1 zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. A golf course may be public or private and may include the following buildings and accessory uses:
1. A clubhouse with or without a pro shop, retail sales of golf supplies and accessories, and a restaurant or snack shop;
2. An equipment building for maintenance, minor repairs, and storage. Storage may include fertilizers, herbicides, or pesticides; and
3. Driving range

C. The types of golf courses may be par 3, executive, or regulation.

D. Golf courses and driving ranges shall comply with the standards set forth in the following table:
Table 4.03.20(D). Standards for Golf Courses and Driving Ranges.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area for a driving range</td>
<td>10 acres</td>
</tr>
<tr>
<td>Minimum setback for buildings, greens, and</td>
<td>60 feet</td>
</tr>
<tr>
<td>fairways</td>
<td></td>
</tr>
<tr>
<td>Safety netting for driving ranges</td>
<td>Required on the perimeter of the playing area abutting public streets;</td>
</tr>
<tr>
<td></td>
<td>Minimum of 32 feet in height</td>
</tr>
<tr>
<td>Outdoor lighting for driving range, tees,</td>
<td>Directed and shielded to avoid illumination of properties used or zoned</td>
</tr>
<tr>
<td>greens, and fairways</td>
<td>for residential purposes; Outdoor lighting shall be turned off not later</td>
</tr>
<tr>
<td></td>
<td>than 9:00 p.m.</td>
</tr>
<tr>
<td>Loudspeakers or paging systems</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Outside storage and loading areas</td>
<td>Fully screened from view from adjacent properties and from the public</td>
</tr>
<tr>
<td></td>
<td>right-of-way</td>
</tr>
<tr>
<td>Golf cart crossings</td>
<td>Shall be plainly marked and located for safety of both the cart users</td>
</tr>
<tr>
<td></td>
<td>and persons using sidewalks or streets that are crossed</td>
</tr>
</tbody>
</table>

4.03.21 Private Airfields

A. Private airfields are allowable in the A-1 zoning district, subject to the standards of the zoning district and the supplemental standards of this section.

B. Private airfields shall comply with Federal Aviation Agency (FAA) and Georgia Department of Transportation requirements.

C. The following uses are prohibited:
   1. Flight instruction;
   2. Aircraft storage (other than hangar to house aircraft);
   3. Aircraft maintenance (other than routine maintenance by the owner of the aircraft); and
   4. Aircraft fueling.

D. Private airfields shall not be lighted for night operations.

E. The site design standards required for a private airfield are set forth in the following table:

Table 4.03.21 (E). Standards for Private Airfields.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>20 acres</td>
</tr>
<tr>
<td>Minimum setback for airfield and buildings</td>
<td>1000 feet from any residential dwelling on an adjacent property</td>
</tr>
</tbody>
</table>
4.03.22 Amusement Parks, Outdoor Theaters, and Indoor Arenas

A. Amusement parks, outdoor theaters and indoor arenas are permissible in the A-1, C-G, C-H and I-1 zoning districts, subject to the standards of the zoning district and the supplemental standards of this section.

B. Amusement parks, outdoor theaters and indoor arenas may include accessory uses, such as snack shops or food stands, gift shops, or similar uses, provided that such uses are not open to the general public without entrance to the amusement park or outdoor theater.

C. Amusement parks, outdoor theaters and indoor arenas shall meet the following site design standards:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Minimum setback for buildings:</td>
<td></td>
</tr>
<tr>
<td>Abutting residential zoning districts</td>
<td>200 feet</td>
</tr>
<tr>
<td>Abutting nonresidential zoning districts</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum setback for parking lots and access drives, when abutting residential zoning districts</td>
<td>200 feet</td>
</tr>
<tr>
<td>Parking lot design</td>
<td>Aisles shall be paved</td>
</tr>
<tr>
<td></td>
<td>Spaces may be grass, dirt, or gravel as approved by the County</td>
</tr>
<tr>
<td>Access requirements</td>
<td>Major arterial road</td>
</tr>
<tr>
<td>Minimum buffer</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

4.03.23 Hospitals and Nursing Homes

A. Hospitals and nursing homes are permissible in the O-I zoning district, subject to the standards of the district and the supplemental standards of this section.

B. The following are site design standards for hospitals and nursing homes:
Table 4.03.23(B). Standards for Hospitals and Nursing Homes.

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side and rear yard setback</td>
<td>100 feet</td>
</tr>
<tr>
<td>Emergency vehicle entrances</td>
<td>Shall not face residentially zoned properties</td>
</tr>
<tr>
<td>Exterior lighting</td>
<td>Directed and shielded to avoid illumination of adjacent properties</td>
</tr>
<tr>
<td>Dumpsters</td>
<td>Fully screened</td>
</tr>
<tr>
<td></td>
<td>Setback a minimum of 50 feet from any property line</td>
</tr>
<tr>
<td>Outside storage of materials, equipment, hazardous materials and wastes, and tanks</td>
<td>Screened from public view from rights-of-way and from properties zoned for residential use</td>
</tr>
<tr>
<td></td>
<td>Setback a minimum of 100 feet from any property line</td>
</tr>
</tbody>
</table>

4.03.24 Private Club, Fraternal Lodge, Event or Meeting Facility

A. Private clubs, fraternal lodges, and event or meeting facilities are permissible in the A-1 zoning district, subject to the standards of the district and the supplemental standards of this section.

B. Fraternal organizations shall provide evidence that they have received recognition and sanction from a parent group or organization.

C. Private clubs, fraternal lodges, event or meeting facilities shall provide evidence of required membership.

D. No activities conducted by the uses mentioned herein this Section shall cause a nuisance to surrounding properties including, but not limited to, exterior lighting and noise.

4.03.25 Landfills

A. Sanitary and inert landfills, together with necessary buildings and machinery for landfill operations, are allowable in the I-2 zoning district, subject to the standards of the zoning district and the supplemental standards of this section.

B. The burying of debris on any lot, parcel, or tract of land which is not in an approved sanitary or inert landfill, according to the requirements of this Section, shall be prohibited. Debris includes, but is not limited to, inert vegetation, stumps, trees, scrap building material, masonry products, scrap metal, appliances, household garbage or any other similar items. The action of filling in any depression, hollow, void, cavity, hole or any other such low area of any lot, parcel, or tract of land shall be allowed with screened, non-contaminated on-site or off-site fill material consisting of dirt, sand, gravel or loose natural rock no larger than six (6) inches in
diameter and such fill shall be properly compacted according to the future use of the property being filled. This Section does not permit the filling of any floodplain. Floodplain alteration shall comply with the regulations stated in Chapter 3 of this ULDC.

C. Applications for approval of a new sanitary or inert landfill or the expansion of an existing landfill shall demonstrate compliance with all County, state and federal laws and regulations applicable to landfills.

D. A waste-handling permit from the State and the County is required to operate a sanitary landfill.

E. There shall be clear evidence, providing by licensed professional in soils, hydrology, or other applicable fields, that soils, groundwater levels, floodplains, and other natural resources shall not be negatively impacted by the landfill.

F. The site design standards required for a sanitary landfill are set forth in the following table:

<table>
<thead>
<tr>
<th>Table 4.03.25(F). Standards for Sanitary and Inert Landfills.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Buffer</td>
<td>500 feet from all property lines</td>
</tr>
<tr>
<td>Fence</td>
<td>The entire perimeter of the site shall have a fence with a minimum height of 8 feet</td>
</tr>
<tr>
<td>Access</td>
<td>Prohibited through residentially zoned areas</td>
</tr>
</tbody>
</table>

4.03.26 Industrial Uses with Nuisance Features

A. Industrial uses associated with nuisance features, such as odor, noise, vibration, or the use or storage of hazardous materials are permissible in the I-2 zoning district, subject to the standards of the district and the supplemental standards of this section.

B. Industrial uses associated with nuisance features shall comply with the standards in the following table:

<table>
<thead>
<tr>
<th>Table 4.03.26(B). Standards for Industrial Uses with Nuisance Features.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum setback on all sides for buildings or structures</td>
<td>100 feet</td>
</tr>
<tr>
<td>Buffer</td>
<td>2.0 times the buffer otherwise required in Section 4.07.06</td>
</tr>
<tr>
<td>Vibration or electromagnetic interference</td>
<td>Shall not be discernable on adjacent properties, measured at the property line</td>
</tr>
<tr>
<td>Noise</td>
<td>Operations shall include noise abatement design techniques designed by a licensed engineer specializing in noise abatement techniques</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Compliance with State and federal regulations</td>
<td>Testing results for stormwater runoff and groundwater shall be provided to the County NFPA placard placed on all buildings Demonstrated compliance with regulations regarding hazard materials handling, storage, use, transport, or disposal</td>
</tr>
<tr>
<td>Outdoor storage</td>
<td>Screened from view from adjacent properties and from the public right-of-way</td>
</tr>
<tr>
<td>Refuse and solid waste containers</td>
<td>Fully enclosed, except for an access gate</td>
</tr>
</tbody>
</table>

### 4.03.27 Homeless Shelter

A. Homeless shelters are permissible in the O-I, C-G, and C-H zoning districts, subject to the standards of the district and the supplemental standards of this section.

B. Such use shall be 1000 feet from any other shelter for the homeless. Said distance shall be measured from property lines.

C. In addition to required building setbacks, a minimum twenty-five (25) foot wide buffer shall be required along all property lines which abut a residential zoning district or use and planted in accordance with the section herein this ULDC which addresses buffers.

D. There shall be no use on the property other than the shelter for the homeless.

E. Adequate shower and restroom facilities must be provided at the location of the shelter to meet the needs of the overnight guests.

F. Beds must be provided for all overnight guests.

G. Said use shall comply with all applicable building and fire codes and shall fully comply with O.C.G.A. Section 30-3-1, et seq. before a certificate of occupancy will be issued.

### 4.03.28 Wildlife Conservation Park

A. Wildlife conservation parks, including zoos and drive-through parks, are permissible in the A-1, C-G, C-H, I-1 and I-2 zoning districts, subject to the standards of the district and the supplemental standards of this section.
B. A minimum of fifty (50) acres shall be required for said park.
C. All structures for the shelter of the animals shall be a minimum of two hundred (200) feet from the property line of any adjoining residential property and five hundred (500) feet from any neighboring single-family residential dwelling.
D. In addition to required building setbacks, a minimum fifty (50) foot wide buffer shall be required along all property lines abutting a residential district or use and planted in accordance with Section 4.07.06 of this ULDC.
E. The park facility shall be completely enclosed by a fence not less than six (6) feet in height.
F. The park facility shall be so designed to recreate the animal’s natural habitat in the outdoors, where possible.
G. The park facility shall provide adequate dining and refreshment facilities as well as adequate restroom facilities for park guests.

4.03.29 Salvage Yards

A. Salvage yards are permissible in the I-2 zoning district, subject to the standards of the district and the supplemental standards of this section.
B. Salvage yards may not be located adjacent to a residential zoning district.
C. The site design standards for salvage yards are set forth in the following table:

**Table 4.03.29(C). Standards for Salvage Yards.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>20 acres</td>
</tr>
<tr>
<td>Buffer</td>
<td>As required for I-2 in Section 4.07.06</td>
</tr>
<tr>
<td>Salvage material storage</td>
<td>Stacked materials shall not exceed a height of twenty (20) feet</td>
</tr>
<tr>
<td>Exterior lighting</td>
<td>Directed and shielded to avoid illumination of adjacent properties</td>
</tr>
</tbody>
</table>

4.03.30 Bio-fuel Plants

A. Bio-fuel plants for on-site production and use are permissible in the A-1 zoning district subject to the standards of the district.
B. Bio-fuel plants for commercially oriented production and use are permissible in the I-2 zoning district subject to the standards of the district and the supplemental standards of this section.
C. The site design standards for bio-fuel plants are set forth in the following table:

**Table 4.03.30(C). Standards for Bio-fuel Plants.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>10 acres</td>
</tr>
<tr>
<td>Buffer</td>
<td>As required for I-2 in Section 4.07.06</td>
</tr>
</tbody>
</table>
Exterior lighting Directed and shielded to avoid illumination of adjacent properties
Access Arterial roadway

4.03.31 Manufactured Homes
A. Manufactured homes are permissible in the A-1 and RA-1 zoning districts subject to the standards of the district and Section 4.01.03(C).
B. Manufactured housing developments are permissible in the R-6 zoning district subject to the standards of the district and Section 4.01.03(C).
C. Manufactured homes, not including manufactured housing developments, are permissible in the R-6 zoning district subject to building setback and height standards of the district, the standards of Section 4.01.03(C), and the supplemental standards of this section.
D. The site design standards for manufactured homes, not including manufactured housing developments, are set forth in the following table:

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum land area</td>
<td>25,000 sq. ft. (with a private septic system)</td>
</tr>
<tr>
<td></td>
<td>20,000 sq. ft. (with a public sewer system)</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum lot frontage</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

4.04.00 CONVENTIONAL SUBDIVISION DESIGN STANDARDS

4.04.01 Generally
A. The purposes of the subdivision design standards are:
   1. To encourage economically sound and stable development of land;
   2. To assure the provision of required streets, utilities, and other facilities and services;
   3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian;
   4. To assure the provision of needed public open spaces and building sites through the dedication or reservation of land for recreational, educational, and other public purposes; and
   5. To assure that land is developed in conformity with the Gordon County Comprehensive Plan.
C. At the discretion of the property owner and applicant, subdivision design may be proposed in compliance with alternative design standards.
   1. Clustering, through the application of conservation subdivision standards, is permitted, as provided in Section 4.05.00
   2. Within a Mixed Use (MU) District, alternative residential subdivision design standards are permissible, as provided in Section 4.06.00.
4.04.02 General Design Standards for Subdivisions

A. A proposal to subdivide a parcel into five (5) or more lots is considered a conventional or major subdivision. A proposal to subdivide a parcel into four (4) or fewer lots is considered a minor subdivision. The calculation of the number of lots subdivided from the parent tract shall be cumulative.

B. All development shall be on a designated, platted, and recorded lot that meets all standards set forth in this ULDC.

C. The standards for design and layout of conventional subdivisions are contained in this section. The standards for the design and installation of public improvements and infrastructure for subdivisions and all other developments are contained in Chapter 6.

D. A subdivision shall have at least two (2) entrances if the subdivision is planned to have 200 or more lots.

E. Submittal and procedural requirements regarding preliminary plats and final plats are set forth in Chapter 10.

F. General requirements for potable water system
   1. Water mains properly connected with a County approved public water supply system shall be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both residential use and fire protection.
   2. All subdivisions shall be required to connect to a County approved public water system when said water system is within 200 feet radius of the property line of a lot created by a new subdivision development.
   3. The subdividing of property resulting in the creation of no more one (1) additional lot, parcel, or tract of land shall be allowed to utilize a domestic primary water supply (on-site well water) in accordance with the rules and regulations of the state department of community health, environmental health division. The subdividing of property resulting in the creation of more than one (1) additional lot, parcel, or tract of land shall be required to utilize a County approved public water system.
   4. All public water facilities shall be installed subject to the policies and procedures of the applicable water and sewer utility provider.

G. General requirements for public sewer system
   1. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed to serve all lots with connection to the public system.
   2. All subdivisions shall be required to connect to a County approved public sewer system when said sewer system is within 200 feet radius of the property line of a lot created by a new subdivision development.
   3. Where sanitary sewer service is not available, all lots without connection to the public system shall be developed with a private septic tank system or decentralized wastewater management system consistent with the zoning and minimum lot area requirements of this
ULDC or other such larger lot area requirement as may be required by the Board of Health at the time of preliminary plat.

4. The standards for a public sewer system are set forth in Chapter 6.

H. General requirements for all other utilities
The applicant shall make the necessary arrangements with the appropriate utility companies for the installation of utilities to assure that all lots have adequate gas, if available, electrical, cable, and telephone communication services.

4.04.03 Design Standards for Blocks, Easements, and Lots
A. Subdivision blocks shall be sufficient to provide for two (2) tiers of lots. The length, width, and shapes of blocks shall be determined with regard to:
   1. Dimensional requirements of lots, as set forth in Section 4.01.01;
   2. Provision of required yards, as set forth in Section 4.01.02.
   3. Provision of adequate sites to accommodate required parking, as set forth in Section 6.01.07;
   4. Protection of natural features and environmentally sensitive lands, as set forth in Chapter 3; and
   5. Provision of sites that are appropriate for the topographic conditions, natural conditions, and man-made features.
B. Side lot lines shall be at right angles to straight lines and radial to curved street right-of-way lines.
C. Each lot shall have frontage on and access to an existing or proposed paved public street.
E. Flag lots shall be prohibited.
F. Rights-of-way for pedestrian crosswalks may be required in order to provide direct pedestrian access to schools, shopping centers, and parks. Such rights-of-way shall comply with the standards set forth in Chapter 6.
G. Easements
   1. All lots within a subdivision shall provide easements, as required, for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and utility poles. Standards for such utility easements are set forth in Chapter 6.
   2. Where a subdivision is traversed by a river, stream, watercourse, or drainage way, there shall be provided a drainage easement along each side of the watercourse. The easement, an undisturbed buffer, shall be at a width specified in Chapter 3.

4.04.04 Specific Provisions for Family Ties Land Division
A. Applicability
   The provisions of this section apply to land divisions in the A-1 or RA-1 zoning district.
B. Exemptions from platting requirements
   1. Lots created as a result of the Family Ties Land Division are exempt from the subdivision standards set forth in Section 4.04.00 and the
platting requirements set forth in Chapter 10, provided that the lots are conveyed to a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner of the parcel to be divided (parent parcel).

2. Applications to create lots under the Family Ties Land Division process shall be processed by the Zoning Administrator as set forth in Chapter 10.

D. Design standards for lots to be conveyed

1. All lots created under the Family Ties Land Division process shall comply with all design standards for the zoning district in which the lots are located, except as specifically provided in this section.

2. The minimum lot area is two (2) acres.

3. All lots created under the Family Ties Land Division process shall meet one (1) of the following requirements for access:
   a. Have a minimum of fifty (50) feet of frontage on a paved public right-of-way and meet the lot width requirements set forth in Table 4.01.01(N); or
   b. Provide one (1) access driveway as follows:
      i. The access driveway easement shall be a minimum of twenty-five (25) feet wide and shall be recorded as an all purpose easement; and
      ii. The access driveway shall be an all weather, non-dirt road having a minimum width of twelve (12) feet with a minimum clearance of twenty (20) feet in width and twelve (12) feet in height;
      iii. The access driveway shall have a concrete or asphalt paved area at the point of connection with a paved public right-of-way and said area shall be a minimum width of twelve (12) feet and a minimum length of five (5) feet and of sufficient depth to support conventional vehicle traffic.

4. The remainder of the parent parcel, after creation of lots under the Family Ties Land Division process, shall meet the minimum site design requirements of the zoning district in which the parent parcel is located.

E. Limitations on number of conveyances

1. The parent parcel may be divided to create up to five (5) lots for conveyance to family members as described in Section 4.04.04(B).

2. All lots created under the Family Ties Land Division process shall have a recorded survey prior to the issuance of any building permit.
4.05.00 ALTERNATIVE SUBDIVISION DESIGN STANDARDS

4.05.01 Conservation Subdivision (CS)

A. Generally
1. The intent of the conservation subdivision (CS) is to provide for flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
2. The number of residential dwelling units shall not exceed the number of such units permissible by the zoning district in which the CS is located.
3. All requirements set forth in Section 4.04.00 regarding conventional subdivisions for provision of public improvements and infrastructure shall apply to conservation subdivisions except where specifically modified in this section.
4. Where there is conflict between the standards and requirements set forth in this section for the CS and the standards and requirements in Section 4.04.00 regarding a conventional subdivision, the standards of this section shall apply. The standards set forth in this section are intended to replace the standards in Section 4.04.00 regarding the design of subdivisions.
5. No building permits and no public improvements or services shall be authorized or installed for any CS until approval has been granted for the subdivision plat. Procedures for application, review, and approval of preliminary and final plats, and acceptance of public improvements, are set forth in Chapter 10.
6. In addition to other application requirements, an application for CS approval shall include the following:
   a. Site analysis map depicting significant site features, consistent with the requirements of Chapter 3 for the protection of natural resources and environmentally sensitive lands;
   b. Plan for management of open space and common facilities; and
   c. Legal instrument for permanent protection of designated open space.

B. Applicability
The CS development alternative shall be applied only to land in the A-1, RA-1, R-1, R-2 and R-3 zoning districts. The number of dwelling units permissible in a CS development shall not exceed the number of dwelling units that are permissible in the underlying zoning district.

C. Purpose
1. Promote the preservation of open space in environmentally sensitive areas, provide for open space connectivity, and provide for wildlife habitat and corridors within the region;
2. Preserve in perpetuity unique or sensitive natural resources such as groundwater recharge areas, floodplains, wetlands, streams, woodlands, and wildlife habitat;
3. Preserve important historic and archaeological sites;
4. Permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; and
5. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

D. Minimum requirements for water and sewer

The CS shall have access to, or propose to install, a central sanitary sewer system that meets the requirements of Gordon County, the Board of Health and EPD. As an alternative, a shared drain field may be proposed whereby two (2) or more lots have septic tanks which flow to a drain field in a designated common area or open space. Shared drain fields shall only be allowable when approved by the Board of Health. A homeowner’s or property owner’s association shall be required for management and maintenance of the common drain field.

F. The tract of land to be subdivided may be held in single or multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single development plan. A legal instrument shall be required to designate the authority and responsibility for open space and other common areas.

G. The CS shall meet the following design requirements:
1. Minimum land area of ten (10) acres;
2. Designation of open space pursuant to Section 4.05.01(H);
3. Maximum number of dwelling units limited to the number of dwelling units permitted by the underlying zoning district (A-1, RA-1, R-1, R-2 or R-3);
4. Clustering of residential development on remaining land after designation of protected open space (see Section 4.05.01(G));
5. Location of dwellings and driveways to ensure minimal visual impact and to avoid interruption of views of open fields, pastures, or other agricultural areas;
6. Limiting impervious surface area to a maximum of three (3) percent within designated open space areas and to a maximum of sixty (60) percent of residential development areas (including lots, driveways, and roads); and
7. Meet the following standards presented in Table 4.05.01(F) for lots and building placement:
Table 4.05.01(F). Dimensional Standards for Lots and Building Locations in Conservation Subdivisions

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum road frontage</td>
<td>60</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front, measured from public right-of-way</td>
<td>20</td>
</tr>
<tr>
<td>Side, measured from property line</td>
<td>8</td>
</tr>
<tr>
<td>Rear, measured from property line</td>
<td>25</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>No less than 50% of the underlying zoning district requirement</td>
</tr>
</tbody>
</table>

G. Open space standards
1. All open space shall be permanently protected through a legal instrument of permanent protection approved by the Board of Commissioners.
2. The minimum open space requirement shall be forty (40) percent of the gross tract area or the sum of primary conservation areas (see Section 4.05.01(H)), whichever is greater.
3. At least seventy-five (75) percent of the open space shall be in one (1) contiguous tract.
4. The open space shall adjoin any neighboring areas of protected open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
5. Open space shall be directly accessible to the majority of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

H. Designation of open space
1. Primary conservation areas are required to be included within the open space. The following comprise primary conservation areas:
   a. The 100-year floodplain (see Section 3.01.00);
   b. Watershed protection areas (see Section 3.02.00);
   c. Groundwater protection areas (see Section 3.03.00);
   d. River corridor protection areas (see Section 3.04.00);
   e. Wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to the Clean Water Act (see Section 3.05.00);
   f. Populations of endangered or threatened species, or habitat for such species; and
   g. Archaeological sites, cemeteries, and burial grounds.
2. Secondary conservation areas shall be included within the open space, to the maximum extent feasible, in order to protect the following features:
a. Important historic sites;
b. Existing healthy, native forests of at least one (1) acre contiguous area;
c. Other significant natural features and scenic vistas such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
d. Prime agricultural lands of at least five (5) acres contiguous area;
e. Existing trails that connect the tract to neighboring areas; and
f. Views from major and minor arterial roadways.

I. Permitted uses of open space may include the following:
1. Conservation of natural, archeological, or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Unpaved walking or bicycle trails or paths;
4. Passive recreation areas, such as open fields;
5. Active recreation areas, such as playgrounds or playing fields which meet the following standards:
   a. Such areas do not exceed ten (10) percent of the total open space; and
   b. Such areas are located outside any primary conservation areas.
6. Agriculture, horticulture, silviculture, equestrian, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas unless otherwise permitted by Chapter 3 of this ULDC;
7. Easements for drainage, access, and underground utility lines; and
8. Landscaped areas around stormwater management facilities and community wastewater disposal systems, provided that the stormwater management facilities or wastewater disposal system is located outside of Primary Conservation Areas. A retention or detention pond shall not be considered part of the open space.

J. Prohibited uses of open space:
1. Golf courses;
2. Roads, parking lots, and impervious surfaces except as provided for in Section 4.05.01(F).

4.06.00 STANDARDS FOR MIXED USE (MU) DISTRICT

4.06.01 Generally

A. Purpose

1. The purpose of the Mixed Use (MU) district is to encourage creative and flexible projects that include compatible residential, commercial, office, and related public facilities unified by a development plan.
2. The MU district shall be a zoning district, and is permissible when approved according to a site plan that ensures the conservation of the
natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

B. Objectives

The Mixed Use District shall have the following characteristics:

1. Open space. Encourage ingenuity and resourcefulness in land planning techniques by developing functional open spaces, including community gathering places and pedestrian amenities.

2. Sense of place. Allow the design of developments that are architecturally and environmentally innovative and that achieve more efficient utilization of land than is possible through application of conventional zoning standards. Street level activity, distinct storefront character, and functional open spaces contribute to a sense of place.

3. Mixture of uses. Accommodate both a horizontal and vertical mixture of land uses which are compatible internally and externally, which strengthen opportunities for economic vitality, and which accommodate diversity of housing opportunities.

4. Protection of natural resources. Ensure the conservation of the natural environment including trees and vegetation, topography, and geological resources such as groundwater, soils, and drainage areas.

5. Efficient land use. Encourage efficient use of land, street networks, and utility locations. Street networks should be designed with sidewalks and in a grid-like pattern of blocks and interconnecting streets to reduce the dependence on the automobile.

6. Compatibility and consistency. Maintain compatibility with nearby development, including adequate transitions to adjacent neighborhoods and commercial areas, as well as consistency with the future land use element of the Gordon County Comprehensive Plan.

7. Accessibility. Make commercial, office and institutional uses accessible from an arterial or major collector roadway, and make said uses within a Mixed Use District accessible to one another by an interconnected and nodal, versus linear, pattern of development.

4.06.02 Minimum Standards

A. Unless specifically proposed with an MU district rezone application and approved by the Board of Commissioners, uses permitted within the MU district shall be limited to those specified in Table 2.03.03 Table of Land Uses. In addition, any specific use permitted in the I-1 district may be permitted within the MU district provide said use is accessible from a roadway classified as an interstate principal arterial or a principal arterial.

B. The MU district may be proposed in any location consistent with the County Future Development Map in order to provide flexibility in the application of development and site design standards. An MU development shall meet the following development standards for size of
lots, building setbacks, building height, building size, open space, and other development requirements stated herein Table 4.06.02(B).

**Table 4.06.02(B). Mixed Use Requirements.**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Overall Project Land Area</td>
<td>Ten (10) contiguous acres.</td>
</tr>
<tr>
<td>Location Road access</td>
<td>Major arterial or collector.</td>
</tr>
<tr>
<td>Public water and sewer</td>
<td>Required.</td>
</tr>
<tr>
<td>Minimum Common Open Space</td>
<td>Fifteen (15%) of total project area. Twenty-five (25%) percent of the open space area may be used for stormwater management facilities.</td>
</tr>
<tr>
<td>Minimum Vertical Mixed Use Requirement</td>
<td>Ten percent (10%) of the total land area shall meet the definition of vertical mixed use. In calculating compliance with this requirement, street rights-of-way within and serving the vertical mixed use development shall be counted as vertical mixed use.</td>
</tr>
<tr>
<td>Minimum Development Standards</td>
<td>There shall be not required building setback except those specified in the condition of zoning.</td>
</tr>
<tr>
<td>Individual lot size, minimum lot frontage and lot width, maximum impervious surface, building size and building height shall be specified in conditions of zoning with the exception that:</td>
<td></td>
</tr>
<tr>
<td>1. Individual single-family lots shall be a minimum of 5,000 square feet in area.</td>
<td></td>
</tr>
<tr>
<td>2. Maximum floor area for a commercial, office or institutional use is 10,000 square feet, unless said use is accessible from a roadway classified as an interstate principle arterial or a principle arterial.</td>
<td></td>
</tr>
<tr>
<td>3. Within vertical mixed use areas, buildings shall be a minimum of two (2) stories in height.</td>
<td></td>
</tr>
<tr>
<td>Maximum Block Width or Length</td>
<td>600 feet</td>
</tr>
<tr>
<td>Parking On-street</td>
<td>Required in vertical mixed use areas</td>
</tr>
<tr>
<td>Off-street</td>
<td>Located in parking areas to the side or rear of a building, or underground, where feasible</td>
</tr>
<tr>
<td>Parking space requirements in Chapter 6 may be</td>
<td></td>
</tr>
</tbody>
</table>
reduced by up to twenty percent (20%) for all uses within a vertical mixed use development, plus an additional one (1) space for each on-street parking space provided in the vertical mixed use development area.

Parking Deck (if applicable)

Above-ground parking structures that front on a storefront or pedestrian retail street shall provide continuous street-fronting ground level commercial, office or institutional spaces and uses, expect at ingress and egress points into the structure and any required ventilation.

<table>
<thead>
<tr>
<th>Percent of Total Land Use Devoted to a Specific Use</th>
<th>Minimum Guideline</th>
<th>Maximum Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>35%</td>
<td>65%</td>
</tr>
<tr>
<td>Office</td>
<td>15%</td>
<td>25%</td>
</tr>
<tr>
<td>Commercial</td>
<td>10%</td>
<td>40%</td>
</tr>
<tr>
<td>Light industrial, if permitted</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>Recreation, Civic or Public use</td>
<td>10%</td>
<td>25%</td>
</tr>
</tbody>
</table>

C. Provisions for the permanent ownership, operation, and maintenance of common open space shall be provided by covenant, deed restriction, easement, or ownership by and for the benefit of a property owners association, land trust, or other legal authority.

D. Residential uses

1. Except as prohibited herein this ULDC, any type of single-family or multi-family residential dwelling unit is permissible;
2. For multi-family development within an MU District, the density shall not exceed fourteen (14) units per acre and the number of multi-family dwelling units shall not exceed twenty-five percent (25%) of the total number of dwelling units in MU development;
3. Development of such uses shall be designed as a traditional town center or village; and
4. Community centers, meeting facilities, and indoor or outdoor recreation facilities and spaces are permissible when limited to use by the residents of the MU development through recorded covenants and restrictions.
E. Commercial and office uses
   1. Unless otherwise prohibited in this ULDC, any type of commercial or office use is permissible;
   2. Development of such uses shall be designed as a traditional town center or village;
   3. Regional-serving, “big box” commercial and office uses shall be accessible from an interstate principal arterial or a principal arterial roadway; and
   4. Specific building architectural design, exterior building material requirements, and required landscaping plan shall be set forth on the proposed site plan submitted at the time of application for rezoning and shall be specified in conditions of zoning.

F. Civic and public uses
   1. Development shall be centrally located within the MU development to ensure adequate access by residents and users; and
   2. Pedestrian and bicycle paths shall be provided to connect commercial, civic and public uses to residential areas.

G. Light industrial uses
   1. Development of such uses shall be accessible from an interstate principal arterial or a principal arterial roadway in order to benefit from close proximity to Interstate 75.

4.06.03 Site Plan Requirements
A. An MU district shall require a site plan to accompany the application for rezoning. The submittal and content requirements for the site plan are set forth in Chapter 10.
B. Specific site design, and overall project development standards, land uses (classified by residential neighborhoods, commercial and office areas, civic and public areas, and vertical mixed use areas), landscaping plan, and design standards shall be set forth on the site plan and submitted at the time of application for rezoning and said plan shall become a condition of zoning.
C. Upon approval of the rezoning to an MU district, the site plan shall be binding on all future development and use within the MU development.
D. Building permits and public improvements shall not be authorized or installed for any MU development until final approval has been granted.
E. Procedures for minor and major modifications to an approved MU site plan are set forth in Chapter 10.

4.07.00 LANDSCAPING, BUFFERS AND TREE PROTECTION

4.07.01 Purpose
A. The purpose of this section is to provide requirements for landscaping, buffering of developments, and tree protection within Gordon County.
B. It is the intent of the County to reduce the adverse visual, environmental, and aesthetic effects of development in order to:
   1. Minimize the rate of stormwater runoff;
2. Maximize the capability of groundwater recharge;
3. Provide shade for the ground surfaces;
4. Buffering adjacent incompatible land uses;
5. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way and adjacent properties;
6. Improve the appearance of parking areas and vehicular surface areas; and
7. Minimize the visual blight created by large expanses of paved surface area.

4.07.02 Applicability and Provision of Landscape Plans

A. The requirements of Section 4.07.00 shall apply to all properties within the County to be developed, redeveloped, or involving renovations and/or building additions which the cost thereof exceeds fifty percent (50%) of the ad valorem tax value as established by the current digest at the time the proposed renovations and/or building additions begin or are contemplated (except as may specifically be exempted in Section 4.07.02(C) below). At the discretion of the Director of Planning and Development, properties in the County involving renovation and/or building additions to structures existing prior to the adoption of this ULDC as described herein, shall be allowed to reduce the landscaping requirements by an amount sufficient to accomplish the intent of this section while not placing an undue hardship on the property owner.

B. In order to demonstrate compliance with the requirements of this section, a landscaping plan shall be submitted with applications for development approval for all development subject to these standards. Compliance with the requirements of this section shall not result in noncompliance with the Americans with Disabilities Act, Federal or State law, or other regulations within this ULDC. The requirements and procedures for submittal, review, and approval of all applications are set forth in Chapter 10.

C. The following types of development are required to provide a landscaping plan in accordance with this Section:
1. Multi-family dwellings;
2. Commercial, office and institutional land uses;
3. Industrial land uses;
4. Mixed use development, with the exception that landscape plans are required to be submitted in accordance with Section 4.06.03.

D. The following types of development are exempt from the requirements to provide a landscaping plan in accordance with this Section:
1. Applications for accessory uses, accessory structures, or temporary uses;
2. Plant or tree nurseries or botanical gardens;
3. Gordon County or its authorized agent for the purpose of removal of a tree on County-owned property or a public right-of-way that is dead or a hazard to the public;
4. Utility companies or their authorized agents for the purpose of removal of a tree that is a substantial hazard to overhead wires or for trimming that is necessary for establishment or maintenance of service;
5. The trimming or pruning of trees or the removal of underbrush;
6. The removal of trees or other landscaping damaged by fire, windstorm, lightning, or other acts of nature, which pose imminent danger to life or property; or
7. Development as a result of fire or natural disaster or structures which are improving their interior only shall not be required to comply.

4.07.03 Maintenance Requirements
A. All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six (6) months following identification of the need for replacement.
B. All landscaped areas shall be provided with an irrigation system or as an alternative, a watering plan shall be included with the landscaping plan, sufficient to ensure that plants are established in a healthy growing condition.
C. Where an irrigation system is proposed in a landscaped area, the system shall be shown on the landscaping plan. Where proposed, irrigation systems shall provide an automatic shut-off feature activated during rain events.
D. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.
E. A landscaping plan, as required by this ULDC, shall remain enforceable on a site for the duration of site improvements regardless of a change of property ownership. Any plant material removed for any reason shall be replaced as required in Section 4.07.03(A).

4.07.04 General Landscape Standards
A. Minimum specifications for plant materials:
1. All plant material shall be nursery grown, number 1 grade, meet current American Nursery and Landscape Association Standards, and installed according to accepted planting procedures.
2. Shrubs shall be at least eighteen (18) inches in height at the time of installation.
3. All landscaped areas and buffers shall be sodded or covered with ground cover.
4. Retention of and replacement with native species or non-native, drought-resistant species that are appropriate for the Plant Hardiness Zone(s) for Gordon County, as defined by the Cooperative Extension, University of Georgia College Agricultural and Environmental Sciences.

5. Installation of invasive species and the use of non urban tolerant species of trees such as Bradford Pear shall be prohibited.

6. At least twenty-five (25) percent of the required trees installed in landscaped buffers, landscaped parking areas, and to meet tree planting requirements shall be canopy trees.

7. Existing trees, which are two (2) inches DBH (Diameter at Breast Height) or larger, and shrubs may be counted toward meeting the requirements for landscaped buffers, landscaped parking areas, and tree retention.

8. Canopy trees shall not be installed under any overhead utility line, over any buried utilities, or within a utility easement.

9. When possible, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers.

B. Requirements for landscaping

1. The landscaping plan shall demonstrate compliance with the standards of this section. The plan shall show the location, size, description, and specifications of all proposed plant materials.

2. Existing plant materials, other than invasive species, may be counted toward meeting the landscaping requirements set forth in this section.

3. At least ten (10) percent of the total gross land area of a development site shall be landscaped. The landscaped areas shall be located on the site in such manner as to maximize preservation of existing trees.

4. At least four (4) shade trees per acre shall be provided, which may include existing trees, trees required for buffers, or trees required for parking lot landscaping.

5. The perimeter of each principal building on a site shall have landscaped area and/or sidewalk not less than ten (10) feet in width. Asphalt paving material shall not be allowed to abut the base or foundation of an exterior wall of a principal building. Portions of buildings intended for vehicle access shall be exempt from this requirement. Buildings in the I-1 zoning district and I-2 zoning district shall be exempt with the exception that office buildings in said districts shall comply with this section.
6. Trees planted for the purpose of this Section must meet the following criteria:
   a. All tree species shall be native to this region or appropriate for the region (generally, consistent with the “7b” Plant Hardiness Zone as defined by the Cooperative Extension, University of Georgia College Agricultural and Environmental Sciences);
   b. Shall have a minimum DBH (Diameter at Breast Height) of two (2) inches at time of planting;
   c. Shall have a minimum matured height of fifteen (15) feet;
   d. Shall be of a heat and drought tolerant species; and
   e. Shall be considered a mechanically strong tree species appropriate for an urban environment.

7. Installation shall be completed prior to issuance of a certificate of occupancy with the exception that required plantings may be delayed during the months of June, July or August or during extreme drought conditions.

8. Trees, shrubs and ground cover for landscaped and buffer areas shall be consistent with guidelines prepared by the Cooperative Extension, University of Georgia College Agricultural and Environmental Sciences, as follows: *Xeriscape: A Guide to Developing a Water-Wise Landscape* and *Landscape Plants for Georgia*.

4.07.05 Landscape Requirements for Parking Lots

A. In addition to all other requirements in Section 4.07.00, all non-single-family residential lots, parcels, or tracts of land involving a parking lot or vehicular use area shall comply with the following:

B. Perimeter landscaping for parking lots
   1. Parking lots shall have a landscaped perimeter having a minimum width of fifteen (15) feet along the entire length of any property line abutting a public or private right-of-way and a minimum width of five (5) feet along all other property lines. There shall be one (1) tree for every thirty (30) feet of lot frontage along any property line abutting a public or private right-of-way and one (1) tree for every seventy-five (75) feet on all other property lines. Where a buffer is required along any property line, the buffer requirements in Section 4.07.06 shall take precedence.

C. Interior landscaping
   1. Parking lots with twenty (20) or more parking spaces shall provide interior landscaping. Interior landscaping shall consist of parking lot islands located at the ends of each single or double parking row and one (1) parking lot island every twelve (12) parking spaces in a row. Said islands shall be a minimum of one hundred and sixty (160) square feet in area for single parking rows and three hundred and twenty (320) square feet in area for double parking rows. Single parking row islands shall contain one (1) tree and double parking row islands shall
contain two (2) trees. Said islands shall have additional landscaping consisting of appropriate ground cover or plant materials such as shrubs, mulch, straw, or sod.

2. A minimum of five (5) percent of the total parking lot area shall consist of internal landscaping.

3. Vehicle stops or curbing shall be required along all landscaped areas within a parking lot or vehicular use area.

4. The property owner/developer shall make provisions for sidewalks within required landscaped areas when required. In such cases, additional width of a landscaped area may be required.

D. A landscape plan shall be submitted with applications for development plan approval in accordance with Section 10.02.01(C)(5).

4.07.06 Buffer and Open Space Requirements

A. The intent of these requirements shall be to enhance the visual and aesthetic appearance of the County. The purpose of these buffer and open space requirements is to:

1. Provide space definition and landscape continuity within the built environment;
2. Provide appropriate screening and relief from traffic, noise, heat, glare, odor, and the spread of dust and debris;
3. Reduce the impact of development on the drainage system and reduce flooding;
4. Provide for a sense of privacy;
5. Provide for reduction or elimination of incompatibility;
6. Reduce the visual impact of unsightly aspects of adjacent development; and
7. Provide for the separation of spaces; and
8. Provide for passive recreational areas and pedestrian or multi-use greenways and greenbelts.

B. Location, Measurement, and Design of Buffers

1. Buffers shall be located on private property on the outer perimeter of a lot, parcel, or tract of land extending to the lot, parcel, or tract boundary line and between the property line and any fence or wall, whether required or voluntary. Buffers shall not occupy any portion of an existing, dedicated, or reserved public or private street, or right-of-way. Structures, including fences, accessory buildings, etc. shall not be allowed in the buffers with the exception of free-standing signs as permitted by this ULDC.

2. Buffer width is normally measured from the property line; however, design variations are allowed. Average width shall be measured at the two (2) end points of the buffer and two (2) additional points which are each approximately one-third (1/3) of the total linear distance from the end point.

3. Excluding buffers required for single-family residential subdivision developments, buffers shall consist of a minimum three (3) shade trees
per 100 linear feet. Buffer yards shall be maintained as green open space, consisting of grass or ground cover, along with required plantings and access drives only. Where such buffers are required, natural existing vegetation and trees shall be preserved when possible and may be substituted for any additional plantings as required herein this section.

4. Buffers required for single-family residential subdivision developments shall remain undisturbed where possible with the exception that utility crossings and access drives may be allowed. Said buffers are intended to protect existing agricultural uses from encroachment by new residential development, preserve open space, protect the natural environment, create greenways, greenbelts and opportunities for multi-use trails, and promote connectivity between such developments throughout the County.

5. Buffers shall be designed to avoid or minimize plantings within drainage, utility, or other easements.

6. Buffers shall be designed taking into consideration the site's soils conditions, topography, and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.

7. Buffers on multi-family residential, office, institutional, commercial, or industrial properties shall be established and maintained by the owner of the proposed development site. Buffers on single-family residential properties shall be maintained by the property owner.

8. Required building setbacks may be located in the buffer.

C. Buffer Area Standards

<table>
<thead>
<tr>
<th>Proposed Zoning District</th>
<th>Adjacent Zoning District</th>
<th>Minimum Buffer Area (in width)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1 District</td>
<td>A-1, RA-1, RC-1, R-1, R-2, R-3, R-4, R-5, R-6 O-1, C-C, MU C-G and C-H</td>
<td>100 feet in side and rear yards and 50 feet in the front yard 50 feet in all yards</td>
</tr>
<tr>
<td>I-2 District</td>
<td>A-1, RA-1, RC-1, R-1, R-2, R-3, R-4, R-5, R-6 O-1, C-C, MU C-G and C-H</td>
<td>250 feet in all yards 100 feet in all yards 50 feet in all yards</td>
</tr>
</tbody>
</table>
### Gordon County Unified Land Development Code

**Site Design Standards**  
**Chapter 4**

<table>
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<tr>
<th>Commercial, Office, Institutional or Mixed-Use Districts</th>
<th>A-1, RA-1, RC-1, R-1, R-2, R-3, R-4, R-5, R-6</th>
<th>25 feet in side and rear yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, R-3 and R-6 Districts</td>
<td>All districts</td>
<td>50 feet in side and rear yards and 100 feet along the portion of a residential subdivision development having frontage with a public right-of-way</td>
</tr>
<tr>
<td>R-4 and R-5 Districts</td>
<td>All districts</td>
<td>25 feet in side and rear yards and 50 feet along the portion of a residential subdivision development having frontage with a public right-of-way</td>
</tr>
</tbody>
</table>

**D.** When a single-family residential subdivision development is proposed adjacent to an active agricultural farming or processing operation the following shall apply:

1. No dwelling constructed on the newly rezoned residential property shall be located less than five hundred (500) feet from the closest point of any existing major livestock enclosure or poultry house.

**E.** In addition to required buffers, R-4, R-5 districts shall provide for common open space areas within the development, to be maintained by the property owner(s), and said areas shall be a minimum of ten (10) percent of the total project area or one-quarter (1/4) acre, whichever is greater.

**F.** Single-family residential subdivision development in the R-1, R-2, R-3 and R-6 Districts shall provide a minimum of fifteen (15) percent of gross acreage as common open space, green space, greenways and/or greenbelt buffers, to be maintained by the property owner(s). Buffers required in Table 4.07.06(C) shall be included when meeting the requirements of this section.

**4.07.07 Reserved**
# CHAPTER 5

## STANDARDS FOR ACCESSORY AND TEMPORARY USES

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<td>Development Standards</td>
<td>5-30</td>
</tr>
<tr>
<td>5.05.06</td>
<td>Removal of Abandoned Towers</td>
<td>5-34</td>
</tr>
</tbody>
</table>
5.00.00  GENERALLY
The provisions of Chapter 5 apply to accessory uses, accessory structures, and temporary uses. Home occupations are considered accessory uses to residential development. Standards for home occupations are set forth in Section 5.01.00. Standards pertaining to accessory structures are set forth in Section 5.02.00. Standards for temporary structures and uses are set for in Section 5.03.00. Standards for signs, which may be either accessory structures, or the principal use on a parcel, are provided in Section 5.04.00. Standards for wireless communication facilities, which may be located on a lot or parcel with a principal use, or which may be the principal use, are provided in Section 5.05.00.

5.01.00  HOME OCCUPATIONS

5.01.01  Generally
A. A home occupation is permissible in a lawfully established dwelling unit in any zoning district where residential uses are permissible. All home occupations shall meet the standards set forth in Section 5.01.02.
B. The following and similar uses shall be considered home occupations:
   1. Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects, and other consultants;
   2. Instruction or teaching, such as, but not limited to, academic tutoring, performing arts, fine arts, or culinary arts provided that no more than two (2) students are instructed at any one (1) time;
   3. Administrative or clerical support services, such as transcription, court reporters, stenographers, notary public, or addressing services;
   4. Personal services, such as beauty or barber shop, nail technician, dress-making or tailoring, provided that the service is limited to one (1) station;
   5. Pet grooming;
   6. Day care for six (6) or fewer children;
   7. Licensed medical practitioner (excluding veterinarians);
   8. Manufacturers' representative; and
   9. Studios for artists, photographers, or artisans.
C. An interpretation that a use not listed in Section 5.01.01(B) is similar shall be based on the tasks and activities normally associated with the proposed use and the similarity of those tasks and activities with the tasks and activities normally associated with a listed use.

5.01.02  Standards for All Home Occupations
A. All home occupations shall have a business license from Gordon County.
B. Employees of the home occupation shall be limited to the residents of the dwelling.
C. The home occupation shall be clearly incidental to the residential use of the dwelling.

D. The use of the dwelling for a home occupation shall not change the residential character of the building.

E. No internal or external alterations which are inconsistent with the residential use or character of the dwelling shall be permitted.

F. Products for sale or use in the home occupation shall not be visible from the street or adjacent properties.

G. Use of a dwelling for a home occupation shall not exceed thirty (30) percent of one (1) floor of the dwelling.

H. The home occupation shall not constitute a nuisance to the surrounding neighborhood, as evidenced by the use of machinery or equipment that produces noise, smoke, odor, vibration, or electrical interference, the instruction or teaching of performing arts such as voice or music, or any other objectionable condition beyond the property line of the lot on which the home occupation is located.

I. Outside storage of materials used in connection with a home occupation is prohibited.

J. A home occupation shall not be conducted in an accessory building; however, storage of materials is permissible.

K. Up to two (2) commercial vehicles may be used in connection with the home occupation, provided that such vehicles are parked only in the rear yard on a paved surface.

L. No business involving on site visits by customers shall be conducted between the hours of 8:00 p.m. and 7:00 a.m.

5.02.00 ACCESSORY USES AND STRUCTURES

5.02.01 Generally

A. It is the intent of this section to regulate the installation, configuration, and use of accessory structures on property in residential zoning districts with the exception of provisions for property in non-residential zoning districts that are identified herein. Regulation is necessary in order to ensure that accessory structures are compatible with the surrounding neighborhood and are consistent with the character and intent of the zoning district in which the accessory structures are located.

B. Permissible accessory uses and structures are identified in Table 2.03.04.

C. Accessory structures shall be on the same lot and subordinate to the principal use or structure.

D. Outdoor play structures in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

E. Accessory use of open land shall comply with the following standards:
1. The accessory use of open land shall include recreation, water access, and similar activities, whether or not such activities are provided for compensation.

2. The accessory use of open land shall be prohibited except where a principal structure has been located on the parcel.

F. Standards for specific accessory structures are set forth in Sections 5.02.02 through 5.02.07. All accessory structures shall comply with the standards set forth below:

1. Unless otherwise provided, accessory structures shall be located only in a rear yard of the lot on which the principal building is located;

2. Accessory structures shall not be located on or within any recorded or required easement;

3. Accessory structures shall be included in all calculations for impervious surface ratio standards and for stormwater management standards;

4. Accessory structures, other than fences located in compliance with the requirements of Section 5.02.03, shall not be located within any required buffer or landscaping area, parking lot, protected resource area, or stormwater management area;

5. Accessory structures located in any residential zoning district shall not be used for any type of commercial operation, except as provided in Section 5.01.02;

6. Accessory structures shall not be used as a dwelling unit, except as provided in Section 5.02.02 which sets forth standards for accessory dwellings; and

7. Accessory structures shall comply with the following setbacks:
   a. In all residential zoning districts accessory structures shall be a minimum of ten (10) feet from all property lines which do not abut a street right-of-way and shall observe the front yard setback requirements of the district along all property lines which do abut a street right-of-way, with the exception that a detached garage or carport may be allowed in a side yard and shall be required to comply with the principal building setback requirements of the district;
   b. In all non-residential zoning districts, accessory structures shall meet the setback requirements for a principal building.

8. Pre-engineered or pre-assembled metal accessory structures shall be no larger than five hundred (500) square feet in area.

G. An accessory building may be permitted on a separately platted lot provided that the following standards are met:

1. The lot on which the accessory building is proposed shall abut the lot on which the principal building is located;

2. The lot on which the accessory building is proposed and the lot on which the principal building is located shall have the same ownership;
3. The lot on which the accessory building is located shall comply with the standards for lots within the zoning district as set forth in Section 4.01.01;
4. The accessory building shall be located in compliance with the setback standards for the zoning district, as set forth in Section 4.01.02; and
5. The accessory building shall otherwise comply with all standards set forth in Section 5.02.01.

5.02.02 Accessory Dwellings (Guest Houses, Caretaker Houses)

A. Accessory dwellings include, but are not limited to, basement apartments, garage apartments, caretaker or other employee quarters, guesthouses, and other accessory dwellings.

B. Accessory dwellings shall not include tents, boats, manufactured storage buildings and mobile structures including RV’s and travel trailers, with the exception that RV’s and travel trailers may be allowed for occupancy in a campground or travel trailer park as permitted in this ULDC.

C. Accessory dwellings contained within a principal dwelling shall comply with the following standards:
   1. There shall be no more than one (1) accessory dwelling in a principal dwelling unit;
   2. The accessory dwelling shall be accessible from the interior of the principal dwelling;
   3. The accessory dwelling shall have no more than one (1) bedroom;
   4. The accessory dwelling shall not exceed fifty percent (50%) of the habitable floor area of the principal dwelling or 1200 sq. ft., whichever is less;
   5. One (1) additional off-street parking space shall be provided to serve the accessory dwelling; and
   6. The accessory dwelling shall comply with all building and health code standards.

E. Freestanding accessory dwellings shall comply with the following standards:
   1. There shall be no more than one (1) accessory dwelling unit per lot on any residentially zoned property;
   2. There shall be no more than one (1) accessory dwelling unit per lot on any industrially zoned property, where permitted by this ULDC
   3. There shall be no more than five (5) accessory dwelling units per lot on any agriculturally zoned property, where permitted by this ULDC;
   4. The accessory dwelling unit may be located in a second floor over a detached garage or may be a separate structure;
   5. The accessory dwelling unit on any residentially zoned property shall have no more than two (2) bedrooms;
   6. The accessory dwelling shall be located only within the rear yard;
   7. The lot shall comply with the minimum lot standards set forth in Table 4.01.01(N);
8. One (1) additional off-street parking space shall be provided to serve the accessory dwelling unit; and
9. The accessory dwelling shall only be occupied by family members, guests, or individuals employed full-time by the family residing in the principal building for the purposes of elderly or child care, housekeeping services, or for the agricultural production of the property.

### 5.02.03 Fences and Walls

**A. Location of fences and walls**

1. Fences and walls may be located on or inside property lines;  
2. Setback requirements applicable to buildings shall not prohibit or restrict any necessary retaining wall, below ground foundation, or fence which shall be necessary for the proper development of a site as required by the County;  
3. Fences and walls shall be located to avoid interference with the required clear visibility area designated in Section 6.01.09; and  
4. Fences and walls shall not obstruct, hinder, or impede the movement of pedestrian and vehicular traffic, and shall not present a nuisance, danger, or hazard to the general public.

**B. Types of fences**

**Table 5.02.03(B). Types of Fences.**

<table>
<thead>
<tr>
<th>Fence Type</th>
<th>Rural Zoning Districts</th>
<th>Residential Zoning Districts</th>
<th>All Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opaque (privacy): wood, polyurethane, masonry, stone (solid metal sheathing shall be prohibited)</td>
<td>Permitted</td>
<td>Side and rear yards only</td>
<td>Side and rear yards only</td>
</tr>
<tr>
<td>Decorative: wood, stone, masonry, wrought iron</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Chain link</td>
<td>Permitted</td>
<td>Side and rear yards only</td>
<td>Side and rear yards only</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(except that chain link shall be allowed in front yards in Industrial Zoning Districts)</td>
</tr>
<tr>
<td>Barbed wire</td>
<td>Permitted</td>
<td>Prohibited</td>
<td>Limited to top of the fence or wall and shall be allowed in C-H, I-1, or I-2 zoning districts only</td>
</tr>
</tbody>
</table>
C. Electrical fencing shall meet the following standards:
   1. Electrical fencing shall be permissible only in rural zoning districts, on residential lots that are not within a platted subdivision, in commercial, office, institutional zoning districts and industrial zoning districts;
   2. Electrical fencing shall be limited to side and rear yards.

D. Height standards
   1. Heights of fences shall be measured from ground level at the base of the fence to the topmost part of the fence.
   2. The maximum height of a fence in a side or rear yard in all residential zoning districts is six (6) feet and in all non-residential zoning districts is eight (8) feet.
   3. The maximum height of a fence in a front yard in all zoning districts is five (5) feet with the exception that C-H, I-1, or I-2 zoning districts shall be allowed a height of eight (8) feet.
   4. The maximum height of entrance gates and support columns in a front yard in all zoning districts is eight (8) feet.

5.02.04 Outside Storage
   A. Outside storage shall be allowed in A-1, C-G, C-H, I-1, or I-2 zoning districts only. Outside storage in C-G, C-H, I-1, or I-2 must be located in a side or rear yard and screened from all rights-of-way and residential districts that abut a permitted outside storage area. Such storage shall be screened by a fence, hedge, durable masonry wall, or stand of trees of sufficient opacity to provide a visual blind designed to be compatible with the character of adjoining properties. Said fence or wall shall be a minimum of five (5) feet and a maximum of eight (8) feet in height. Hedges, trees, or comparable natural plantings shall be of a rapid growth evergreen species and be a minimum height of three (3) feet at time of planting (with the exception that specific provisions for outdoor storage associated with uses subject to supplemental standards are set forth in Section 4.03.00).
   B. Stored materials shall not exceed the height of the fence enclosing the outside storage area.
   C. Materials shall not be stored within any required buffer area, stormwater management area, or easement.
   D. No vehicle, trailer or manufactured home shall be used as storage buildings. This requirement shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor trailer rigs, and railroad box cars, with the exception that tractor trailer rigs and trailers may be used for temporary storage on properties zoned A-
1, C-H, I-1 or I-2 where there are businesses operating on the same property.

5.02.05 Dumpsters
A. Dumpsters shall be screened with a solid masonry wall or opaque fence. The fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.
B. A gate shall be provided for access.
C. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
D. Dumpsters for food service establishments shall provide a drain.
E. Dumpsters for food service establishments shall provide a grease trap.
F. The dumpster location shall be easily accessible for pick-up.
G. Dumpsters shall be located to the rear of the principal building. A location in the side of the principal building shall be permissible only where rear yard locations cannot provide adequate access for pick-up.
H. Dumpsters shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, or stormwater management area.
I. Section 5.02.05.A through Section 5.02.05.G applies to each zoning district, with the exception of the A-1 zoning district.

5.02.06 Alternative Energy Generation Devices
A. Alternative energy generation devices shall be allowed in A-1, RA-1, R-1, R-2, R-3, O-1, C-C, C-G, C-H, I-1, and I-2 zoning districts only. Alternative energy devices include wind turbines, solar panels, awnings, shutters and other shade structures marketed for the purpose of reducing energy consumption, and retractable clotheslines.
B. Alternative energy generation devices, excluding solar panels, must be located in the rear yard of the lot on which the principal building is located. Devices affixed to a dwelling or building shall not be visible from the public right-of-way.
C. Wind turbines shall be set back at least a distance equal to the height of the tower on which the turbine is mounted plus fifteen (15) feet from any dwelling, zoning district line or public property.
D. Alternative energy generation devices and maintenance/operation structures (including guy wires) shall comply with the setbacks as required by the zoning district in which the device is to be located.
E. The height applications applicable to buildings in zoning districts in which a tower is located shall not apply to wind turbines.

5.03.00 TEMPORARY STRUCTURES AND USES
5.03.01 Temporary Structures and Uses During Construction
A temporary building or use in connection with a construction project shall be permitted during the construction period. The following standards shall be met by temporary uses established during construction:
A. A building permit shall be required.

B. Temporary offices may be located on a construction site to be used for administrative functions during construction, sales functions or sales offices allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.

C. The proposed construction building shall meet tie-down requirements for mobile structures, and have a contract for sewage pump-out if approved by the Department of Natural Resources, Environmental Protection Division. Construction buildings, equipment, machinery, and materials shall be removed within thirty (30) days of completion of the construction site for which they are permitted.

D. On-site outdoor storage of equipment and construction materials shall be allowed during the period of construction.

E. Portable toilet facilities shall be provided.

F. Construction and demolition debris dumpsters are allowable and are not required to be screened.

G. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects shall be allowed.

5.03.02 Special Events and Seasonal Sales

A. Special events include carnivals, fairs, festivals, seasonal sales, tent meetings, livestock competitions, dog shows, or other periodic events of a temporary nature. Such events are typically outdoors.

B. Special events shall be limited to the A-1, C-C, C-G, C-H, MU, I-1 or I-2 zoning districts.

C. The following standards apply to all special event activities excluding seasonal sales:

1. A permit is required according to the procedures set forth in Chapter 10, except that special events conducted by a church or school shall not be required to obtain a permit, but shall be required to comply with the standards of this section;

2. The applicant shall ensure the provision of adequate sanitation facilities, sewage disposal, garbage, and refuse disposal during the special event;

3. The area devoted to the special event shall not be located on any required setbacks, buffers, rights-of-way, or required fire lanes;

4. The special event site shall have adequate outdoor lighting in the special event area and designated parking areas if any activities are to be offered during darkness. Such lighting shall be shielded and directed so as to avoid direct illumination of adjacent properties as measured at the property line;

5. The special event activity shall provide for adequate parking facilities. Parking may be on-site or off-site. Where off-site parking is provided,
there shall be adequate plans for transporting or directing patrons from the off-site parking facilities to the special event area;
6. The applicant shall provide adequate traffic control and security in and around the special event area during hours of operation; and
7. All stages, booths, tents, scaffoldings, or structures of any nature on, under, or within which persons may congregate, shall conform to applicable building, health, and other construction codes.

D. The following standards apply to seasonal sales:
1. A temporary use permit is required according to the procedures set forth in Chapter 10;
2. The area devoted to seasonal sales shall not be located on any required setbacks, buffers, rights-of-way, or required fire lanes;
3. Parking spaces shall be provided to support the seasonal sales activity;
4. The applicant shall ensure the provision of adequate garbage and refuse disposal; and
5. The applicant shall demonstrate conformance with all applicable building, health, and other federal, State, or local laws.

5.03.03 Mobile Food Services

Applicability
A. Mobile food services are permissible on vacant lots or on lots containing a business in the Commercial and Industrial zoning districts in accordance with the standards of this section.
B. A temporary use permit is required according to the procedures set forth in Chapter 10.
C. The applicant shall have written permission of the property owner to conduct food services.
D. The applicant shall possess a valid occupational license and a valid food service permit from the Board of Health.
E. Mobile food services shall not be located within:
   1. The public right-of-way;
   2. Any required setback area or buffer area;
   3. Any required parking space;
   4. Any driveway or access way, or in such a manner as to block a driveway or access way; or
   5. Any designated fire lane or in such a manner as to block a fire lane;
F. Mobile food services shall provide parking spaces:
   1. Parking spaces shall be provided in addition to any required parking serving an established use on the lot.
   2. Parking spaces shall have a graveled or paved surface.
5.03.04 Roadside Vendors (Transient Merchants)

A. Applicability
   1. Roadside vendors conducting retail sales are permissible on vacant lots or on lots containing a business in the Commercial or Industrial zoning districts in accordance with the standards of this section.

B. A temporary use permit shall be required in accordance to the procedures set forth in Chapter 10.

C. The applicant shall have written permission of the property owner to conduct retail sales.

D. The applicant shall possess a valid occupational license.

E. Roadside vendors shall not be located within:
   1. The public right-of-way;
   2. Any required setback area or required buffer area;
   3. Any required parking space;
   4. Any driveway or access way, or in such a manner as to block a driveway or access way; or
   5. Any designated fire lane or in such a manner as to block a fire lane;

F. Roadside vendors shall provide parking spaces:
   1. Parking spaces shall be provided in addition to any required parking serving an established use on the lot.
   2. Parking spaces shall have a graveled or paved surface.

5.03.05 Model Homes and Sales Offices

A. Model homes are permissible only in conjunction with a new residential development during the period of construction of site improvements and new homes, subject to the following standards:
   1. Model homes may be erected or displayed in districts that include residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes;
   2. A model home shall be located on a platted lot meeting all standards of this ULDC;
   3. A model home shall be located to meet all site design standards of this ULDC, except for the modifications specifically enumerated herein;
   4. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
   5. One (1) off-street parking space shall be provided for each employee plus one (1) off-street parking space per model home. In addition, one (1) off-street parking space shall be provided for handicapped parking. These spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project;
   6. The model home shall be discontinued as a model unit and sales office when ninety (90) percent of the lots or homes in the residential development have been sold. The model home site shall be redesigned to comply with all site design requirements applicable to the residential development. Such redesign includes, at a minimum,
removal of parking in excess of that associated with a single-family home; removal of any signs; and removal of any exterior lighting associated with the model home and sales office.

5.03.06 Portable Outdoor Storage Containers

A. Portable outdoor storage containers shall be allowed all zoning districts on a lot, parcel, or tract of land for a period of time not to exceed thirty (30) days.

5.03.07 Yard and Garage Sales

A. Yard and garage sales shall be allowed within any rural or residential zoning district, subject to the following standards:
   1. Each sale shall be limited to a three (3) day consecutive period;
   2. Each sale shall take place no more than four (4) times a year;
   3. Sales shall not be permitted as a home occupation.

5.04.00 SIGNS

5.04.01 Purpose and Intent

A. The intent of this section is to provide for the regulation of outdoor advertising signs, which are erected on and visible from the road system of Gordon County, Georgia. A sign by its very nature is designed to draw an individual's attention to that sign. This characteristic makes signs a valuable medium of communication. However, this same characteristic can distract motorists and pedestrians and thus create traffic hazards. In addition, the clutter created by an excess in number, size and height of signs creates a distraction to travelers and negatively impacts the general appearance of an area. Signs lessen the aesthetic qualities of an area and intrude upon the residential character of an area. Therefore, signs must be regulated to insure that they are structurally safe and sound and free of all hazards and to limit the negative impact of signs while encouraging the positive and constructive uses of signs.

B. The purposes of this section are to:
   1. Encourage the effective use of signs as a means of communication within Gordon County;
   2. Maintain and enhance the aesthetic environment and Gordon County's ability to attract sources of economic development and growth;
   3. Improve pedestrian and traffic safety: to protect the public traveling along primary and interstate highways from distractions, from aesthetic desecration and from nuisances and all associated with the proliferation of signs in a concentrated area along said highways;
   4. Minimize the possible adverse effects of signs on nearby public and private property;
   5. Regulate signs by zoning district, size, height, location on a lot, number, methods of construction, maintenance, and illumination; and
6. Protect the health, safety and welfare of residents, visitors, and businesses within Gordon County.

C. This section is not intended, and shall not be applied in any manner, to control the message or content of the message on any sign allowed under this section and the laws of the State of Georgia. This section is intended to regulate signs in the unincorporated areas of Gordon County while showing full deference to the right to engage in constitutionally protected speech.

D. Nothing in this section shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

E. Nothing in this section shall be interpreted or applied so as to create any liability on Gordon County, its employees, agents, or officials which enforce or fail to enforce any of the provisions provided herein or any applicable provisions of state law.

### 5.04.02 Prohibited Signs

Any sign not specifically identified in this section as a permitted sign shall be prohibited. The following signs are prohibited in any zoning district in Gordon County:

A. Banners except as specifically allowed under this section.

B. Fluttering Ribbons or Streamer Flags except as specifically allowed under this ULDC.

C. Signs which produce noise or sounds capable of being heard even though the sounds produced are not understandable sounds. This provision does not prohibit radio transmissions used in conjunction with any sign.

D. Signs which emit visible smoke, vapor, particles or odors.

E. Signs which are erected or maintained upon trees, utility poles or painted or drawn upon rocks or other natural features.

F. Inflatable advertising devices except as specifically allowed under this section.

G. Roadside bench, covered shelter or bus shelter advertising signs.

H. Signs which depict nudity, sexual conduct, obscene or pornographic material as defined in the United States and or Georgia Codes. This section will in no way infringe upon any constitutional rights as defined by the State of Georgia and the U.S. Constitution.

I. Roof signs except as otherwise allowed herein.

J. Rotating signs (excludes barber pole signs).

K. Signs which advertise an activity which is illegal under the laws of Georgia, federal laws or regulations, or any ordinance of Gordon County.

L. Signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing
advertisements of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference. No signs on trailers or other non-motorized vehicles will be allowed under this provision.

M. Signs placed in parking spaces which are required to meet the minimum parking requirements.

N. Signs not in good repair, specifically including any sign, which is in a state of disassembly or any sign which has its internal lighting exposed to view.

O. Sign copy on public litter receptacles.

P. Twirling, sandwich-type, sidewalk or curb-type signs, and portable display signs, shall be prohibited except as otherwise allowed herein.

Q. No signs other than those belonging to local or state governments, public service agencies, railroads and the like shall be located in a public right-of-way.

R. Portable display signs. Changeable copy signs designed to be transported periodically from place to place or designed to be supported on wheels, whether or not such wheels have been removed are prohibited except as specifically allowed under this ULDC. Includes the term “trailer signs.”

S. Light Strands. Series, lines, or rows of lights supported by cables or other physical means typically associated with auto sales lots.

T. Signs painted directly on the exterior of a building wall.

5.04.03 General Regulations

A. What signs are covered
   Unless specifically excluded herein, this section shall govern any sign erected, maintained or located in Gordon County. Signs wholly located within a structure or building and which are intended to be viewed from the interior of the building are not regulated by this section.

B. Definitions and specific provisions
   The names of sign types and other words have special meanings in this section. Consult the definitions section of this ULDC and the other specific provisions to determine the meaning of words and the regulations that apply to each type of sign.

C. Other laws still apply
   All signs shall comply with all federal and state laws, and county ordinances, codes, and rules. Compliance with the terms of this section shall not operate to relieve any individual, corporation or other entity of any other duty imposed by law.
D. Property rights of others must be respected
   Issuance of a permit hereunder shall not serve to waive any applicable protective covenants or private rights of property ownership.

E. Safety
   At a minimum, no sign or other obstruction of vision, including but not limited to poles or other support structures, with a height greater than three (3) feet, shall be permitted within an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts or railroads, and extending twenty (20) feet along each such right-of-way, and closed by a straight line connecting the end points of the said twenty-foot sections of the right-of-way lines (block out zone).

F. Signs shall not be similar to traffic control devices.
   No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device or emergency vehicle device or markings nor shall any sign be used, constructed, maintained, or located where it, by reason of its position, shape, wording, or color, may be confused with an authorized traffic control device or emergency vehicle device or markings.

G. Illumination
   Illumination devices on all signs shall be so positioned and or shielded so as not to be a nuisance or traffic hazard to vehicle operators. In addition, all such lighting shall be shielded so as not to project lighting directly onto nearby residential dwellings.

H. Electrical and structural safety
   All electrical signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the Gordon County Building Inspector or his designee. All such signs and electrical devices shall only be allowed if listed by an approved testing laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.

I. Content of sign
   This section shall not regulate the specific content of signs except that sign content shall not contain obscene or pornographic material or advertise an illegal activity. This section will in no way, infringe upon any person's constitutional rights.

J. Expiration of permit
   A sign permit shall expire six (6) months after the issuance of the permit if construction of the sign has not commenced within that time. A sign permit shall expire twelve (12) months after the issuance of the permit if construction of the sign is not completed within that time. If construction
has not begun or been completed as required by this subsection, then a new application must be submitted and the permitting process commenced anew.

K. Structural/safety

Any sign within this section attached to a building must meet the requirements of the Gordon County Building Code and any other applicable county ordinance(s).

L. Setback

Free Standing General Business Signs shall be setback a minimum of three (3) feet from all property lines and five (5) feet from the edge of pavement or back of curb from all private drives. Free Standing General Advertising Signs (Billboards) shall be setback a minimum of fifty (50) feet from all public rights-of-way and twenty-five (25) feet from all other property lines and principal buildings on the site.

M. Signs attached to a building

No sign or copy area shall extend beyond the pitch boundaries or extremities of the rooflines of the building to which the sign or sign structure is attached. Any sign shall either be considered a roof sign or a wall sign depending on its location and must comply with the regulations pertaining to said signs allowed under this section, excluding flags; see subsection 5.04.04(B)(9) and (10) below.

N. Changeable copy signs (manual)

Such signs shall be allowed only as an addition to, or in conjunction with, a permitted freestanding general business sign and must be permanently affixed to said sign. Changeable copy signs shall not be allowed to stand alone. Such signs shall be deducted from allocated freestanding sign area.

O. Clearance from high voltage power lines

Signs shall be located not less than twelve (12) feet horizontally or thirteen (13) feet vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. Signs located in the vicinity of electrical conductors energized with less than seven hundred fifty (750) volts shall maintain clearances in accordance with the National Electrical Code. Copies of said code are on file with the Building Inspector. In no case shall a sign be installed closer than thirty-six (36) inches from any electrical conductor or public utility guy wire.

5.04.04 Signs Not Requiring a Permit

All signs or related activities under this section do not require a sign permit; provided, however, that all other applicable regulations shall apply to such signs and that no such sign in a residential zoning district shall be directly illuminated.
A. The changing of the advertising copy or message on an approved painted or printed sign, billboard, theater marquee or similar approved sign which is specifically designed for the use of replaceable copy.

B. The changing of the tenant panels on a free-standing multi-use tenant board.

C. Normal maintenance or repair of an approved sign or sign structure.

D. Home occupation signs
   Home occupation uses, as permitted herein this ULDC, shall be allowed one (1) identification sign not to exceed four (4) square feet in area. If said sign is a free standing sign, not attached to a building, such sign shall not exceed four (4) feet in height.

E. Directional signs
   Signs associated with vehicular use areas such as entrance and exit drives, parking lots, and travel lanes within private parking lots for the purposes of directing traffic. Such signs shall not exceed four (4) square feet in area.

F. Sidewalk or sandwich board signs
   One (1) such sign shall be allowed at each place of business which is located on the ground or main floor of a building and which has direct front door access to and from a public sidewalk. Such signs shall not exceed eight (8) square feet in area and shall not be lighted. Such signs shall be located so as not to obstruct the pedestrian way.

G. Construction site signs
   Temporary signs placed upon a site under construction, alternation or demolition. Such signs shall not exceed sixteen (16) square feet in area in a residential zoning district or thirty-two (32) square feet in area in all other zoning districts and shall not exceed ten (10) feet in height. All such signs shall be removed from the site within fourteen (14) days after final inspection, completion, or termination of the project.

H. Scoreboards
   Scoreboards on athletic fields, including advertising on school athletic fields, fences or walls.

I. Temporary signs on property for sale or lease or on developed or undeveloped land
   Temporary signs placed on property for sale or lease or temporary signs on developed or undeveloped property shall be allowed in all zoning districts. One (1) such sign shall be allowed per lot, parcel, or tract of land with the exception that if said lot, parcel, or tract of land has greater than two hundred (200) feet of road frontage on any one road, one (1) additional sign shall be allowed for every two hundred (200) feet of road frontage. Such signs shall not exceed sixteen (16) square feet in residential zoning districts and thirty-two (32) square feet in all other zoning districts.
J. Temporary curb-type signs

Temporary curb-type signs shall be allowed in all zoning districts from 3:00 pm on Friday to 11:59 pm on Sunday only. It shall be the responsibility of the sign owner to remove all such signs prior to 11:59 pm on Sunday. Such signs shall not exceed four (4) square feet in area and three (3) feet in height. Such signs shall not be placed on trees, utility poles, fences, or other existing objects or structures, and shall not be placed in public rights-of-way. One (1) such sign conveying the same message shall be allowed every three hundred (300) feet along a roadway. Said signs must be placed on private property with the property owner’s consent.

K. Yard and garage sale signs

One (1) such sign a maximum area of eight (8) square feet shall be permitted on the property on which a yard or garage sale is being conducted. The sign must be removed within twenty-four (24) hours of the close of the sale.

5.04.05 Signs Requiring a Permit

All signs under this section require a sign permit. This section shall not apply to properties zoned MU (Mixed Use.)

A. Free standing general business signs

1. Each lot or parcel of land zoned to allow agricultural, office, commercial, or industrial uses of land shall be allowed one (1) monument sign with a height not to exceed six (6) feet above normal grade or an area not to exceed thirty-five (35) square feet for each street on which said lot or parcel of land has frontage (excludes lots along U.S. Highway 41 also known as South Wall Street and North Wall Street, State Route 53 and Spur 53, State Route 136, State Route 156, State Route 225).

2. Each lot or parcel of land zoned to allow agricultural, office, commercial, or industrial uses of land fronting U.S. Highway 41 also known as South Wall Street and North Wall Street, State Route 53 and Spur 53, State Route 136, State Route 156, State Route 225 shall be allowed one (1), maximum fifty (50) square foot, free standing general business sign for each frontage on said highways, not to exceed fifteen (15) feet in height, with the exception that shopping center developments shall be allowed one (1) such sign not to exceed four (4) square feet in sign area per standard divided suite and eight (8) square feet in sign area per anchor divided suite and shall not exceed fifteen (15) feet in height.

3. Each lot or parcel of land having more than one street frontage and said streets intersect to form a corner lot or parcel and a free standing general business sign is proposed on each street, said signs shall be no
closer to the intersection of said streets than one-half (1/2) the distance of the frontage on each street.

4. All free standing general business signs shall be monument style signs and shall comply with the following:
   i. No air space shall be visible within or between any portion of the sign display area or sign structure;
   ii. Signs shall be mounted on a base constructed of the same material as the façade of the principal building or of a material that is permitted under Section 4.01.04(B) if the building façade material is not permitted by the ULDC;
   iii. Changeable copy is not permitted.

B. Free standing entrance signs relating to single family or multi family residential developments or private schools or religious institutions in a residential zoning district.

   1. A maximum of two (2) such signs shall be allowed for each entrance not to exceed twenty-five (25) square feet in area per sign and said signs shall not exceed a height of six (6) feet. All such signs shall not be directly illuminated and shall be monument style signs.

C. Wall, Canopy, and Awning Signs

   Wall signs, canopy signs and awning signs in all zoning districts except residential shall comply with the following:

   1. Wall signs shall have an aggregate area not exceeding one and five-tenths (1.5) square feet for each linear foot of building face parallel to a street lot line, or ten (10) percent of the wall area to which it attached, whichever is less, not to exceed one hundred eighty (180) square feet. Where a lot fronts on more than one (1) street, the aggregate sign area facing each street frontage shall be calculated separately. Canopy and awning signs shall be deducted from allocated wall sign area.

   2. No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.

   3. Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign.

   4. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the rooflines of the building nor extend more than two (2) feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs.

   5. No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
6. Signs on Interstate Highway 75 facing walls of buildings on lots, parcels, or tracts of land having frontage on Interstate Highway 75 shall not exceed twenty-five (25) percent of the total area of said wall.

D. Grand Opening Signs

1. Businesses and institutions may exhibit banners, flags, balloons, streamers, air or gas filled figures within three (3) months of starting the operation of a new business. Such signs may be exhibited for no more than one (1), thirty (30) day period per new location or branch facility. One (1) exterior banner not to exceed thirty (30) square feet in area shall be allowed at each place of business and shall be securely attached to the facade of the building. Steamers or pennants shall be setback at least twenty-five (25) feet from the edge of the street or out of the right-of-way, whichever is farthest from the street and shall not exceed twenty-five (25) feet in height except as otherwise regulated herein.

2. Additionally, one (1) temporary sign announcing a grand opening may be displayed beginning no more than sixty (60) days prior to such opening and continuing for thirty (30) days after the opening as long as the sign does not exceed the maximum permitted size for a primary sign in the applicable district.

3. A temporary permit is required. The fee for a temporary permit shall be twenty-five dollars ($25.00) and shall be issued one (1) time only to a new business or institution.

E. Free Standing Outdoor Advertising Signs (Billboards)

No free standing outdoor advertising sign shall be erected unless in compliance with the regulations of this section. In addition to regulations herein, all free standing outdoor advertising signs erected on lots, parcels, or tracts of land having frontage on Interstate Highway 75, other federal highway, or state route shall comply with O.C.G.A. 32-6-70 et seq. and shall comply with all other state and federal requirements necessary to obtain a permit under such code. In instances where the sign regulations of this code are more restrictive, these regulations shall apply. Such signs are permitted in the C-H, I-1, or I-2 zoning districts only on lots, parcels, or tracts of land which meet all of the County’s standards for development as required herein this ULDC especially regarding minimum lot size and minimum road frontage requirements and shall comply with the following:

1. Free standing outdoor advertising signs located in the C-H, I-1, or I-2 zoning districts on lots, parcels, or tracts of land having frontage on Interstate Highway 75 shall be allowed a maximum sign area of six hundred and seventy-two (672) square feet and shall comply with the height regulations of the state.
2. Free standing outdoor advertising signs located in the C-H, I-1, or I-2 zoning districts on lots, parcels, or tracts of land having frontage on a state or county road shall be allowed a maximum sign area of three hundred (300) square feet and shall not exceed thirty (30) feet in height.

3. All free standing outdoor advertising signs shall be setback a minimum of fifty (50) feet from all rights-of-way, public or private, and a minimum twenty-five (25) feet from all other property lines and buildings on the site;

4. All free standing outdoor advertising signs shall be a minimum of five hundred (500) feet from any single-family or multi-family zoning district;

5. All free standing outdoor advertising signs shall be a minimum of one thousand five hundred (1500) feet from all other such signs located on the same side of a highway or road regardless of jurisdictional boundaries with the exception that automated changeable copy signs utilizing any digital changeable message technology shall be a minimum of five thousand (5,000) feet from all other such changeable message signs located on the same side of a highway or road regardless of jurisdictional boundaries;

6. All free standing outdoor advertising signs shall be a minimum of three hundred (300) feet from a property boundary line of any officially designated historical site or monument except such signs pertaining to that particular site or monument;

7. All free standing outdoor advertising signs may be directly or indirectly illuminated with a condition that animation, flashing lights, scrolling, or intermittent or full-motion video shall be prohibited;

8. All free standing outdoor advertising signs shall be stand alone structures not allowed to be attached to or painted on any building or any other natural or manmade structure or object other than the supporting structure specifically designed, engineered, and built for said sign; and

9. Free standing outdoor advertising signs having frontage on Highway Interstate 75 may utilize digital technology or other means of automated changeable copy upon complying with the following:
   a. “Dwell time” for each message shall be a minimum of ten (10) seconds and only static copy shall be allowed;
   b. Shall contain a default design that will freeze the sign image or message in one position if a malfunction occurs;
   c. Shall achieve a transition to another static image or message over a period of three (3) seconds or less; and
d. Shall appropriately adjust display brightness as ambient light levels change.

10. All free standing outdoor advertising signs legally existing on the effective date of this code may be continued, even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated, or replaced by another nonconforming sign, except that the substitution of the interchangeable poster panels, painted boards, demountable material, or other actions resulting in the changing of the sign message on nonconforming signs shall be allowed (see also Section 5.04.06).

5.04.06 MU (Mixed Use) Zoning District Regulations

This section applies to all signs in the MU (Mixed Use) zoning district. In addition to the sign regulations herein this code, all signs erected within the MU zoning district require a sign permit and shall comply with regulations herein this section. The MU district is intended for the development of a combination of residential, office, and commercial uses and the intent of sign regulation within this district is to ensure visual compatibility with the scale and character of the surrounding built environment.

1. One (1) Free Standing General Business Sign shall be allowed for each lot, parcel, or tract of land having public road frontage. Said sign shall be allowed a maximum sign area of twenty-five (25) square and a maximum height of six (6) feet when fronting all other roads. Said sign shall be a monument style sign. Said sign shall not be internally illuminated, shall be constructed of materials consistent with the building architecture of the business being advertised, and shall not contain changeable copy.

2. In addition to wall, canopy or awning sign regulations in Section 5.04.05 (C.) herein, no such sign shall exceed a vertical dimension of three (3) feet.

3. In addition to Section 5.04.02 herein, the following signs shall be prohibited:
   a. Signs painted directly onto building or retaining walls or fences;
   b. Florescent Day-Glow colored signs;
   c. Wind or light activated glitter signs;
   d. Electronic, digital, or flashing signs;
   e. Streamers; and
   f. Free standing outdoor advertising signs (Billboards).

5.04.07 Nonconforming Signs

A. Signs lawfully existing on the effective date of this section, which do not conform to provisions of this section shall be deemed to be legal nonconforming "grand fathered" signs and may remain, except as otherwise specifically qualified in this section. Such signs shall not be
enlarged, extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either height or sign area. This provision shall not have the effect of excusing any violation of any other section. Nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in good state of repair.

B. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this section. A nonconforming sign which has been declared by the building official of Gordon County to be unsafe because of its physical condition shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this section.

C. A nonconforming sign shall not be moved for any distance on the same lot or to another lot unless such change in location will make the sign conform to the provisions of this section, and meet permit requirements of this section.

D. If a nonconforming sign is removed or discontinued for any period of time, except for maintenance, the subsequent erection of a sign shall be in accordance with the provisions of this section.

E. A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this section.

F. When a nonconforming sign is destroyed or toppled by forces of nature or any other destructive action or occurrence, said sign, if replaced, shall conform to the regulations herein regarding sign area, height, manner of construction, and setbacks with the exception that a nonconforming free standing outdoor advertising sign may be exempt from Section 5.04.05(E.):(5.) of this ULDC.

5.04.08 Interpretation, Construction, and Severability

A. Interpretation

The words used in this section in the present tense shall include the future. Singular words include the plural, and plural words include the singular. For the sake of brevity, masculine and feminine pronouns shall be mutually inclusive and shall also include the neuter (i.e. corporations). Subheadings and/or examples are inserted for the convenience of the reader and shall not operate to limit the effect of any provision. Gordon County, when mentioned herein, shall refer to the unincorporated jurisdictional boundaries of the County.
B. Construction

The provisions of all other applicable County ordinances and state and federal laws shall apply. This section shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. In the event that any provision of this section regulates the same activity, conduct or any aspect of signage that is also regulated by county, state or federal law, then provision of this section is in genuine conflict with any state or federal law requirement, the conflict shall be resolved in accordance with law.

C. Severability

The provisions, sections, paragraphs, sentences, clauses, phrases and terms of this section are severable. In the event that any portion or any specific application of this section is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the other portions or other applications of this section.

5.04.09 Permits Generally

A. Except as otherwise provided herein, no sign shall be used, constructed, maintained, located, replaced, expanded or relocated unless a sign permit has been issued by Gordon County.

B. A new sign permit shall be required for any structural alterations, other than normal maintenance and repair as defined in this section.

C. No permit issued for a sign under the provisions of this section, shall be deemed to constitute permission or authorization to maintain any sign that violates any provision of this section, any other ordinance, state law or federal law.

D. Any sign requiring a permit for which a permit has not been secured shall be removed immediately. Removal shall be the joint and severable responsibility of the sign owner, the sign erector and any party that procured the erection of the sign.

5.04.10 Permit Application

A. Permits shall be issued only to:

1. The owner of the real property where the sign is to be located;
2. A lessee who has the right to install or maintain a sign on the real property where the sign is to be located; or
3. The erector of the sign.

An applicant that is a lessee shall produce a copy of the lease or a written statement from the owner of the real property that the applicant has the right to maintain a sign on the property. A sign erector shall produce a copy of a current business license and proof of insurance or bond as required by the bond and insurance section of this
section. Application may be made by the owner, lessee or agent of the owner or lessee.

B. Application

Application for a sign permit shall be filed with the County on forms furnished by the County. The application for a permit shall contain the identification and address of the property on which the sign is to be erected; the names, addresses and telephone numbers of the sign owner, sign erector, property owner, lessee (if applicable) and the agent making the application (if applicable); the type of sign as classified by this section; and such other pertinent information as the County may require to insure compliance with the provisions of this section and other applicable ordinances of the County. The County may require that the application be accompanied by two (2) copies of the following: site plans showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, property lines, public rights-of-way, and other signs; plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in ground erection; and a visual representation of the completed sign. The County may require said plans to bear the representation of the completed sign. The County may require said plans to bear the signature and seal of a registered land surveyor, professional engineer, architect, or land planner. Each application shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this section. If classification of the road on which the property fronts is of importance to the permit process, the County may require the applicant to submit certified documents from the Georgia Department of Transportation or the United States Department of Transportation or their successors regarding the classification of the road.

C. Processing of application

Upon receipt of a properly completed application for a sign as permitted under the provision of this section, the County, through its enforcement personnel, shall examine and process the application within a reasonable amount of time. Though a longer period of time may be reasonable under the circumstances of the case, five (5) business days shall be considered a reasonable amount of time in most cases. A permit may be denied if the applicant landowner or lessee is presently maintaining any sign in violation of this section.

D. Procedure upon denial

Upon denial of the application of a permit, the applicant shall be given written notice stating the reason(s) for the denial within fifteen (15) days of the decision to deny the permit. Appeal from such denial may be taken to the County Planning Commission.
E. Fees

The application for a permit shall be accompanied by the appropriate permit fee as established by the governing body of Gordon County from time to time.

5.04.11 Enforcement and Penalties

A. Enforcement personnel

The enforcement of this section shall be within the jurisdiction of the County’s code enforcement personnel, building officials, and all law and code enforcement personnel of Gordon County. The enforcement personnel shall have such powers as are reasonably necessary to enforce and give effect to this section.

B. Public nuisance

Any violation of this section is hereby declared to be a public nuisance.

C. Maintenance and repair

Every sign including but not limited to those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The Building Inspector shall require compliance with all standards of this section. If the sign is not made to comply with adequate safety and maintenance standards, the Building Inspector shall require its removal in accordance with this section.

D. Dangerous or defective signs

No persons shall maintain, or permit to be maintained on any premises owned or controlled by him, any sign which is in dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the Building Inspector shall proceed as described in subsection (i) of this section.

E. Unlawful signs

No person shall erect or permit to be erected any sign which does not comply with the provisions of this section.

F. Removal of temporary signs

Upon adoption of this section any temporary sign, portable display sign or device included in this section shall be removed or made to conform to the provisions of this section within sixty (60) days of the date of notification by code enforcement personnel. All subsequent violations shall be remedied within fourteen (14) days of the notification.
G. Removal of signs by the Building Inspector

The Building Inspector or his designee shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The Building Inspector or his designee shall prepare a notice which shall describe the sign and specify the violation [and if] not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section.

1. All notices mailed by the Building Inspector or his designee shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail, or refusal of the person to whom it is addressed to accept same.

2. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such persons last known address, if any, and posted on the sign or on the premises. Any person having an interest in the sign or the property may appeal the determination of the Building Inspector ordering removal or compliance by filing a written notice of appeal with the planning commission within ten (10) days after receipt of the notice.

3. Notwithstanding the above, in cases of emergency, the Building Inspector or his designee may cause the immediate removal of a dangerous or defective sign without notice.

H. Disposal of signs

Any sign removed by the Building Inspector pursuant to the provisions of this section shall become the property of the County and may be disposed of in any manner deemed appropriate by the County. The cost of removal of the sign by the County shall be considered a debt owed to the County by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the County. The costs of removal shall include any and all incidental expenses incurred by the County in connection with the sign's removal.

1. When it is determined by the Building Inspector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or property owner, no written notice shall have to be served. In this emergency situation, the Building Inspector may correct the danger, all costs being charged to the sign owner and property owner.

2. If it shall be necessary for the Building Inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable, and shall
keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal shall be levied as an assessment against the property on which the sign is located.

I. Invalid permits
The Building Inspector may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this section or with the specification of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this section. In the event a sign is not removed after receipt of a removal order by the owner of such sign or property, the Building Inspector may institute legal proceeding hereunder against the property owner, sign owner, lessee, sign erector or combination of the above.

J. Civil actions
The Building Inspector or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this section.

K. Citations
Any violation of this section may be tried upon citations issued by the Building Inspector or his designee. Without limitation, sign erectors, sign owners and such other parties responsible for the violation may be cited for violation of any provisions of this section.

L. Penalties.
In addition to any other penalty provided in this section or in any separate resolution, the penalty and/or fine for any one (1) sign found in violation of this section, tried upon a citation or upon an accusation and, as provided for in the Code of Ordinances of Gordon County, shall be punished by a fine not exceeding five hundred dollars ($500.00), six (6) months incarceration or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

M. Remedies cumulative.
All remedies and penalties specified in this section are cumulative.

5.04.12 Bonds and Insurance
All persons engaged in the business of erecting, installing, altering, relocating, constructing or maintaining signs for compensation must post a bond or show proof of insurance in the amount of twenty-five thousand dollars ($25,000.00) for property damage for any one (1) claim and public liability insurance in the amount of one hundred thousand dollars ($100,000.00) for injuries, including accidental death to one (1) person and possess a current business license at the time any sign permit is obtained, and said bond or insurance shall cover any and
all damages, demands or expense of every character which may as a result of such erection, installation, alteration, or relocation.

5.04.13 Indemnity

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this section, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees, and assigns agree to hold harmless and indemnify the County, its officers, agents, servants, and employees from any and all claims for damages, including death, including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this section.

5.04.14 Variances

There shall be no deviation from the terms of this section unless a variance has been granted by the County planning commission. Variances from the provisions of this section may be applied for and granted in the same procedural manner as variances from this ULDC. All other procedural and notice requirements for obtaining a variance and appeal thereof as outlined in Chapter 10 of this ULDC shall be complied with by the applicant.

5.04.15 Inspection

A. The enforcement personnel are hereby empowered to enter into or inspect any building, structure, or premises upon which a sign subject to this section is located for the purpose of inspecting the sign, its structural and electrical connections and to insure compliance with the provisions of this section and other applicable ordinances. Inspections shall be carried out during reasonable business hours, unless an emergency exists.

B. This provision is in addition to and without prejudice to the rights of other inspectors and regulators to enter into and inspect premises.

5.05.00 TELECOMMUNICATION TOWERS

5.05.01 Purpose

It is the intent of Gordon County to allow telecommunication facilities (telecommunications towers and/or antennas) in compliance with State and federal regulations. It is further the intent of the County to protect the public health, safety, and welfare through regulating the placement and design of allowable wireless communication facilities. The regulations in this section are designed to:

A. Enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently

B. Preserve the character and appearance of Gordon County while allowing adequate wireless telecommunication services to be developed;

C. Locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized and to promote harmonious co-existence of telecommunications towers with other land uses;
D. Encourage the location of towers in non-residential areas and to minimize the total number of towers within residential areas;
E. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless communication facilities and towers;
F. Encourage the innovative use of alternative tower structures, such as church steeples, outdoor advertising signs, electric transmission towers, and other such structures, where technologically feasible;
G. Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers, and sites where possible and appropriate;
H. Encourage the design and construction of towers and antennas to minimize adverse visual impacts and promote visual quality; and
I. Minimize the potentially adverse visual effects of towers and other facilities through careful design and siting standards.

5.05.02 Consistency with Federal Telecommunications Act
A. It is specifically the intent of Gordon County that the regulations set forth in Section 5.05.00 shall be construed in such a manner as to maintain consistency with the Federal Telecommunications Act. Therefore, these regulations shall not be construed to:

1. Prohibit or have the effect of prohibiting the provision of wireless services;
2. Unreasonably discriminate among providers of functionally equivalent services; or
3. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions. The Federal Telecommunications Act of 1996 gives the Federal Communication Commission sole jurisdiction of the field of regulation of radio frequency emissions and wireless communication facilities which meet the FCC standards shall not be conditioned or denied on the basis of radio frequency impacts.

B. All telecommunication facilities shall meet or exceed current standards and regulations of the Federal Aviation Authority, the FCC, and any other agency of the federal government with the authority to regulate telecommunication facilities. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers, antennas and/or support structures into compliance with such revised standards and regulations within six (6) months of the effective dates of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers, antennas, and supporting structures into compliance with such revised standards and regulation
shall constitute grounds for the removal of the tower, antenna, or support structure at the owner's expense.

5.05.03 Applicability
A. Except as set forth in Section 5.05.03(C), the requirements of Section 5.05.00 shall govern the location of all telecommunications towers and/or antennas that exceed a height of fifty (50) feet in unincorporated Gordon County.
B. The provisions of Section 5.05.00 shall not apply to governmental facilities and structures.
C. The provisions of Section 5.05.00 shall not govern any tower or the installation of any antenna that is seventy-five (75) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna. Section 5.05.00 shall not govern any device designed for over-the-air reception-only of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service whose tower and/or antenna is seventy-five (75) feet or less in height.
D. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ULDC shall not be required to meet the provisions of Section 5.05.00, other than the requirements of Sections 5.05.02(B) and 5.05.05(N). Any such towers or antennas shall be referred to as "pre-existing towers" or "pre-existing antennas."

5.05.04 Procedures
All wireless communication facilities shall be permissible when designed and located in compliance with the standards set forth in Section 5.05.00.
A. A letter signed and stamped by an engineer certified in the State of Georgia shall be required stating that the tower, antenna, and support structure meets or exceeds all applicable requirements set forth herein.
B. Procedures for application, review, and approval, of telecommunication facilities are as follows:
   1. Any person, company, organization or entity desiring to obtain a permit to construct and erect a tower within the unincorporated areas of the County shall file a written application with the County Building Inspections Department and pay an application fee in the amount of:
      a. One thousand dollars ($1,000.00) if the property for which the permit to construct and erect a tower is publicly owned; or
      b. Five thousand dollars ($5,000.00) if the property for which the permit to construct and erect a tower is privately owned.
   2. An application will not be considered until it is complete. The County Building Inspections Department is authorized to develop application forms to assist in providing the required information and to facilitate the application process. In addition to those requirements contained elsewhere in this section, the application shall be in
compliance with the County ULDC and any other applicable local ordinance and state or federal law.
3. The following information shall be submitted when applying for any permit required by this section and must be submitted for any application to be considered complete. The following factors shall be considered in determining whether to approve or deny the permit request:
   a. Height of proposed tower or antenna;
   b. Proximity of the tower to residential structures, schools, daycare centers, nursery schools, recreation areas, playgrounds, parks, hospitals and churches;
   c. Nature of uses of adjacent and nearby properties;
   d. Surrounding topography, tree coverage and foliage;
   e. Design of the tower, with particular reference to design characteristics that have the effect of reducing visual obtrusiveness;
   f. Proximity to other antennas or towers;
   g. Availability of suitable existing antennas or towers or other structures.
4. In approving the permit, the County may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties. Should the permit be denied, the decision shall be in writing, supported by substantial evidence as contained in a written record of the proceedings.
C. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which a structure has been erected, the permit-holder shall notify the County Administrator of the transaction in writing within thirty (30) days.
D. The following uses may be approved by County Administrator after conducting an administrative review:
   1. Installation of an antenna on any alternative tower structure, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure.
   2. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more then twenty (20) feet to the height of said existing tower.
5.05.05 Development Standards

A. Principal or accessory use
A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purpose of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to setback, buffer, and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located in a leased area within such lot or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of Section 5.05.00 shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Inventory of existing sites
1. To facilitate the collocation review of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide an updated inventory of its existing towers or alternative tower structures. Applicants seeking to erect and amateur radio tower or antenna, or receive-only antenna as described in Section 5.05.03(C), shall be exempt from this provision. This required inventory information shall be maintained by Gordon County. It is the responsibility of the applicant to ensure that this inventory data is accurate and kept up to date.
2. The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Gordon County; or within one-quarter (1/4) mile outside the border of Gordon County. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type, and general suitability for antenna collocation of each tower. Such information is a public document.

C. Collocation of antennas required
Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to collocation shall be made only if the applicant adequately demonstrates that an existing tower suitable for collocation does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the County, and that no suitable alternative tower structure is available as set forth in Section 5.05.05(E).
D. Design requirements for co-located antennas
   In addition to all applicable building and safety codes, all towers except amateur radio towers shall be designed to accommodate the collocation of other telecommunication antennas according to the following:
   1. For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two (2) providers.
   2. For towers 150 feet in height or greater, the structure and fenced compound shall be designed to accommodate at least three (3) providers.

E. Availability of suitable existing structures for collocation
   No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates that no existing tower or existing alternative tower structure can accommodate the proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one (1) or more of the following:
   1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
   2. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
   3. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment;
   4. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna;
   5. That the cost or contractual provisions required by the tower owner to share an existing tower or structure, or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; or
   6. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. Alternative options for collocation
   If it is adequately demonstrated that antenna collocation as required above, is not possible for a given geographic antenna placement area, the following options are allowed if approved by the County Planning Commission. However, all such options shall comply with all applicable requirements of Section 5.05.00 and this ULDC as well as all other applicable codes and ordinances.
   1. Constructing a new tower, including the placement of additional building or other supporting equipment used in connection with said tower or antenna provided however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and are
located a minimum distance of 110 percent of the height of the tower from any residentially zoned property.

2. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding non-residential structure) that is fifty (50) feet in height or greater, if the additional antenna height adds no more then twenty (20) feet to the height of the existing structure, subject to the special review provisions of Section 5.05.04(C).

G. Aesthetics

The guidelines set forth in this section shall govern the design and construction of all towers and the installation of all antennas.

1. Towers/antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.

3. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color to make the antenna and related equipment visually unobtrusive.

4. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, such lighting shall be of a design that causes the least disturbance to the surrounding views.

5. Towers shall not be located where they will negatively affect historic structures or districts, or scenic view corridors.

H. Signage

Telecommunications facilities shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone numbers. The sign shall be located to be visible from the access point of the site. The sign shall not be lighted. No other signage, including advertising, shall be permitted on any telecommunication facilities, antennas, antenna supporting structures, or antenna towers, unless otherwise required by law.

I. Setbacks

The following setback requirements shall apply to all towers:

1. Towers/antennas shall be setback a minimum distance equal to one-third (1/3) of the height of the tower from its base to any public right-of-way or property line of the lot or parcel containing the tower.

2. Guy wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements prescribed for the zoning district in which the tower is proposed.
J. Security fencing and anti-climbing devices
All towers and supporting equipment shall be enclosed by fencing not less than seven (7) feet in height and shall be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other alternative as approved by the Board of Commissioners.

K. Landscaping
The following landscaping requirements shall apply to all towers with the exception that the Director of Planning and Development shall have the authority to waive the following landscaping requirements when such tower sites are located in an undeveloped natural vegetated area having sufficient vegetation to effectively screen the view of the tower compound:

1. Tower facilities shall be landscaped with a landscaped area of plant materials which effectively screen the view of the tower compound. Landscaped areas shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped areas shall satisfy the minimum design and planting requirements for buffers set forth in Section 4.07.06.

2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site provides an adequate visual screen, an undisturbed buffer may be utilized.

3. It shall be the responsibility of the owner/tenant to keep all landscaping material (as part of the landscaped area) free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where buffers and landscaping are required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event it dies.

L. Noise
No equipment shall be operated at a telecommunication tower to produce noise which would constitute a nuisance based on local or state laws, except in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis, not to exceed fourteen (14) days. No generator shall be used for regular operations prior to commercial power being delivered to the site.

M. Telecommunication facilities shall be constructed in accordance with the standards in the latest edition of the following publications:


4. Building and technical codes adopted by Gordon County.

N. Where antennas are attached to existing structures, the structure and antennas shall be screened with architectural elements or integrated into architectural elements. Examples of appropriate stealth techniques include elements such as chimneys, spires, steeples, or cupolas. Screening or other elements may be proposed, so long as the result is an integration of the antenna and any supporting structure into the existing building design features.

O. Telecommunication facilities shall be continually maintained in compliance with the standards set forth in Section 5.05.00. If, upon inspection, the County Administrator concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, written notice shall be provided to the owner, tenant, or permit-holder of the tower. Said party shall have fifteen (15) days to bring the telecommunication facility into compliance with such standards. Failure to bring the telecommunication facility into compliance shall result in removal of the facility. Prior to the removal of any facility, the County Administrator may consider detailed plans submitted by the owner, tenant, or permit-holder for repair, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A Sections 41-2-7 through 41-2-17.

5.05.06 Removal of Abandoned Towers

Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove the structure and return the site back to its original condition within ninety (90) days of receipt of notice from the County Administrator notifying the owner of such abandonment. Foundation components shall be removed to a minimum depth of twenty-four (24) inches below original grade. If said tower or antenna is not removed within said ninety (90) days, the governing authority may, in the manner provided in O.C.G.A. Sections 41-2-8 through 41-2-17, remove such antenna or tower at the owner's expense. If there are two (2) or more users of the single tower, then this provision shall not become effective until all users cease utilizing the tower.
CHAPTER 6

INFRASTRUCTURE IMPROVEMENTS

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6.00.00 GENERALLY
The purpose of this chapter is to establish standards and requirements for the provision of infrastructure by all development. This chapter contains requirements for the transportation system, set forth in Section 6.01.00, including placement of underground utilities, access, streets, off-street parking and clear visibility at intersections. Gordon County Board of Health requirements are set forth in Section 6.02.00. Requirements for utilities are set forth in Section 6.03.00, including potable water and sanitary sewer. Requirements for drainage and stormwater management are set forth in Section 6.04.00.

6.01.00 TRANSPORTATION AND PARKING FACILITIES
6.01.01 Generally
   A. Acceptance of official county road map
      The “Official Gordon County Functional Classification System Map”, as now or hereafter amended, kept in the County Administrator’s office in the County Administration Building, is hereby accepted.
   B. Off-system roads, guidelines for acceptance
      Prior to any off-system road being accepted for ownership and maintenance by Gordon County, the following criteria must be met:
      1. A minimum fifty (50) feet wide right-of-way will be required for acceptance;
      2. The fifty (50) feet wide right-of-way must be deeded to the County by the property owner(s) involved;
      3. Clear title and right-of-way must be furnished, including title opinion, with all research and associated costs to be borne by the property owner(s);
      4. All costs of rights-of-way, surveys, engineering, and attorneys' fees will be the responsibility of the property owner(s);
      5. The road in question must have been in existence prior to May 15, 1984, with sufficient documentation presented to the Board of Commissioners to substantiate such claim;
      6. A minimum of five (5) separate residences, with an average of two (2) residences per mile, must live on the road in question;
      7. Any dead-end road must provide a cul-de-sac as required in 6.01.06(E)(2);
      8. A prepared roadbed must be present and adequate for the existing and/or proposed traffic using the road, with suitable base material and drainage structures as determined by the road superintendent;
      9. All fill on the prepared roadbed will be good cherty material placed in a lift not less than four (4) inches and will be compacted by sheep's foot, roller, or other mechanical means, to a minimum standard density of ninety-five (95) or until approved by the road superintendent;
10. The minimum finished prepared roadbed shall not exceed a maximum grade of fifteen (15) percent.

C. Road criteria, previously maintained roads
   1. The purpose of these criteria is to provide a means for accepting and maintaining roads that at one time were maintained by the County. For whatever reason the road was deleted from the Official Gordon County Road Map, May 15, 1984, but continues to serve as a means for residents to access their homes.
   2. To be considered the road must have been a County road at one time. A 1958 county road map, located in the administrator's office, will be used to determine if the road is to be considered.
   3. A resident who is living on the road must request the County to maintain the road. The resident must be living on the road as of November 21, 1989.
   4. Any other acceptance factors not covered in the above criteria will be determined by the Board of Commissioners.

D. Installation of underground public utility lines
   The following minimum specifications shall govern the installation of underground public utility lines on County road rights-of-way. They are the minimum specifications for installation of underground utilities including lines for electricity, water, natural gas, telephone, cable television, and street lights on County road rights-of-way:
   1. All of the above shall be located a minimum of two (2) feet from the edge of the pavement and shall be located a minimum of two (2) feet below the existing grade.
   2. Public utility lines shall be located underground along all new roads, and, at the discretion of the Public Works Director, on all existing roads when serving new construction, excluding single-lot residential development.
   3. Where practical, paved roads shall be bored rather than cut for the location of utilities.
   4. The cutting of all paved County roads shall be cleared through the road superintendent prior to the cut being made except in the case of extreme emergency.
   5. Any paved road which is cut to a width of more than twelve (12) inches shall be filled with a compacted base material to within eight (8) inches of the riding surface and with concrete to within two (2) inches of the riding surface. The remaining two (2) inches shall be filled with asphaltic concrete to allow for a smooth riding surface.
   6. Any paved road which is cut to a width of twelve (12) inches or less shall be filled with a compacted base material to within two (2) inches
of the riding surface. The remaining two (2) inches shall be filled with asphaltic concrete to allow for a smooth riding surface.

7. Any dirt road which is cut shall be filled with a compacted base material.

E. Private roads (Reserved)

6.01.02 Naming of Public Roads

A. Existing roads

All County roads existing on May 5, 1987, shall bear the name as commonly used for the ten (10) years immediately preceding such date by those who live in the area and community through which the County road traverses. In the event of uncertainty or dispute regarding the name of a County road existing as of such date, the procedure established in subsection (C) shall be followed except that the County shall bear the costs of all legal advertising required.

B. New roads

Any road accepted as a part of the road system of the County after May 5, 1987, shall bear the name as determined by the person or entity conveying title of the road to the County and shall comply with the following:

1. Road names shall require the approval of the Gordon County EMA;
2. Roads that are obviously in alignment with roads within the same subdivision development shall be given the same name; and
3. The names of new roads shall not duplicate or closely approximate those of existing roads in the County.
4. It shall be the responsibility of Gordon County EMA to notify appropriate departments of new roads.

C. Name changes

Before the name of any County road may be changed from the official name as established pursuant to this section, the following procedure will be followed:

1. The request for change of name shall be presented to the County Administrator.
2. A notice shall be published in the legal organ of the County once a week for three (3) weeks stating the name of the road to be changed, the general location of the road, the proposed new name and the date, time and location of the hearing provided for below. The cost of the advertising shall be paid by the proponents of the name change.
3. At the date, time and location set forth in the notice a hearing shall be held by the Public Works Director, Building Inspector and the EMA Director (hearing committee) for determination of the issue of change of road name. The hearing committee shall hear evidence at the
scheduled hearing. This hearing shall be a meeting open to the public. The decisions of the committee shall be final.

4. If the change is denied, no new request for a name change for the same road or any part thereof shall be considered for two (2) years from the date of the initial request for name change.

6.01.03 Utility Facilities and Equipment

A. Purpose

This section is enacted to more efficiently provide for the safety of persons and vehicles traveling on the County roads of Gordon County, as allowed under O.C.G.A. § 32-4-42(6).

B. Basis for ordering removal, relocation of facilities; failure to comply, removal by County

1. When the Board of Commissioners reasonably determines that any pipe, main, conduit, cable, wire, pole, tower or other signal and equipment, facilities or appliances of any utility in, on, along, over or under the public roads of the County should be removed or relocated because it has become an obstruction or interference with the use and safe operation of a County road, or will become an obstruction or interference with the use and safe operation of a contemplated County road, a written notice shall be directed to the utility company, giving at least sixty (60) days notice in which to make such change as is necessary for removal or relocation as may be necessary.

2. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering and other procedures reasonably necessary to the removal and relocation of the utility facility, the Board of Commissioners may give the utility a final notice directing that such removal shall commence not later than ten (10) days from receipt of such final notice.

3. If such removal has not begun, or if such removal has begun and the relocation has not been completed within a reasonable time, the County may remove or relocate the same with its own employees, or by contracted labor, tools, equipment, supervision or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation, and the expense thereof shall be charged to the utility.

4. Such expense shall be certified to the County Attorney, who shall have the authority to proceed with suit against the utility for same if payment or arrangements to make payment are not made within sixty (60) days.
C. Compensation of utility upon relocation

Nothing in this section shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

6.01.04 Right-of-Way Protection

A. Purpose and intent

The purpose of this Section is to provide procedures, rules and regulations governing persons, firms, businesses, companies, municipalities, utilities and corporations engaged in any activity involving the utilization of County road rights-of-way in Gordon County and to provide for the issuance of permits to protect the citizens, the environment, County infrastructure, and to assure the public's safety.

B. Permits. No person shall engage in any activity upon, across, or through the rights-of-way of roads in Gordon County without first securing a permit to conduct such operations in Gordon County.

1. Exception. The placement of mailboxes for the delivery of items from the U.S. Postal Service shall be exempt from the requirement for a permit, subject to the following standards:

   a. Said mailboxes shall be constructed or designed in such a way that the design allows for the unit to break away upon impact.

   b. It shall be the responsibility of the owner of the mailbox to maintain and repair those portions of the public rights-of-way impacted or damaged through the delivery of mail by vehicular traffic.

2. Any person seeking a permit shall apply in person or through an authorized agent at the Gordon County Public Works Department and shall provide the following information for each permit requested in subsections (a) and (b) below.

   a. Timber operations

      1. No timber operation shall commence in Gordon County, whether or not over, upon, across, or through County rights-of-way, without first having obtained Georgia Department of Revenue form PT 283T, completing sections A, B, C, and G of said form, and submitting "Sellers Copy for Tax Assessor" to the Gordon County Public Works Department as an accompaniment to the permit application.

      2. Timber operations that do not access or utilize County roads or rights-of-way shall be exempt from the requirements of subsection (a)(10) of this section only. All other provisions of this section shall be applicable.

      3. The name and address of the owner of the property on which the timber operator will engage in timber operations.
4. The location of the property on which the timber operator will engage in timber operations.
5. The roads in Gordon County upon which timber trucks will travel.
6. The date cutting operations are expected to commence and end.
7. The name and address of all persons in a supervisory capacity engaged in the timber operation at the location for which the permit is requested.
8. If the timber operator intends to engage independent contractors to haul the timber, then the name, address SSN or E.I.N. of each independent contractor.
9. If the timber operator is engaged in hauling only, then the name, address SSN or E.I.N. of the timber operator for whom he will be hauling.
10. A surety bond made payable to Gordon County indemnifying the County for any damage caused by the timber operator from its timber operations in Gordon County.
11. In addition to the provisions of this section, the applicant for a permit will comply with all state and federal regulations pertaining to timber operations.
12. Timber operations occurring on two (2) acres or less and being done primarily for the purpose of building construction or lot maintenance may be exempted from the requirements of subsections (a)(1) and (10) upon the inspection and approval of the road superintendent.

b. Utility providers
1. The location of the property on which the utility provider will engage in operations.
2. The date utility operations are expected to commence and end.
3. The name and address of all persons in a supervisory capacity engaged in the utility operation at the location for which the permit is requested.
4. If the utility provider intends to engage independent contractors, then the name, SSN or E.I.N. of each independent contractor.
5. A surety bond made payable to Gordon County indemnifying the County for any damage caused by the utility provider from its operations in Gordon County.
6. In addition to the provisions of this section, the applicant for a permit will comply with all state and federal regulations pertaining to utility operations.
D. Issuance of permit

1. A permit will be issued to the applicant without charge when all required information and surety bond as required for the issuance of the permit has been provided.

2. Permits will not be issued for signage, advertisements, or notices of any kind upon the rights-of-way of County roads, and the unauthorized placement of such shall be unlawful. Any unauthorized items placed upon the rights-of-way in Gordon County shall be considered littering and Gordon County, its officers and employees shall be empowered to remove and destroy such items.

3. All permits shall be conspicuously posted, clearly visible, and located upon the public right-of-way abutting the property upon which the permitted activity is taking place.

E. Public nuisance

1. No person shall allow dirt, mud, gravel or other debris from adjoining land or resulting from any activity to accumulate upon the rights-of-way of any public road to such an extent that it becomes a nuisance or a hazard to persons traveling upon said roads, or that it creates an unsightly condition upon the public rights-of-way.

2. No person shall allow dirt, mud or other debris resulting from any activity to accumulate in ditches and drainage areas on public rights-of-way to such an extent that the usual flow of water or run-off is stopped, disturbed, changed or interrupted.

3. No person shall create any other type of public nuisance that interferes with or in anyway damages the public rights-of-way in Gordon County.

4. No person shall park or leave unattended a truck or other motor vehicle or trailer upon the rights-of-way of any County road.

5. No activity, whether permitted by this section or any other section, shall commence operation or continue to operate without first installing and maintaining, when necessary, a temporary drive cut and culvert to access property and installing and maintaining soil erosion and sedimentation controls sufficient to prevent dirt, mud, gravel or other debris from accumulating in the County drainage ditches or on County roads.

6. No timber operator shall commence timber operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his timber operations, at least the following signs: one (1) sign in each direction located five hundred (500) feet from the entrance which states "Slow trucks entering highway", one (1) sign in each direction located one thousand (1,000) feet from the entrance stating "Warning: Logging Operation Ahead." Each such sign shall be not less than 36"× 36", orange in color and posted at least three (3) feet from the edge of the surface of said road.
7. No permitted activity shall continue in operation if the permittee fails to keep County roads free from dirt, mud, gravel or other debris resulting from the activity being performed.

8. Immediately upon the completion of the permitted activity, an inspection shall take place by the road superintendent to insure that all County rights-of-way have been restored to its original condition. Failure to insure restoration shall result in the forfeiture of the surety bond.

9. In addition to any other penalty provided for under the provisions of this section, or under the provisions of any state or federal law, any person in violation of this section shall reimburse the County for any and all costs and expenses incurred in abating said nuisance.

F. Violations

1. Any person who shall fail to comply with this section as adopted, or as hereafter amended, shall be guilty of a misdemeanor, subject to the jurisdiction of the Magistrate Court of Gordon County and upon conviction, shall be punished by a fine not to exceed one thousand dollars ($1,000.00).

2. Each day the violation continues shall constitute a separate offense.

G. Remedies

In the event any provision of this section has been violated or is being violated, in addition to other remedies, the County may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation.

6.01.05 Access

A. Access to every subdivision shall be provided over a public street.

B. All subdivisions resulting in the creation of two hundred (200) or more lots shall be provided with a minimum of two (2) entrances. Where the property configuration prohibits or makes impractical the installation of two (2) entrances, this provision may be waived by the County.

C. Where access to a subdivision is on a state route, the Georgia DOT shall approve all access and egress locations and designs.

D. Interparcel access

New development in commercial, office, institutional and mixed use zoning districts that contains or is intended to contain more than one building or use on site shall provide access so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. New developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the
same vehicle trip, unless the Director of Planning and Development determines otherwise.

6.01.06  Street Design Requirements

A. General street design requirements

1. The arrangement of streets shall conform to the official county road map, or, for streets not shown on this plan, shall provide for an appropriate extension of the existing pattern of streets. Roads are classified as follows:

   a. Arterial: Minimum pavement width as required and a minimum right-of-way width of one hundred (100) feet;
   b. Industrial: Minimum pavement width of twenty-four (24) feet and a minimum right-of-way width of sixty (60) feet;
   c. Major Collector: Minimum pavement width of twenty-two (22) feet and a minimum right-of-way width of eighty (80) feet;
   d. Minor Collector: Minimum pavement width of twenty-two (22) feet and a minimum right-of-way width of sixty (60) feet;
   e. Local: Minimum pavement width of twenty (20) feet and a minimum right-of-way width of fifty (50) feet; and
   f. Alley: Minimum pavement width of twelve (12) feet and a minimum right-of-way width of twenty (20) feet.

2. Where a subdivision fronts on one (1) side of an existing road which does not meet the minimum requirements contained in these regulations, the developer shall provide one-half (1/2) of the required right-of-way necessary to upgrade the road. Should the subdivision front both sides of the existing road, the developer shall provide all necessary right-of-way required to bring the road into conformity with these regulations.

3. Where a subdivision or any development located outside the jurisdictional limits of Gordon County fronts an existing County road, the developer shall meet the criteria established in this ULDC. An exception may be granted only by the Gordon County Public Works Director.

4. The minimum right-of-way as required by this section must be shown on the final plat and shall be dedicated to and accepted by the County if the proposed development meets the criteria established by this section and other development regulations of the County. Such road or street must be inspected by the County Public Works Department for compliance with this section. All building setback requirements shall be measured from this established right-of-way line.

5. Traffic studies shall be required for all residential subdivisions containing more than four hundred (400) lots, and on nonresidential subdivisions generating more than four thousand (4,000) ADT. Such
studies will, at a minimum, address the level of traffic generated by the proposed development and its distribution on the existing road network; and the need for acceleration lanes, deceleration lanes, left turn lanes, other additional lanes and traffic signals on all existing and proposed roadways.

6. All streets with curb and gutter shall be constructed with a minimum thirteen-foot shoulder behind both curbs. See Standard Detail 201, "Residential Streets" and Standard Detail 202, "Nonresidential Streets."

7. All streets shall have a minimum centerline grade of at least 0.5 percent except for cul-de-sacs and intersections, which shall have a minimum centerline grade of at least 1.0 percent.

8. Super-elevated curves shall be provided as per Georgia Department of Transportation design guidelines for arterial streets.

9. Where a deflection angle of more than ten (10) degrees occurs, a horizontal curve of reasonably long radius shall be introduced.

10. The minimum length of crest vertical curves shall be one hundred (100) feet. Longer lengths may be required based on required stopping sight distance. The sight distance for crest vertical curves shall be measured along the roadway from three and one half (3 1/2) feet above the pavement to an object six (6) inches high, as discussed in the current AASHTO policy on design. Vertical curves may be designed to extend past the end of a cul-de-sac provided stopping sight distance is met. See Standard Detail 203, "Minimum Stopping Sight Distance."

11. The minimum length of sag vertical curves shall be one hundred (100) feet. Vertical curves may be designed to extend past the end of a cul-de-sac provided stopping sight distance is met.

12. Sight distances at intersections shall be determined by the posted speed limit of the street (existing County road or state highway) onto which a vehicle must turn. Such distances shall be measured beginning from a point established ten (10) feet behind the back of the curbline on the centerline of the egress lane at a height of three and one-half (3 1/2) feet above the finish grade elevation. The line of sight is then extended the minimum required distance to either side of the abutting street along the thoroughfare to the edge of the oncoming traffic lane, terminating at a point three and one-half (3 1/2) feet above the finish grade elevation. See Standard Detail 204, "Intersection Sight Distance."

13. Roads may be constructed across an existing or proposed dam. The appropriate state approved professional shall provide a report certifying that the existing or proposed dam is structurally capable of supporting the road. Any road across a dam shall be a service road. Ingress and egress easements, not right-of-way, shall be granted. A
second point of access to the subdivision across a public must be provided. The section of road across the dam, and the dam itself, shall be maintained by the developer, his heirs, executors, administrators, or assigns, or a mandatory homeowners' association established for maintenance and other purposes.

B. Residential street design requirements (local streets)

1. All local streets, excluding such streets in A-1 and RA-1 zoning districts, shall be constructed with curb and gutter. Residential subdivision curb and gutter may be either vertical faced or rollover.

2. Apartment and condominium development streets shall be designed and constructed to the same standards as other residential streets.

3. The following residential street design standards shown in Table 6.01.06(A) shall apply to all streets in residential subdivisions. See Standard Detail 201, "Residential Streets." Design requirements for arterial and collector streets in residential subdivisions shall be based on AASHTO and Georgia DOT standards, and approved by the County. An alley street is allowed in residential zoning districts and in the MU district to provide rear access to a primary dwelling and shall have a minimum right-of-way width of twenty (20) feet and a minimum pavement width of twelve (12) feet.

**Table 6.01.06(A). Residential Street Design Requirements.**

<table>
<thead>
<tr>
<th>Residential Street (Local)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way width, in feet</td>
<td>50</td>
</tr>
<tr>
<td>Minimum pavement width, in feet</td>
<td>20</td>
</tr>
<tr>
<td>Minimum pavement width, in feet, in A-1 and RA-1 zoning districts, without curb and gutter</td>
<td>22</td>
</tr>
<tr>
<td>Minimum lane width, in feet</td>
<td>10</td>
</tr>
<tr>
<td>Minimum lane width, in feet, in A-1 and RA-1 zoning districts, without curb and gutter</td>
<td>11</td>
</tr>
<tr>
<td>Maximum grade</td>
<td>15%</td>
</tr>
<tr>
<td>Minimum stopping sight distance, in feet</td>
<td>160</td>
</tr>
<tr>
<td>Design speed, in mph</td>
<td>25</td>
</tr>
<tr>
<td>Minimum radius of centerline curvature, in feet</td>
<td>100</td>
</tr>
<tr>
<td>Minimum length of tangent between reverse curves, in feet</td>
<td>0</td>
</tr>
<tr>
<td>Minimum sight distance at intersections (each way), in feet</td>
<td>200</td>
</tr>
<tr>
<td>Minimum length sag vertical curves, in feet</td>
<td>100</td>
</tr>
<tr>
<td>Minimum length crest vertical curve, in feet</td>
<td>100</td>
</tr>
<tr>
<td>Internal subdivision street curb or edge of pavement radius, in feet</td>
<td>25</td>
</tr>
</tbody>
</table>
C. Nonresidential street design requirements

1. Nonresidential streets shall be classified into a street hierarchy for design and construction purposes. Street design standards in nonresidential subdivisions shall be based on road function and the average daily traffic (ADT) the street will accommodate, as determined in the current edition of ITE's Trip Generation manual. Nonresidential street classes and their corresponding ADT thresholds are: Nonresidential: 1-10,000 ADT.

2. Arterial or collector streets shall be required when ADT generated by the development will exceed ten thousand (10,000) daily trips. Street design requirements for arterial and collector streets shall be based on AASHTO and Georgia DOT standards, and approved by the County.

3. Nonresidential street classifications and design standards may be changed at intersections on any street to reflect the lot size and dwelling unit thresholds. Jogs in the centerline, pavement or right-of-way shall not be permitted.

4. The applicant shall demonstrate to the County that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

5. All nonresidential streets shall be constructed with curb and gutter, except for those nonresidential streets serving developments where the minimum lot size is five (5) acres or larger. Nonresidential subdivision curb and gutter may be either vertical faced or rollover.

6. The following nonresidential street design standards shown in Table 6.01.06(B) shall apply to all public and private streets constructed in nonresidential subdivisions. See Standard Detail 202, "Nonresidential Streets." The minimum standard for nonresidential subdivision street design and construction shall be a nonresidential street.

<table>
<thead>
<tr>
<th>Table 6.01.06(B). Non-residential Street Design Requirements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way width, in feet</td>
</tr>
<tr>
<td>Minimum pavement width, in feet</td>
</tr>
<tr>
<td>Minimum lane width, in feet</td>
</tr>
<tr>
<td>Maximum grade</td>
</tr>
<tr>
<td>Minimum stopping sight distance, in feet</td>
</tr>
<tr>
<td>Design speed, in mph</td>
</tr>
<tr>
<td>Minimum radius of centerline curvature, in feet</td>
</tr>
<tr>
<td>Minimum length of tangent between reverse curves, in feet</td>
</tr>
<tr>
<td>Minimum sight distance at intersections (each way), in feet</td>
</tr>
<tr>
<td>Minimum length sag vertical curves, in feet</td>
</tr>
</tbody>
</table>
D. Intersections

1. Street intersections shall be as nearly at right angles as possible, but in no case shall a street intersection be at an angle of less than seventy (70) degrees. The one hundred ten (110) degree angle of the intersection should be directed towards the approach with the highest volume of traffic.

2. Interior street jogs or intersections shall have centerline offsets of a minimum of one hundred twenty five (125) feet. Exterior street jogs or intersections shall have centerline offsets of a minimum of two hundred fifty (250) feet.

3. Islands at intersections shall meet sight distance requirements established by AASHTO and shall be subject to individual approval by the County. Anything extending more than three (3) feet above the top of the curb within the right-of-way of the intersecting streets shall require approval by the road superintendent.

4. A utility easement shall be provided at all street intersections. This easement shall form a triangle with two (2) twenty (20) foot legs of the triangle leading away from the street right-of-way intersection. This easement miter shall be graded a minimum of thirteen (13) feet back from the intersecting right-of-way lines to provide for utility line placement (twenty-five (25) feet for overhead utilities).

E. Cul-de-sacs

1. All permanent dead-end streets shall be constructed as cul-de-sacs with a turnaround provided at the closed end.

2. Residential cul-de-sacs shall have a right-of-way radius of at least sixty (60) feet, and pavement radius of at least forty-five (45) feet, as measured to the back of the curb or edge of pavement if not curbed. See Standard Detail 205, "Cul-de-sac Details."

3. Nonresidential cul-de-sacs shall have a right-of-way radius of at least seventy-five (75) feet, and a pavement radius of at least sixty (60) feet, as measured to the back of the curb. See Standard Detail 205, "Cul-de-sac Details."

4. If a street is planned to be terminated as a cul-de-sac the subdivider may not utilize a vacant lot to extend the street to an adjacent property without proper notification to affected property owners. Such a change in the construction plans shall be considered a variance and must be submitted to the Board of Zoning Appeals for review and approval.

5. Streets that terminate in a cul-de-sac shall be a maximum of 1,200 feet in length.

| Minimum length crest vertical curve, in feet | 100 |
| Internal subdivision street curb radius, in feet | 40 |
6. Cul-de-sacs may have central landscaped islands with a minimum pavement radius of fifty (50) feet and a minimum twenty (20) feet wide paved area in the radius.

F. Reserved

G. Development entrances

1. All proposed subdivision developments, both residential and nonresidential, where a new entrance is provided from an existing County road, shall construct such entrance subject to the requirements as provided for in Standard Detail 206A for residential subdivision intersections and as provided for in Standard Detail 206B for commercial/industrial subdivision intersections.

2. Any residential subdivision accessed by a County road shall conform to Standard Detail 206A "Street Details: Residential Subdivision Intersection".

3. Any non-residential subdivision containing businesses which will generate more than 500 ADT, as determined by the current edition of ITE's Trip Generation manual, shall install a full deceleration lane, offset radii and tapers. Non-residential subdivisions with 500 ADT or less shall construct an entrance as noted in Standard Detail 206B for commercial/industrial subdivision intersections.

4. Access onto a state road shall meet existing Georgia DOT requirements. A copy of the Georgia DOT permit shall be submitted to the County before the plans can be approved.

5. Deceleration lane and taper length shall be based on the main roadway posted speed limit as shown in Table 6.01.06(C) below. The County shall require residential subdivisions exceeding two hundred (200) lots to install longer deceleration lanes and/or a center turn lane.

<table>
<thead>
<tr>
<th>Main Road Speed Limit</th>
<th>Deceleration Lane Length</th>
<th>Transition Taper Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>55 mph</td>
<td>200'</td>
<td>50'</td>
</tr>
<tr>
<td>50 mph</td>
<td>150'</td>
<td>40'</td>
</tr>
<tr>
<td>45 mph</td>
<td>110'</td>
<td>35'</td>
</tr>
<tr>
<td>40 mph</td>
<td>90'</td>
<td>30'</td>
</tr>
<tr>
<td>35 mph</td>
<td>50'</td>
<td>25'</td>
</tr>
</tbody>
</table>

6. The minimum pavement width of a deceleration lane shall be twelve (12) feet, and the minimum turning radius shall be twenty-five (25) feet. The County may require a lane width greater then twelve (12) feet if the existing County road has insufficient pavement width to meet current requirements. The minimum pavement design for subdivision entrances through the point of tangency on the proposed street shall be 8"/2"/1½".
7. Additional street right-of-way necessary for deceleration lanes shall be dedicated as needed, and as illustrated in Standard Details 206A and 206B.

8. The cross slope of any deceleration lane shall follow the crown or super elevation of the existing street.

9. In cases involving rock cuts, deep fills or cuts, proximity to a floodplain, or other constraints to construction, the requirements for pavement widening for a full deceleration lane may be waived by the County.

10. Vertical faced curb and gutter are required through the radius, excluding the tapers.

11. The developer shall be responsible for the costs of any utility relocation or catch basins which must be constructed.

H. Temporary turnarounds

1. Stub-out streets shall not be allowed, except at phase lines or by the approval of the Director of the Gordon County Public Works Department, for the purpose of allowing connectivity between developments. A temporary turnaround is required when the street length exceeds the minimum width of one (1) lot permitted under the applicable zoning district.

2. A temporary turnaround shall be maintained for a period not to exceed twenty four (24) months. All such turnarounds shall, at a minimum, be constructed with six (6) inches of graded aggregate base, and have a minimum driving radius of thirty (30) feet.

3. Where temporary turnarounds are permitted, the County shall require a performance guarantee for completion of a cul-de-sac. The County shall also require that the final plat record sufficient right-of-way to construct a permanent cul-de-sac. Such right-of-way will revert to typical street right-of-way when the street is extended.

I. Traffic control devices

1. All required street name signs, traffic control signs and other traffic control devices shall be installed at the developer's expense, meet County specifications for such devices, and may be installed by the County. If the developer elects to have the County provide and install such devices, in no event shall the cost be less than the actual cost incurred by the County.

2. The design and placement of all traffic control devices shall meet the requirements of the Manual on Uniform Traffic Control Devices published by AASHTO. The design professional shall show the placement of all required street markers.

3. If nonstandard markers are installed, the developer, or homeowners' association established by the developer, shall be responsible for the
perpetual maintenance of these markers. All nonstandard markers shall be approved by the County prior to installation.

4. Fire hydrant location devices shall be installed at the expense of the developer, and shall meet appropriate water department standards and fire department standards.

J. Sidewalks

1. Sidewalks shall be required in all new developments within a mixed use zoning district and any commercial, office, and institutional zoning district. Sidewalks shall also be required on all existing vacant lots, parcels, or tracts of land within any commercial, office, and institutional zoning district upon their development; and on any existing developed lot, parcel, or tract of land involving the renovation of or addition to an existing building which the cost thereof exceeds fifty percent (50%) of the ad valorem tax value as established by the current digest at the time the proposed renovations and/or building additions begin or are contemplated.

2. Sidewalks are permissible, but not required, in residential zoning districts. Installation shall be in accordance with the provisions of this section.

3. Sidewalks shall be placed, at a minimum, on one side of the street on the interior of a development and along the entire perimeter of a development that fronts a public street. Sidewalks that are located on only one side of the street on the interior of a development shall be located where there are fewer utility conflicts.

4. Sidewalks located in the interior of a development within commercial, office, institutional and mixed use zoning districts are required along the perimeter of the front façade of a building and along any façade that has a public entrance. Corner entrances require sidewalks along each intersecting façade.

5. Sidewalk construction shall follow a logical design approved by the County. The design shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets,” Georgia Department of Transportation (GDOT) specifications, and with design and location standards required herein.

6. Sidewalks shall be a minimum width of five (5) feet.

7. Access ramps are to be placed at all drives, intersections, and all curb encroachments; all ramps and be constructed/installed in compliance with the Americans with Disabilities (ADA) Act.

8. Maintenance of sidewalks shall be the responsibility of the developer or property owner.
K. Blocks

1. The length, width and shape of blocks shall be appropriate for the environment and the type of development proposed.

2. In long blocks, the County may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

6.01.07 Parking Standards and Design

A. Off street parking

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established.

1. The number, design and location of parking spaces provided to ensure handicapped access shall comply with the Americans with Disability Act (ADA) standards for accessible design.

2. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use as set forth in Table 6.01.07(A).

3. Each off-street parking space shall be at least nine (9) feet wide and eighteen (18) feet deep from the edge of the drive.

4. If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, such space may be provided on other off-street property, provided such space is within five hundred (500) feet of such principal use. Such space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

5. All off-street automobile parking and storage space in residential districts shall be so arranged that vehicles will not be required to back onto a street, road, or highway when leaving the premises.

6. All off-street parking and turnarounds shall be clearly defined by the use of concrete or paving materials, and shall have a vehicular turnaround. Single-family residential uses shall be exempt from the turnaround requirement.

7. Outdoor storage yards and less traveled interior drives in commercial and industrial areas may be surfaced with gravel.

8. Access driveways for off-street parking in all rural zoning districts and residential zoning districts shall be allowed to use a gravel surface material with the exception that when gravel is used, a concrete or asphalt paved area shall be required to meet the road being accessed. Said paved area shall have a minimum length of five (5) feet and a minimum width of twelve (12) feet and of sufficient depth to accommodate conventional vehicular traffic.
9. All off-street parking, loading, and service areas shall be separated from sidewalks and landscaped areas by concrete curbing or bumper blocks.

10. Off-street parking spaces for all non-single-family uses shall be clearly marked and directional arrows or signs shall be provided where necessary.

11. Uses not specifically mentioned in table 6.01.07(A) shall meet the requirements of the most similar use listed in said table as determined by the Director of Planning and Development.

12. Any decrease in the number of required parking spaces must be approved by the Gordon County Planning Commission under the variance procedures set forth in this ULDC.

13. Off-street parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient.

14. Outdoor lighting of off-street parking areas shall be directed away and shielded from abutting residential districts and all rights-of-way. All free standing outdoor lighting fixtures erected on private property having a non-residential use shall have a maximum height of forty-five (45) feet. All free standing outdoor lighting fixtures erected on private property having a residential use shall have a maximum height of thirty-five (35) feet.

**Table 6.01.07(A). Parking Space Requirements.**

<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>Minimum Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly places (religious facilities, schools, theaters, auditoriums, arenas, civic centers, conference centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)</td>
<td>One (1) space for each four (4) seats in the main assembly room</td>
</tr>
<tr>
<td>Clubs and lodges (including fraternal organizations and other social or civic membership organizations)</td>
<td>One (1) space for each four (4) seats in the main assembly room</td>
</tr>
<tr>
<td>Daycare, child care centers, nursery schools and Pre-K</td>
<td>One (1) space per employee on the largest shift</td>
</tr>
<tr>
<td>Hospitals, nursing homes or similar institutions providing overnight accommodations</td>
<td>One (1) space for each two (2) beds intended for patients plus one (1) space for each three (3) employees</td>
</tr>
<tr>
<td>Indoor recreation activities</td>
<td>Six (6) spaces for each 1000 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Requirement</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Industrial and manufacturing</td>
<td>One (1) space for each two (2) employees at maximum employment on a single shift</td>
</tr>
<tr>
<td>Lodging accommodations, without restaurant or meeting rooms</td>
<td>One (1) space for each guest room</td>
</tr>
<tr>
<td>Lodging accommodations, with restaurant or meeting rooms</td>
<td>One (1) space for each guest room plus parking required for the restaurant or meeting rooms</td>
</tr>
<tr>
<td>Libraries and museums</td>
<td>Two (2) spaces for each 1000 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Medical offices and clinics</td>
<td>Five (5) spaces for each 5000 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Mortuary or funeral parlor</td>
<td>One (1) space for each four (4) seats in the chapel, one (1) additional space for each two (2) employees, one (1) additional space for each resident family and one (1) additional space for each funeral vehicle</td>
</tr>
<tr>
<td>Multi-family residential structures</td>
<td>Two (2) spaces for each dwelling unit</td>
</tr>
<tr>
<td>Offices (general, professional or government), including Banks</td>
<td>Three (3) spaces for each 1000 sq. ft. of net floor area. Minimum five (5) spaces</td>
</tr>
<tr>
<td>Outdoor recreation facilities</td>
<td>One (1) space for each 1000 sq. ft. of active use area</td>
</tr>
<tr>
<td>Restaurant or similar eating establishment</td>
<td>One (1) space for each three (3) seats provided for patron use and one (1) additional space for each two (2) employees</td>
</tr>
<tr>
<td>Retail business</td>
<td>Three (3) spaces for each 1000 sq. ft. of net floor area. Minimum five (5) spaces</td>
</tr>
<tr>
<td>Service stations</td>
<td>Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility</td>
</tr>
<tr>
<td>Single-family detached and attached residential structures</td>
<td>Two (2) spaces for each dwelling unit. (Spaces shall be side by side.)</td>
</tr>
<tr>
<td>Shopping center development</td>
<td>Three (3) spaces for each 1000 sq. ft. of gross floor area.</td>
</tr>
<tr>
<td>Wholesaling</td>
<td>One (1) space for each two (2) employees</td>
</tr>
</tbody>
</table>

**B. Loading spaces**

1. Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles off the right-of-way of the street or public alley.
2. Such space shall have access to an alley or, if there is no alley, to a street. Such space shall have at least fourteen (14) feet of vertical clearance.

3. Such space shall be so arranged that no vehicle is required to back onto a public street, road, or highway in order to leave the premises.

4. Retail business: One (1) space, ten (10) feet by twenty-five (25) feet, for each three thousand (3,000) square feet of floor area or any part thereof.

5. Wholesale and industry: One (1) space, ten (10) feet by fifty (50) feet, for each ten thousand (10,000) square feet of floor area or any part thereof.

6. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

C. Specific parking requirements in residential districts

1. Business vehicles of four (4) tons or greater empty weight or having a carrying capacity of more than two (2) tons, includes tractor trailer trucks, shall not be stored or parked in any residential zoning district overnight or on weekends with the exception that 24HR on-call emergency tow trucks may be allowed if parked in a side or rear yard, on an all-weather surface, and the tow truck does not have a vehicle in tow while parked, and the presence of the vehicle does not create a nuisance to neighboring properties.

2. The parking of construction vehicles or equipment is prohibited on any lot not currently issued a building permit for construction activities in any residential zoning district. Construction vehicles or equipment shall include, but not be limited to, loaders, backhoes, dump trucks, tandem trailers loaded with grading or excavation equipment, or similar equipment.

3. The parking of recreational vehicles, including but not limited to, an RV, boat, or camper trailer, shall be allowed in a carport or garage or, if parked outdoors, shall be in a side or rear yard and parked on an all-weather surface material.

6.01.08 Drive-Through Facilities and Stacking Lanes

A. All uses and facilities providing drive-up or drive-through service shall provide stacking lanes in compliance with the standards of this section.

B. Restaurants with drive-up or drive-through facilities shall provide a minimum stacking space to accommodate eight (8) vehicles. A by-pass lane shall be required.

C. Banks and financial institutions shall provide stacking spaces according to Table 6.01.08(A). A by-pass lane shall be provided.
Table 6.01.08(A). Stacking Lane Requirements for Banks and Financial Institutions.

<table>
<thead>
<tr>
<th>Number of Drive-Through Lanes</th>
<th>Total Number of Vehicles Accommodated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Each additional lane</td>
<td>2 additional vehicles accommodated</td>
</tr>
</tbody>
</table>

D. Stacking lanes shall not be located within a designated delivery area or area designated for loading spaces.

E. Areas adjacent to a building providing a drive-thru facility and stacking lanes shall be exempt from Section 4.07.04(B)(5).

6.01.09   Visibility at Intersections

A. In order to provide a clear view of intersecting rights-of-way and/or private driveways, there shall be a triangular area of clear visibility formed by the two (2) intersecting rights-of-way, driveways, or combination thereof.

B. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining the right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines.

C. The vertical dimensions of sight areas are defined as that vertical space between the heights of three (3) feet and twelve (12) feet in elevation above the nearest edge of the street pavement of a paved street or above the nearest edge of the riding surface of an unpaved street.

6.02.00   BOARD OF HEALTH REQUIREMENTS

6.02.01   General

Reserved.

6.02.02   On Site Sewage Management Systems

A. The rules and regulations of the state Department of Community Health entitled and published as Chapter 290-5-26 Onsite Sewage Management Systems are hereby adopted as written in revised form of April 1, 2007 and as amended.

B. Upon information being made known to the District Health Director or his designee, he shall cause a citation to be issued requiring the violator to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this section.

1. Citations issued hereunder shall be pursuant to O.C.G.A. § 15-10-63 and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.
2. The County Attorney is hereby authorized and directed to act as legal
counsel for the Board of Health in any appeals from magistrate court
to the superior court of the County regarding any violation of this
section.

C. Any person convicted of violating the terms of this section or rules and
regulations promulgated pursuant thereto shall be punished as provided
in this ULDC.

D. In addition to all other provisions of this section, any violation of this
section is hereby deemed to be a continuing hazard and may be abated by
an application for injunction in the superior court of the County or other
court of competent jurisdiction.

6.02.03 Additional Requirements for On Site Sewage Management
Systems
A. No building permit shall be issued by the Building Inspector without the
approval of the Gordon County Board of Health for a proposed private
septic tank or on-site sewage disposal system.
B. Community or shared sewage disposal systems may be approved at the
discretion of the County Administrator and by the Board of Health.
C. In addition to Section 6.02.03(B) above, community or shared sewage
disposal systems with a capacity greater than 10,000 gallons per day shall
require approval of Georgia EPD.

6.03.00 REQUIREMENTS REGARDING SANITARY SEWER,
POTABLE WATER, FIRE PROTECTION AND OTHER
UTILITIES
6.03.01 Sanitary Sewer
A. The developer shall be responsible for installing adequate public sanitary
sewer facilities when such sewerage lines are available for connection to
serve all existing and proposed buildings in the subdivision.
B. Any residential dwelling, commercial establishment or industrial
establishment shall be connected to public sewer when sewerage lines are
available within two hundred (200) feet for connection. Connection shall
be at the cost of the property owner and in accordance with the policies
and procedures of the applicable water and sewer utility provider.
C. Where public sanitary sewer systems are not available, on-site sewage
disposal systems (i.e., septic tank) shall be installed, subject to approval
by the Board of Health and provided that the lots conform to all
requirements of this ULDC.

6.03.02 Potable Water
A. Domestic water supply shall be provided in accordance with the rules and
regulations of the state Department of Community Health,
Environmental Health Division.
B. All public water facilities shall be installed subject to the policies and procedures of the applicable water and sewer utility provider.
C. No building permit shall be issued by the Building Inspector without the approval of EPD for a proposed private well, if applicable.

### 6.03.03 Fire Protection

**A. Fire protection**

The placement of fire hydrants within a subdivision or parcel of land deemed necessary for the protection of buildings, homes, facilities, or other property types shall be required, with hydrant placement at locations such that each structure is not further than five hundred (500) feet from such hydrant. When six (6”) inch public water lines are available within one thousand (1,000) feet from any portion of the subdivision, the developer/property owner shall assume all costs of extending such lines to the subdivision such that no structure within the subdivision is more than five hundred (500) feet from a hydrant. Refer to the current edition of the International Fire Code, Appendix B, for minimum fire-flow requirements.

**B. Location of hydrants**

1. **Subdivisions.** All fire hydrants will be placed within five hundred (500) feet of each structure, as determined by the Fire Inspector, at the time of plan review for the construction plat.

2. **Industry and business.** The location, number and distribution of fire hydrants will be determined by the Fire Inspector, referencing the current edition of the International Fire Code, Appendix C.

**C. Water line size**

All fire hydrants will be installed on water lines no less than six (6) inches in diameter, unless approved by the Fire Chief. Fire-flow requirements will dictate the actual water line to be installed.

**D. Fire hydrant type**

All fire hydrants shall be Mueller brand, Super-Centurion 250, Number A-423, 3-way hydrants. All shall include two (2) two and one half inch (2 ½”) hose outlets and one (1) pumper hose connection.

**E. Inspection**

Notification shall be made by the developer to the Fire Inspector after installation of fire hydrants has been completed. All installations shall meet N.F.P.A. 24 and 25 requirements, with completed inspection and test reports provided to the Fire Inspector before the final plat is submitted. The Fire Inspector will inspect the hydrants to ensure proper Bury depth, location, and usability.

### 6.03.04 Street Lights

**A. Street lighting** shall be required on all new County streets, excluding said streets in rural zoning districts and residential zoning districts, and shall
meet the specifications as required by the Director of the Public Works Department and identified in this ULDC.

B. Street lighting shall be permissible, but not required, in residential zoning districts. Installation and maintenance shall be in accordance with this section.

C. Street lights are intended to provide illumination on public streets to a level that provides a reasonably safe and secure operating environment for pedestrian and vehicular traffic within the public right-of-way. Generally, street lights are installed along public streets, at major intersections, and at defined hazardous locations.

D. The County does not budget or fund the installation of utility poles or any types of decorative poles for street lighting. The developer is solely responsible for funding said installations and for coordinating said installations with the appropriate power company.

E. The fixture must be installed on a pole that is accepted for maintenance by the appropriate power company.

F. The location and number of required street lights shall be determined by the Public Works Director. The American Standard Practice for Roadway Lighting, as sponsored by the Illuminating Engineering Society and approved by the American Standards Association shall be used as references.

G. In all cases, the design will utilize existing poles as much as possible. Where there are no existing poles, placement of street lights shall follow the standards described herein. In residential areas, poles are normally placed at every other property line, and lights will generally be placed on every other pole. The spacing between lights will typically vary between 250 feet and 400 feet, depending upon conditions including but not limited to terrain, existing poles, lot size, type of locality, and street condition. Every effort shall be made to achieve consistent spacing of lights in each particular area. Lights will not be installed within 200 feet of any existing light.

H. Usage and maintenance costs are the responsibility of the property owner(s).

6.04.00 REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT

6.04.01 Generally

A. Stormwater management structures shall be provided by the developer as required in the County floodplain regulations and soil erosion sedimentation ordinance.

B. All proposed stormwater management structures shall be designed and certified by an appropriate state approved professional, and shall be subject to the approval of the County.
C. Stormwater management structures shall be designed based on a twenty-five (25) year storm event. The drainage formula used in design of all drainage structures shall be determined by the developer's appropriate state approved professional and based on sound engineering practice.

D. All cross drain pipes under streets carrying live streams and all bridges shall be designed for a one hundred (100) year storm event.

E. If a new or existing lake is proposed for inclusion in the subdivision, the developer shall submit a breach analysis and show a dam breach zone on the plat.

F. Subdrainage structures shall be installed as necessary to control surplus groundwater by intercepting sidehill seepage or lowering or regulating the groundwater level.

G. Energy dissipation devices shall be installed at all discharge points of storm drains in compliance with the approved soil erosion and sediment control plan. At a minimum, an area of rip rap six (6) times the pipe diameter in length and two (2) times the pipe diameter in width shall be provided. If the exit velocity from the pipe will exceed ten (10) fps, rip rap set in concrete, stilling basins, baffle wall basins, impact blocks or other energy dissipation devices approved by the County shall be required.

6.04.02 Catch Basins

A. The costs of any catch basins or drop inlets shall be the responsibility of the developer. These facilities shall be designed by the developer's appropriate state approved professional to Georgia Department of Transportation standards and shall be approved by the County. Catch basins shall be located outside of the intersection radii.

B. The spacing of catch basins shall be as follows:
   1. Grades up to seven (7) percent: five hundred (500) feet.
   2. Grades from seven (7) percent to ten (10) percent: four hundred (400) feet.
   3. Grades over ten (10) percent: two hundred fifty (250) feet.
   4. These spacing requirements can be altered if justified by sound engineering practice.

C. Cul-de-sacs on downhill street centerline grades shall have six (6) inch vertical curb and gutter along the circumference, beginning at the twenty-five (25) feet transition radius and ending at the second twenty-five (25) feet transition radius. A catch basin throat design detail shall be submitted for downhill street centerline grade cul-de-sacs.

D. A hooded grate may be used in an intersection radius on approval of the County.
6.04.03 Piping  
A. Storm drainage piping shall be sloped so as to maintain a velocity of three (3) fps to prevent the collection of sediment.  
B. All pipes in a County right-of-way shall be a minimum of eighteen (18) inches in diameter. No storm drain pipe parallel to any existing or proposed County roads shall be placed beneath a proposed deceleration lane without the approval of the County.  
C. The inlet and outlet of all storm drain pipes shall have concrete head walls or a metal flared-end section meeting the standards of the Georgia Department of Transportation.  
D. On only the downstream side of a roadway, storm drain pipes thirty six (36) inches in diameter or smaller shall extend a minimum of twenty (20) feet past the rear of any building for all zoning districts except A-1 (Agriculture) districts. Storm drain pipes larger than thirty six (36) inches in diameter at a minimum shall extend from edge of right-of-way to edge of right-of-way. The drainage ditch on each end of the pipe shall be designed to limit runoff velocity to less than five (5) fps, or the ditch must be lined to prevent erosion. Storm drain pipes shall be installed no later than the construction of the foundation of the structure which is permitted.  
E. The maximum continuous length for pipes shall be three hundred (300) feet for pipes less than forty two (42) inches. Junction boxes providing pipe access shall be constructed to current Georgia Department of Transportation standards. Junction box covers shall not be made of plastic.  
F. All man-made stormwater drainage ditches shall be designed by an appropriate state approved professional. The ditch profile and typical cross sections, including the velocity of flow, shall be shown on the plans. Maximum velocity for unlined ditches shall be five (5) fps design flow.  

6.04.04 Materials  
A. The class or gauge of pipe under fill shall be determined using current Georgia Department of Transportation standards.  
B. Concrete pipe located within a right-of-way shall be reinforced.  
C. Metal pipe shall be fully coated with bituminous, galvanized or other material approved by the County. Storm drain pipe which carries a live stream shall be fully coated with paved inverts or reinforced concrete.  

6.04.05 Driveway Culverts  
A. Each site shall be analyzed for stormwater runoff flow patterns.  
B. Where a wet weather stream exists between a proposed road and the building line on a lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on the lot.
C. The construction plans and the final plat shall show the minimum driveway pipe size required.

D. Driveway culvert material shall conform to Section 6.04.04 above.

**6.04.06 Detention and Retention**

A. When determined as necessary by an independent state approved professional, developments shall be required to submit a certified hydrology study which shall discuss the effects of drainage on any affected lots and any resulting effects of drainage on off-site locations. The study shall show that drainage from this development will not adversely affect downstream property owners.

B. If hydrologic studies and examinations show that the proposed development will increase stormwater runoff by more than seven (7) cfs for a one-hundred-year storm, then the proposed development may be required to include storage and release mechanisms such that rainwater from impervious areas will leave the site at the same rate, over the same period, as was characteristic of the unmodified site. No building permit shall be granted unless storage and release is provided for the water volume generated by a one hundred (100) year storm.

C. The following criteria shall be used in determining the needs for detention ponds:

1. If the amount of increase runoff due to the development is no more than seven (7.0) cfs for a one hundred (100) year storm, detention facilities are not required if downstream street culverts are adequately sized to pass the one hundred (100) year storm without overtopping the road.

2. If the development abuts and drains into a studied stream, detention facilities are not required, provided that existing street culverts are adequately sized to pass the one hundred (100) year storm without overtopping the road and the property immediately upstream of the culvert is undeveloped. The County may determine that the detention facilities requirement can be waived if the developer upgrades the street culvert.

3. If there are adequately sized street culverts downstream of the proposed development that will pass the one hundred (100) year storm without overtopping the road and the runoff can be adequately conveyed to a studied stream, then no detention facilities are required.

4. If the downstream system is inadequate to pass the one hundred (100) year storm, the developer is required to detain the increased runoff (provided the runoff increase is greater than seven (7.0) cfs for a one hundred (100) year storm), and only release that amount of runoff produced by the property prior to development. The hydrology study necessary to design retention and detention facilities must be certified by an appropriate state approved professional.
D. Detention facilities shall be designed for the two (2), five (5), ten (10), twenty five (25), fifty (50) and one hundred (100) year storm events. The reservoir routing method or an equivalent method shall be used in sizing the detention facility. The bowstring method is not allowed.

E. The emergency outflow device for the detention facility shall be designed to pass the one hundred (100) year developed inflow without overtopping the dam.

F. Detention facility discharge locations shall be defined drainage ditches. The developer’s appropriate state approved professional shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and show that downstream property owners will not be adversely affected by the concentrated runoff.

G. Adequate access shall be provided for maintenance of all detention facilities.

H. It is the responsibility of the owner/developer, future owners, and successors and assigns to maintain detention/retention facilities.

I. On a detention pond the steepest fill slopes shall be 2:1, and the steepest cut slopes shall be 2:1.

J. Fences a minimum of five (5) feet in height with a minimum ten (10) feet wide gate will be required on all detention ponds where the sides of the pond have a slope of two (2) horizontal to one (1) vertical or greater and the depth of water in the pond is greater than two (2) feet at one (1) hour after the duration of the storm event, and shall be deeded to the County. Normally dry headwater pools are exempt from the fencing requirement. Said fences shall be constructed of chain-link and be brown or black in color within all zoning districts excluding industrial.
THE UDC
SEE 6.01.06 OF
2 MOVING LANES
MINIMUM 50' RIGHT OF WAY

TYPE "G" OR "F" MIX,
BINDER COURSE, TACK COAT AND 1-1/2" ASPHALT
B COMPACTED GRADED AGGREGATE, PRIME COAT 2"
PAVEMENT REQUIRED FOR RESIDENTIAL STREETS IS
THE UTIL.  
SEE 6.01.00 OF  
2 MOVING LANES  
MINIMUM 60' RIGHT OF WAY  

 TYPE  "C" OR "D" MIX  
BINDER COURSE, TACK COAT AND 1-1/2" ASPHALT  
8" COMPACTED GRADED ACRICRATE, PRIME COAT 2"  
PAVEMENT REQUIRED FOR RESIDENTIAL STREETS 15
VERTICAL ALIGNMENT

VERTICAL PROFILE

ROADWAY: The sight distance is measured along the roadway.
Tangent: The sight distance at the angles of lateral discernment of the
roadway, the sight distance is measured from the centerline of the
tangent. At any point along the centerline, the roadway, any
object 8 inches high at any point along the centerline of the
roadway, the height of the object at a point 100 feet above the
roadway, the height of the object at a point 200 feet above the
roadway, the height of the object at a point 250 feet above the
roadway, the height of the object at a point 300 feet above the
roadway.
Intersection Sight Distance

<table>
<thead>
<tr>
<th>Sight Distance (Each Way)</th>
<th>Posted Speed Limit of Roadway (MPH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>750</td>
<td>55</td>
</tr>
<tr>
<td>550</td>
<td>45</td>
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<tr>
<td>325</td>
<td>35</td>
</tr>
<tr>
<td>400</td>
<td>25</td>
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</tbody>
</table>

Traffic lane (lane of travel) terminating at a point 3.5 feet above finish grade elevation. The line of sight is the minimum required distance to either side of abutting street along thoroughfare to the edge of the oncoming traffic or finish grade elevation. The line of sight is then extended to the minimum required behind the back of curbline on the centerline of the edge of the oncoming street.

Intersection sight distance shall be measured from a point of beginning established 10 feet.

Line of Sight

Curb Line

Edge of oncoming lane

Edge of oncoming lane

Line of Sight

(3.5', High)

(3.5', High)

(3.5', High)

(3.5', High)
NOTES:

1. THIS STANDARD DOES NOT APPLY TO INTERSECTIONS WITHIN SUBDIVISIONS.

2. SUBDIVISIONS CONTAINING LESS THAN 25 LOTS OR HAVING LESS THAN 250 FT TAPERS SHALL HAVE A DECELERATION LANE LENGTH EQUAL TO ZERO. ALL OTHER SUBDIVISIONS REQUIREMENTS APPLY.

3. THE MINIMUM PAVEMENT DESIGN FOR SUBDIVISION ENTRANCES THROUGH THE POINT OF TANGENCY ON THE PROPOSED STREET SHALL BE 8", 1-1/2".

<table>
<thead>
<tr>
<th>SPEED LIMIT (MPH)</th>
<th>STREET TAPER LENGTH (FT)</th>
<th>DECELERATION LANE LENGTH (FT)</th>
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</tbody>
</table>

EXISTING STREET

EXISTING PAVING

EXISTING R/W

REQUIRED CURB & CUTTER (VERTICAL)

2" STOP BAR

W/IMG R-1)

"STOP SIGN"

FUTURE R/W

ESSENTIAL W/I FOLLOW THE UNTITY

FUTURE R/W

SIDEWALK

DOUBLE YELLOW CENTERLINE

PROPOSED STREET

R/W
TYPICAL CURB AND GUTTER DETAIL
NTS

ROLLOVER CURB DETAIL
NTS
(RESIDENTIAL SUBDIVISIONS ONLY)

MINIMUM STRENGTH OF CONCRETE AT 28 DAYS
RESIDENTIAL 3,000 PSI
NON-RESIDENTIAL 3,000 PSI
1. Sanitary sewer location shall be reviewed on an opposite side of the street.

2. Water and sewer shall normally be installed on opposite sides of the road.

Note: Dimensions do not change for wider right of ways.
FOR HANDICAP:

THAN 400 SPACES SHALL HAVE EIGHT SPACES PLUS 1% 
UP TO 400 SPACES SHALL HAVE 2% HANDICAP." MORE 
AT LEAST TWO SPACES. 
NO STEPS.
WALKS UNLEVELLED.
WIDTH WITHIN 200' OF ENTRANCE.
MINIMUM 12' WIDTH.
HANDICAP SPACES.

<table>
<thead>
<tr>
<th>Area</th>
<th>Width of Parking</th>
<th>Stall</th>
<th>Overhang</th>
<th>Stall</th>
<th>Stall</th>
<th>Stall</th>
<th>Stall</th>
<th>Curb</th>
<th>Width of Aisle</th>
<th>Depth of Stall</th>
<th>Marking</th>
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<td>6.5</td>
<td>3.0</td>
<td>6.5</td>
</tr>
</tbody>
</table>

NOTE: A = 0 FOR PARALLEL PARKING.
DEPARTMENT
REFER TO PUBLIC WORKS
PIPE INFORMATION PLEASE
FOR ALL STORMDRAIN

END OF DRIVEWAY
ROADSIDE DITCH AT EACH
PER 1
VARIES
VARIES

PER 1
5' VC

12' MIN.

-15% MAX.

+20% MAX.

ROADWAY PAVING
GRAVEL SHOULDER
3. An 8 inch lift thickness is required when repairing.

2. Roadways will generally be bored or tunneled from ditch line to ditch line.

1. Corrodoon County permission must be obtained to open cut existing.

NOTES:

- W (Nominal Diameter of Pipe plus 2"

- 6” – 3000 psi concrete

- 1-1/2” Type “F” Asphalt

- 95% Compaction

- 6”-8” excavation

- Existing roadway surface

- W + 1’
NOTE:

1. SEE SPECIFICATIONS FOR ACCEPTABLE MATERIALS AND MANUFACTURERS.

2. WATER SYSTEM DETAILS FIRE HYDRANT ASSEMBLY IS A DETAIL FROM THE CITY OF CALHOUN (DWG, NO.: WATER-07)
NOTE:

1. USE READY-MIX CONCRETE WITH 3,000 PSI STRENGTH @ 28 DAYS.
2. PLACE CONCRETE BEARING SURFACES AGAINST UNDISTURBED EARTH.
3. PLACE CONCRETE CLEAR OF JOINT AND JOINT ACCESSORIES.
4. WATER SYSTEM DETAILS GATE VALVE & BOX IS A DETAIL FROM THE CITY OF CALHOUN (DWG, NO.: WATER-02)
### Table

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<tr>
<th>PIPE SIZE</th>
<th>90° BEND (A)</th>
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<th>22.5° BEND (A)</th>
<th>11.25° BEND (A)</th>
<th>TEES (A)</th>
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### Diagrams

- **PLAN AT TEE**
- **PLAN AT BEND**
- **SECTION X–X**
- **PLAN AT PLUG**

### Note:

1. Use ready-mix concrete with 3,000 PSI strength @ 28 days.
2. Place concrete bearing surfaces against undisturbed earth.
3. Place concrete clear of joint and joint accessories.
4. Dimensions based on soil bearing of 4000 PSI.
5. Water system details thrust blocking is a detail from the city of Calhoun (DWG, NO.: WATER-04).
CHAPTER 7

(RESERVED)
# CHAPTER 8

## BOARDS AND AGENCIES

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8.00.00  GENERALLY
The committees, boards, and commissions described in Chapter 8 are established for the purpose of implementing the provisions of the ULDC. The committees, boards, and commissions described in this chapter shall have the powers and duties described necessary to achieve the purpose of this ULDC.

8.01.00  PLANNING COMMISSION

8.01.01  Established
The Gordon County Planning Commission, herein referred to as the Planning Commission, is hereby established to be organized and empowered as provided herein.

8.01.02  Membership
A. The Gordon County Planning Commission shall consist of five (5) members, all of whom shall be residents of Gordon County, Georgia. All members shall be appointed by the Board of Commissioners of the County.
B. The terms of the members shall be for four (4) years. Said members shall be allowed to succeed themselves at the discretion of the Board of Commissioners.
C. The Board of Commissioners shall have the authority to remove any member for cause, on written charges, after a public hearing.
D. All members shall be compensated on a monthly basis an amount to be determined annually by the Board of Commissioners. Members shall also be compensated mileage and miscellaneous expenses as established in Chapter 2, Article III of the Code ofOrdinances of Gordon County relating to travel.

8.01.03  Quorum
A quorum of the Planning Commission shall consist of three (3) voting members. Any official decision of the Planning Commission provided herein shall require a quorum.

8.01.04  Officers
A. The Gordon County Planning Commission shall elect its chairman from among its members. The term of chairman shall be one (1) year with eligibility for reelection.
B. The Planning Commission shall also elect a vice-chairperson from among its members. The term for the vice-chairperson shall be one (1) year with eligibility of re-election. The vice-chairperson shall serve as chair in absence of the chairperson.
C. The Planning Commission shall appoint a secretary who may be an officer or employee of the County. The secretary shall be compensated on a monthly basis an amount to be determined annually by the Board of Commissioners. The secretary shall also be compensated mileage and
miscellaneous expenses as established in Chapter 2, Article III of the Code of Ordinances of Gordon County relating to travel.

8.01.05  Meetings, Rules and Procedures, and Records
A. The Planning Commission shall make its own By-Laws and Rules of Procedure.
B. The Planning Commission shall set a regular monthly meeting time. All meetings of the Planning Commission at which official action is taken shall be open to the public, and all records of the Planning Commission shall be public records.
C. The Planning Commission shall appoint such employees and staff as it may deem necessary for its work.
D. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authority of the County.

8.01.06  Duties and Responsibilities
A. The Planning Commission shall function in an advisory capacity to the Board of Commissioners.
B. Subject to the direction, control and instructions of the Board of Commissioners the Planning Commission shall conduct surveys and studies of existing conditions and probable future developments and shall develop plans for physical, social and economic growth which will best promote the public health, safety, morals, convenience, prosperity, general welfare, efficiency and economy in the development of Gordon County.
C. Subject to the direction, control, and instructions of the Board of Commissioners the Planning Commission shall:
1. Develop and submit recommendations relative to amendments to or revisions of this ULDC, including zoning ordinances, zoning maps and regulations for the subdivision of land within the boundaries of Gordon County;
2. Review proposed amendments to or revisions of the zoning ordinances and zoning maps which shall be submitted by others, make findings with respect thereto, and make recommendations to the Board of Commissioners with respect to the adoption, rejection, modification or conditional adoption of each such proposed amendment or revision; and
3. Perform such additional functions and services for and on behalf of the Board of Commissioners as authorized or directed from time to time.

8.01.07  Indemnification and Defense of Members
A. All present and future members of the Gordon County Planning Commission shall be defended by the County, by the counsel of its choice, against any civil action arising out of the performance of any member's
duties as a member of the Planning Commission except that no such defense shall be furnished to any member charged with a criminal offense involving theft, embezzlement or other like crime with respect to the property or money of or in which the County has an interest.

B. The County shall pay all of any judgment rendered against any member of the Planning Commission after defense of any civil action by the County except for a judgment rendered in any civil claim or judgment where the member of the Planning Commission acted in an intentionally reckless or harmful manner and beyond the scope of said member’s authority in creating the cause of action for which the civil claim was instituted.

8.02.00 TECHNICAL REVIEW COMMITTEE (Reserved)

8.03.00 BOARD OF ZONING APPEALS

8.03.01 Established

The Gordon County Board of Zoning Appeals, herein referred to as the Board of Zoning Appeals or BZA, is hereby established. Such board shall be consist of the five (5) members of the Planning Commission and shall serve under the guidelines as established in Section 8.01.00 above.

8.03.02 Meetings, Rules and Procedures, and Records

A. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until reelected or until their successors are elected. This board shall appoint a secretary, who may be a County officer, an employee of the County, or a member of the BZA. The Board of Zoning Appeals shall adopt rules and bylaws in accordance with the provisions of this chapter and of the Zoning Procedures Law, O.C.G.A. Title 36, Chapter 66.

B. Meetings of this board shall be held at the call of the chairman and at such other times as the board may determine. No action may be taken without the approval of a quorum of the BZA. A quorum shall consist of three (3) members of the Board of Zoning Appeals. The chairman or, in his absence, the vice chairman, may administer oaths and compel the attendance of witnesses by subpoena.

C. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Department of Planning and Development and shall be a public record.

D. All meetings of the BZA shall be open to the public and shall comply with O.C.G.A. § 50-14-1, et. seq.
8.03.03 Administrative Procedures

A. The procedures and duties of the BZA are established in Chapter 10.

B. The BZA shall have responsibility for final decision on the following types of applications:
   1. Appeals of administrative decisions; and
   2. Variances.

C. The County Administrator shall provide such technical, administrative, and clerical assistance and office or meeting space as is required by the BZA to carry out its function under the provisions of these regulations.
CHAPTER 9

VARIATIONS

9.00.00 GENERALLY

9.01.00 NONCONFORMING LOTS, STRUCTURES, AND USES
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   9.01.02 Nonconforming Lots of Record
   9.01.03 Nonconforming Structures
   9.01.04 Nonconforming Uses
   9.01.05 Termination of Detrimental Nonconforming Structures and Uses
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9.02.00 VARIANCES
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9.00.00 GENERALLY
The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this ULDC. There are several ways that potential relief from hardship is addressed. Section 9.01.00 addresses relief through requirements regarding nonconforming development. Section 9.02.00 addresses relief through the grant of a variance in a particular situation due to the characteristics of the land to be developed based on the required site design standards. Section 9.03.00 addresses relief through the grant of an administrative waiver in specific situations. Section 9.04.00 addresses relief through recognition of vested rights regarding use and/or design.

9.01.00 NONCONFORMING LOTS, STRUCTURES AND USES

9.01.01 Generally
A. Within the zoning and overlay districts established by this ULDC there may exist lots, structures, or uses of land which were lawfully established before this ULDC was adopted but which do not comply with the requirements set forth in this ULDC.

B. It is the intent of Section 9.01.00 to allow these nonconformities to continue until they are removed or discontinued. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding structures or uses prohibited elsewhere in the same district.

C. Nonconforming uses are declared to be incompatible with permitted uses in the district where the nonconforming use is located.

D. A structure damaged or destroyed by any means to an extent of more than fifty (50) percent of its fair market value at time of destruction shall be reconstructed only in conformity with the provisions of this ULDC.

E. Fair market value, where required, shall be determined by reference to current statutory provisions pertaining to the valuation of real property for ad valorem tax purposes.

F. A structure that is damaged to an extent less than fifty (50) percent of the fair market value may be restored and occupied as before the damage, provided the following standards are met:
   1. Restoration shall be commenced within six (6) calendar months from the date damages were incurred.
   2. If reconstruction is not commenced within six (6) months, the reconstruction and use of the land or structure shall thereafter conform to the provisions of this ULDC.

G. A nonconforming structure or a structure containing a nonconforming use that is declared by the County Administrator to be physically unsafe or unlawful due to lack of repairs and maintenance shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
9.01.02 Nonconforming Lots of Record

A. Any lot of record for which a plat or legal description has been legally recorded in the Office of Clerk of Superior Court of Gordon County at the time of adoption of this ULDC and was in compliance with all County zoning regulations at the time of recording but which fails to comply with the dimensional requirements or lot area requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ULDC, provided that:

1. The minimum requirements of the district for front, side, and rear yard, open space, height, and floor area shall be complied with.
2. The lot is approved by the Board of Health for the use of a private waste water system.

B. No permit for the use of any lot which is substandard in terms of the provisions of this ULDC shall be issued unless said lot was legally and properly recorded prior to the passage of this ULDC. In all cases, construction on any substandard lot of record after the adoption of this ULDC shall be required to meet all requirements of the district in which it is located.

C. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot frontage or depth; front, side or rear yard; lot area; or other requirements of this ULDC, are not maintained. This requirement shall not apply when a portion of a lot is required for public purposes.

D. Permitted modification of setback requirements

When a building is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this ULDC, the required setback for such building shall be as follows:

1. Where only one (1) said adjoining lot contains a principal building with a nonconforming setback, the setback shall be the computed average of the normal setback requirement and the nonconforming setback, or
2. Where both adjoining lots contain a principal building each with a nonconforming setback, the minimum setback shall be the computed average of the two (2) nonconforming setbacks.

9.01.03 Nonconforming Structures

A lawfully established structure that becomes nonconforming at the time of adoption of this ULDC may continue subject to the following requirements:

A. Any existing use of a nonconforming structure may be changed to another use upon the finding by the Director of Planning that the proposed use:

1. Is similar in its operation and effect on surrounding properties;
2. Will not generate more automobile or truck traffic, create more noise, vibration, smoke, dust or fumes, is not a more intensive use of structures than the existing use, and is not in any way a greater nuisance to the adjoining properties than the existing; and
3. Will not have a negative impact on the public health, safety, and welfare.

B. The nonconforming structure shall not be enlarged.

C. The structure or portion thereof may be altered to decrease its degree of nonconformity.

D. If a nonconforming structure is moved for any reason for any distance, it shall be brought into conformance with the site design standards of the zoning district to which it is moved.

E. When any use of a nonconforming structure is discontinued for a continuous period in excess of twelve (12) months, any future use of the structure is permissible only when the structure has been brought into compliance with the provisions of this ULDC.

9.01.04 Nonconforming Uses
A lawfully established use of structures or open land that becomes nonconforming at the time of adoption of this ULDC may continue subject to the following requirements:

A. A structure containing a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use to a use permitted in the zoning district in which it is located.

B. A nonconforming use of a structure shall not be extended to occupy any land outside the existing structure devoted to the use. Any nonconforming use of a structure may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ULDC.

C. A nonconforming use of a structure or open land which is superseded by a permitted use shall not thereafter be resumed.

D. A nonconforming use of a structure or structure and open land in combination that is discontinued or abandoned for twelve (12) consecutive months (except when government action impedes access to the premises) shall not be resumed. The structure or open land shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

E. A nonconforming use of open land shall meet the following standards:
   1. There shall be no expansion of the quantity of land devoted to the nonconforming use;
   2. There shall be no expansion of the activity on the land to occupy a greater amount of land within the nonconforming parcel; and
3. No structure shall be established, installed, erected, or constructed so long as the nonconforming use exists.

9.01.05 Termination of Detrimental Nonconforming Structures and Uses

A. There are found to be certain uses of land and structures as listed in Sections 9.01.05(B)(1) and (2), which have an adverse effect on the carrying out of the Gordon County Comprehensive Plan. Such uses shall be discontinued after the time periods set out in Sections 9.01.05(B) below, irrespective of the requirements for nonconforming uses set forth in Sections 9.01.01 through 9.01.04 above.

B. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this ULDC.

1. Fences, walls, and vegetation which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.

2. Nonconforming open storage operations, including but not limited to activities such as truck parking, automobile wrecking, salvage material storage, and similar uses. Such nonconforming operations shall be made conforming with the site design requirements for fencing or screening, as set forth in Chapter 4 within two (2) years following adoption of this ULDC.

9.01.06 Regulation of Nonconforming Signs

A. Nonconforming signs

1. The following provisions shall apply to signs which were conforming immediately prior to the adoption of this ULDC, but which became nonconforming at the time of adoption of this ULDC.

2. Nonconforming signs may stay in place until one (1) of the following conditions occurs:
   a. The sign deteriorates or is damaged to the extent that it becomes a hazard; or
   b. The sign has been damaged to such an extent that structural repairs are required to restore the sign. A structural repair is any repair necessary only to maintain the stability and safety of the sign.

3. Nonconforming signs shall be allowed to continue, except as provided in Section 5.04.00, and as follows:
   a. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable materials on nonconforming signs shall be permitted.
b. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a sign shall be permitted except to make the sign comply with the requirements of this ULDC.

c. New on-site signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restrictive district in which the use is permitted.

4. A nonconforming sign damaged by fire or other causes to the extent of more than fifty (50) percent of its fair market value shall not be repaired or rebuilt except in compliance with the standards for the type and location of sign.

5. A nonconforming sign damaged by fire or other causes to the extent of more than fifty (50) percent of its fair market value which is not repaired or rebuilt in compliance with this section shall be removed from the lot, along with all associated debris, and disposed of appropriately.

B. Nonconforming signs along interstate highways shall be governed by state law.

9.01.07 Nuisances

A. Findings

It is found and declared that in 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 are dangerous and injurious to the health, safety and welfare of the people of this county; and that a public necessity exists for the repair, closing or demolition of such dwellings, buildings or structures.

B. Adoption of state law; designation of public nuisance officer

1. O.C.G.A. §§ 41-1-1 through 41-2-16 of that title known as "Nuisances" are hereby adopted as the public nuisance ordinance of the County. The O.C.G.A. sections shall be a part of this section as fully as if quoted verbatim herein.

2. The board designee shall serve as the county public nuisance officer as contemplated by the above-referenced O.C.G.A. sections. Such public nuisance officer shall serve at the pleasure of the Board of Commissioners.

C. Complaints; investigation; notice of hearing

Whenever a request is filed with the public nuisance officer (hereinafter referred to as "the officer") by a public authority, or by at least five (5) residents of the unincorporated area of the County, charging that any dwelling, building or structure in such area is unfit for human habitation
or for commercial, industrial or business use or whenever it appears to the
officer (on his own motion) that any dwelling, building or structure is unfit
for human habitation or is unfit for its current commercial, industrial or
business use or is vacant, dilapidated and being used in connection with
the commission of drug crimes, the officer shall, if his preliminary
investigation discloses a basis for such charges, issue and cause to be
served upon the owner of and any parties in interest in such dwelling,
building or structure a complaint stating the charges in that respect and
containing a notice that a hearing will be held before the officer (or his
designated agent) at a place within the County, fixed not less than ten
(10) days nor more than thirty (30) days after the serving of the
complaint; that the owner and any parties in interest shall be given the
right to file an answer to the complaint and to appear in person or
otherwise, and give testimony at the place and time fixed in the
complaint; and that the rules of evidence prevailing in courts of law or
equity shall not be controlling in hearings before the officer.

D. Determination after hearing; issuance of order

If after notice and hearing pursuant to this section the officer determines
that the dwelling, building or structure under consideration is unfit for
human habitation or is unfit for its current commercial, industrial or
business use or is vacant, dilapidated and being used in connection with
the commission of drug crimes, he shall state in writing his findings of
fact in support of such determination and shall issue and cause to be
served upon the owner thereof an order:

1. If the repair, alteration or improvement of the dwelling, building or
structure can be made at a reasonable cost in relation to the value of
the dwelling, building or structure, requiring the owner or parties in
interest, within the time specified in the order, to repair, alter or
improve such dwelling, building or structure so as to render it fit for
human habitation or for current commercial, industrial or business use
or to vacate and close the dwelling, building or structure as a human
habitation; or

2. If the repair, alteration or improvement of the dwelling, building or
structure cannot be made at a reasonable cost in relation to the value
of the dwelling, building or structure, requiring the owner or parties in
interest, within the time specified in the order, to remove or demolish
such dwelling, building or structure.

E. Basis for requiring removal, demolition of nuisance structure

In no event shall the Board of Commissioners require the removal or
demolition of any dwelling, building or structure except upon a finding
that the cost of repair, alteration or improvement thereof exceeds fifty (50)
percent of the value of such dwelling, building or structure will have
when repaired to satisfy the minimum requirements of this section.
F. Failure of owner to comply with order; duties of officer, placarding of structure

If the owner or parties in interest fail to comply with an order issued under this section to vacate and close or demolish the nuisance dwelling, building or structure, the officer may cause such dwelling, building or structure to be repaired, altered or improved or to be vacated and closed or demolished; and the officer may cause to be posted on the main entrance of any building, dwelling or structure so closed a placard with the following words: "This building is unfit for human habitation or commercial, industrial or business use; the use or occupation of this building for human habitation or for commercial, industrial or business use is prohibited and unlawful."

G. Ordinance authorizing abatement action

If the owner fails to comply with any order to remove or demolish the dwelling, building or structure, the officer may cause such dwelling, building or structure to be removed or demolished; provided, however, that the duties of the officer set forth in this ULDC and in O.C.G.A. § 41-2-9(b)(4) and (5) shall not be exercised until the Board of Commissioners has by ordinance ordered the officer to proceed to effectuate the purpose of O.C.G.A. §§ 41-2-7 through 41-2-17 with respect to the particular property or properties which the officer has found to be unfit for human habitation or unfit for its current commercial, industrial or business use, which property or properties shall be described in the ordinance.

H. Creation of lien; sale of property, use of funds

1. The amount of the cost of vacating and closing or removal or demolition by the officer pursuant to this section shall be a lien against the real property upon which such cost was incurred.

2. The lien shall attach to the real property upon the payment of all costs of demolition by the County and the filing of an itemized statement of the total sum of the costs by the officer in the office of the clerk of the superior court for the County and in the office of the clerk of the Board of Commissioners on a lien docket maintained by the clerks for such purposes.

3. If the dwelling, building or structure is removed or demolished by the officer he shall sell the materials of such dwellings, buildings or structures and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

I. Enforcement of collection of amount due
The Board of Commissioners may enforce the collection of any amount due on a lien for removal or demolition of dwellings, buildings or structures only in the following manner:

1. The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying to the County, within thirty (30) days after the perfection of the lien, a sum of money equal to twenty-five (25) percent of the total amount due and by further paying to the County the remaining balance due on such lien, together with interest at the rate of seven (7) percent per annum, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as hereinabove prescribed.

2. Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner or parties at interest at any time prior to the termination of the three-year period, the entire balance due on such lien shall be due and payable to the County.

3. Should the amount due on such lien or any portion thereof be unpaid after the passage of the three-year period, or upon the occurrence of the contingency provided for in subsection (2) above, the County may enforce the collection of any amount due on such lien for alteration, repair, removal or demolition of dwellings, buildings or structures in the same manner as provided in O.C.G.A. § 48-5-358 and other applicable state statutes. This procedure shall be subject to the right of redemption by any person having any right, title or interest in or lien upon the property, all as provided by Article 3 (§ 48-4-40 et seq.) of Chapter 4 of O.C.G.A. Tit. 48.

J. Physical conditions constituting nuisance

The officer may determine 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 the County. 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; and
6. Uncleanliness.
K. Use of structure in connection with drug crimes deemed nuisance

The 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 upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

L. Powers of officer

The officer shall have all powers of investigation, examination, appointment and delegation, etc., as set out in O.C.G.A. § 41-2-11.

M. Enforcement

The County ordinance officer shall be authorized, empowered, and directed to enforce compliance with all provisions of this section in the unincorporated areas of the County, and on or in County-owned or operated facilities or property, in accordance with all applicable laws of the state.

9.02.00 VARIANCES

9.02.01 Procedures for Variances

A. Purpose

1. To authorize upon application a variance from the terms of this ULDC, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which, at the time of adoption of this ULDC was a lot or plat of record; or

2. Where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, or

3. Where by reason of other extraordinary or exceptional circumstances the strict application of the requirements of this ULDC would result in practical difficulties to, or undue hardship upon, the owner of this property, provided that this relief may be granted without substantially impairing the intent and purpose of this ULDC.

4. In granting a variance, the Planning Commission may attach such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this ULDC will be served, public safety and welfare secured and substantial justice done.

5. However, the Planning Commission shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.

6. In determining whether to grant a variance, the Planning Commission shall consider, along with other relevant facts, the following:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
b. The application of this ULDC to this particular piece of property would create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ULDC, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ULDC.

9.02.02 Building Code Variances

A. The Board of Commissioners or the Board of Zoning Appeals as established by the Board of Commissioners shall hear and decide all appeals and requests for variances from the requirements of this section.

B. The Board of Commissioners or the Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the County Administrator in the enforcement or administration of this section.

C. Any person aggrieved by the decision of the Board of Commissioners or the Board of Zoning Appeals or any taxpayer may appeal such decision to the superior court of the county as provided by statute.

D. Variances may be issued for the repair or rehabilitation of historic structures (as specifically defined) 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. In passing upon such applications, the Board of Commissioners or the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development:
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

F. Upon consideration of the factors listed above and the purposes of this section, the Board of Commissioners or the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Conditions for variances:

1. 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 historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

2. Variances shall only be issued upon:
   a. A showing 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.

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. The County Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9.02.03 Exceptions and Modifications

A. Lots of record

1. Single lots: Any lot of record for which a plat or legal description has been legally recorded in the Office of Clerk of Superior Court of Gordon County at the time of adoption of this ULDC and was in compliance with all County zoning regulations at the time of recording but which fails to comply with the dimensional requirements or lot area requirements for the district in which it is located may be used as a building site for a single-family residence in a district where residences are permitted.

2. Adjoining lots: If two (2) or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this chapter and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one (1) ownership shall be subject to the requirements of this chapter.

B. Setbacks for dwellings

1. The setback requirements of this chapter for dwellings shall not apply to any lot where the average existing building setback line on lots located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street as such lot, is less than the minimum setback required.

2. In such cases, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, and in no case less than ten (10) feet from the street right-of-way.

C. Height limits

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures.

D. Group projects

A group project (two (2) or more commercial, industrial, educational, medical, religious, or civic buildings to be constructed on a plot of land two (2) acres, or more, such plot not to be subdivided) may be constructed provided:

1. Such uses are limited to those permitted within the district in which the project is located:
2. The overall density of land use is no higher, and the standard of open space is no lower than that permitted in the district in which the project is located;
3. The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located;
4. The building heights do not exceed the height limits permitted in the district in which the project is located.

**9.03.00 ADMINISTRATIVE WAIVER**

**9.03.01 Authority and Limitations**
The County Administrator is authorized to reduce specific site design and development standards of this ULDC where the intent of the ULDC can be achieved and equal performance obtained by granting a waiver of standards. The authority to grant a waiver shall be limited to the following:

A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:
   1. The reduction is necessary in order to implement landscaping, buffer, and tree protection standards of this ULDC; and
   2. The reduction is limited to a maximum of twenty (20) percent of the minimum standard.

B. A reduction in the parking requirement, provided the following standards are met:
   1. The reduction is necessary in order to implement landscaping, buffer, and tree protection standards of this ULDC; and
   2. The reduction is limited to either one (1) space or ten (10) percent of the parking requirement, whichever is more; and
   3. The reduction does not limit the availability or location of required handicapped parking.

C. A reduction in landscaping or buffer requirements, provided the following standards are met:
   1. The reduction is necessary due to particular physical conditions of the property, such as the shape of the lot, topography, presence of bodies of water, or other natural features;
   2. The reduction is limited to twenty (20) percent of the otherwise required width of the buffer; and
   3. The reduction is limited to twenty (20) percent of the otherwise required plant materials.

**9.03.02 Annual Report Required**
An annual report shall be prepared by the County Administrator and shall summarize the number and type of administrative waivers granted in the previous year. Such reports shall be prepared in January of each year for the
previous calendar year. Annual reports shall be presented to the Planning Commission for review and comment. Annual reports, together with recommendations from the Planning Commission, if any, shall be forwarded to the Board of Commissioners.
CHAPTER 10

ADMINISTRATIVE PROCEDURES

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10.00.00 GENERALLY

10.00.01 Purpose
This ULDC sets forth the procedures for receiving, reviewing, and rendering decisions on applications for subdivisions, multi-family and nonresidential development, mixed use development, planned developments, rezoning, and all permits. This ULDC also sets forth the requirements for appealing decisions and for enforcement. It is the County’s intent that the procedures and requirements set forth in this ULDC shall be followed in order to seek approval for any development.

10.00.02 Approvals Required
A. No person shall develop any property within Gordon County without first obtaining an approved subdivision plat, an approved development plan, and permits to perform such activities. All development activities or site work conducted after approval of a development plan or subdivision plat shall conform to the specifications of such approved plat or plan.

B. A plat of a land subdivision shall be recorded in the office of the Clerk of the Superior Court of Gordon County when approved as required by this Chapter. The filing or recording of a plat of a subdivision without such approval is declared to be a violation of this ULDC.

C. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plat of a subdivision that has not been given final approval as required by this Chapter and recorded in the office of the Clerk of the Superior Court of Gordon County is prohibited, and the description by metes and bounds in such an instrument of transfer or other document shall not exempt the transaction from prescribed penalties.

D. A building permit, or a sign permit in case of a sign, issued by Gordon County is required in advance of the initiation of construction, erection, moving, or alteration of any building, structure, or sign except for those specific situations which are exempted as set forth in this chapter.

E. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building until a building permit for such work has been issued.

10.00.03 Expiration of Approvals
A. Any building permit or other permit shall become void if the work authorized by the permit has not begun within six (6) months after the date of issuance of the permit.

B. If construction described in a building permit or other permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
C. The time period for which a permit is valid may be extended for one (1) or more periods of not more than ninety (90) days each where an application for such extension is filed and such extension has been granted in writing by the County Administrator.

10.00.04 Fees Required
A. All applications shall be accompanied by payment of application fees, as set forth in the Gordon County Fee Schedule adopted by the Board of Commissioners. An application shall not be complete until all required fees are paid. Such fees shall include the filing fee, and where notice is required, shall include an additional fee to defray the expense of preparing and mailing such notices.

B. For land clearing permits, a fee in addition to local permitting fees will be assessed pursuant to Georgia statutes. All applicable fees shall be paid prior to issuance of the land disturbance permit.

10.00.05 Requirements Regarding Developments of Regional Impact (DRI)
The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Coosa Valley Regional Development Center (CVRDC) for review and recommendation prior to issuance of any local building or development permit, utility tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

10.00.06 Procedures for Conducting Public Hearings
The following rules of procedure shall govern public hearings pertaining to development subject to the provisions of this ULDC:

A. Hearings before the Planning Commission.

1. All persons who wish to address the Planning Commission at a hearing on the proposed zoning application under consideration by the Planning Commission shall first sign up on a form to be provided by the County Administrator prior to the commencement of the hearing.

2. The Secretary of the Planning Commission will read the proposed zoning application under consideration and any County departmental reviews pertaining thereto prior to receiving public input on the proposed zoning decision. Proposed zoning applications shall be called in the order in which they were filed.
3. The Secretary shall then call each person who has signed up to speak on the zoning application before the Planning Commission in the order in which the persons have signed up to speak.
   a. The applicant will always speak first.
   b. Prior to speaking, the speaker will identify himself or herself and state his/her current address.
   c. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak.

4. Each speaker shall be allowed sufficient time to address the Planning Commission concerning the zoning application then under consideration.
   a. It shall be the responsibility of the chairman of the Planning Commission to allocate sufficient time according to the complexity of the pending issue.
   b. One (1) member of the Planning Commission shall be designated as the time keeper to record the time expended by each speaker.
   c. Pursuant to O.C.G.A. § 36-66-5, and as amended from time to time, both proponents and opponents of any proposed zoning decision shall be given a minimum of ten (10) minutes per side for their presentation.

5. Each speaker shall:
   a. Speak only to the merits of the proposed zoning application under consideration and shall address his remarks only to the members of the Planning Commission.
   b. Refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning application under consideration.
   c. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

6. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning application is conducted in a fair and orderly manner.

B. Hearings before the Board of Commissioners

1. All persons who wish to address the Board of Commissioners at a hearing concerning a proposed zoning decision or application under consideration by the Board of Commissioners shall first sign up on a form to be provided by the County Administrator prior to the commencement of the hearing.

2. The Board of Commissioners chairman or his designee will read the proposed zoning decision or application under consideration and any
County departmental reviews pertaining thereto prior to receiving public input on such proposed zoning decision or application. Proposed zoning decisions or applications shall be called in the order in which they were filed.

3. The Chairman of the Board of Commissioners or his designee shall then call each person who has signed up to speak on the zoning decision or application in the order in which the persons have signed up to speak.
   a. The applicant will always speak first.
   b. Prior to speaking, the speaker will identify himself or herself and state his/her current address.
   c. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak.

4. Each speaker shall be allowed sufficient time to address the Board of Commissioners concerning the zoning decision or application then under consideration.
   a. The County Clerk shall be designated as the time keeper to record the time expended by each speaker.
   b. Pursuant to O.C.G.A. § 36-66-5, and as amended from time to time, both proponents and opponents of any proposed zoning decision shall be given a minimum of ten (10) minutes per side for their presentation.

5. Each speaker shall:
   a. Speak only to the merits of the proposed zoning decision or application under consideration and shall address his remarks only to the Board of Commissioners.
   b. Refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision or application under consideration.
   c. The Board of Commissioners may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

6. Nothing contained herein shall be construed as prohibiting the Board of Commissioners from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision or application is conducted in a fair and orderly manner.

10.00.07 Notice Requirements

A. Before making a recommendation concerning a proposed rezoning or variance request, the Planning Commission shall hold a public hearing thereon.
B. At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing, the Planning Commission shall cause to be published in a newspaper of general circulation within the County notice of the hearing.

1. Such notice shall be published once a week for two (2) consecutive weeks in such newspaper.

2. The notice shall state:
   a. The time, place and purpose of the hearing.
   b. Location of the property.
   c. Present zoning classification of the property.
   d. Proposed zoning classification of the property.

C. A sign containing the required public notice information shall be placed by the applicant in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing but not more than forty-five (45) days before the hearing.

D. All applicants requesting a zoning change or variance request shall provide a copy of the application for zoning change or variance request by certificate of mailing. Notice shall be provided for:

1. All abutting property owners of record, at their last known address.

E. The cost of the notices shall be borne by the applicant.

F. On the date of the public hearing, all applicants requesting a zoning change or variance request shall present receipts for certificates of mailing to the Planning Commission.

10.01.00 APPLICATION AND DECISION-MAKING REQUIREMENTS

10.01.01 Pre-Application Conference Required

A. A pre-application conference is a meeting between an applicant the County Administrator for the purposes of:

1. Exchanging information on the potential development of a site;

2. Providing information on permissible uses of the site proposed for development;

3. Providing information to an applicant regarding the design standards set forth in this ULDC that are applicable to a potential application;

4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;

5. Determining the need and requirements for supporting plans, documents, and studies;

6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.

B. Prior to the submission of an application for a subdivision plat, development plan, or improvements plan, an applicant shall submit a written request for a pre-application conference.

C. A pre-application conference shall be held not more than two (2) weeks following the date of submission of the written request for such conference.

D. A pre-application conference shall be held not more than six (6) months prior to submission of an application.

E. The pre-application conference shall include, at a minimum, staff of the Building, Planning and Development office.

F. It is the intent of the Board of Commissioners that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.

G. A prospective applicant may bring members of his project team, such as, but not limited to, the project engineer, land planner, architect, surveyor, or other person who will assist in the preparation of an application. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be reviewed in any way for compliance with the standards and requirements of this ULDC, and shall be used only as an aid to the conduct of the pre-application conference. A proposed subdivision plat, improvement plan, development plan, or other such plan shall not be considered or discussed during a pre-application conference.

10.01.02 Determination of Completeness
All applications shall be complete before acceptance for review and decision making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

10.01.03 Responsibilities for Final Action
The table below identifies the types of applications and the entity that is responsible for the final decision regarding the application.
Table 10.01.03. Types of applications and entity responsible for final decision.

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<td>Telecommunication towers and antennas</td>
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<td>Rezoning, with or without a conceptual development plan</td>
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<tr>
<td>Amendment to the ULDC</td>
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1Building, Planning and Development office

10.02.00 SUBMITTAL REQUIREMENTS

10.02.01 Submittal Requirements for All Applications

A. The following information shall be provided for all applications:

1. An application form provided by Gordon County.
2. Proof of ownership.
3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. A property survey containing the legal description, boundaries, land area, notation whether any portion of the property is within an environmental area regulated as set forth in Chapter 3, and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia.
5. A vicinity map indicating the location of the site proposed for development.
6. Proof of payment of fees.
7. An affidavit to indicate the family relationship for applications involving family ties land divisions.

8. Other information to support the application as specified in this chapter and as may be required by the County Administrator.

B. All drawings, including maps, concept plans, development plans, and preliminary and final subdivision plats, shall conform to the following standards:

1. All drawings shall contain the dates of preparation and the dates of any revisions.

2. All drawings shall be at the same scale, and shall be a minimum of one (1) inch equals 100 feet.

3. Drawing sheets shall be not larger than thirty (30) inches by forty-two (42) inches and shall be uniform in size for a submittal, except for final plats which shall be seventeen (17) inches by twenty-two (22) inches.

4. All drawings shall contain a graphic and written scale and a north arrow with a notation referencing the bearings to magnetic north, astronomical north or grid north.

5. All drawings shall contain the name, address, and telephone number of the preparer(s).

6. Drawings for development proposed in phases shall contain all required information for the total site, for each phase, and shall depict phase lines on the drawings.

7. All drawings shall contain the seal of the licensed professional preparing the drawings and computations.

C. Required support data and plans

Applications for subdivision plat approval and development plan approval shall be accompanied by the required supporting data and plans as described below.

1. All preliminary plats and development plans shall be accompanied by a stormwater management plan meeting the requirements of Chapter 6.

2. Water bodies on the site or adjacent to the site, such as, but not limited to, streams, lakes, should be indicated on all plans.

3. Development proposed within a water supply watershed protection district, groundwater recharge area protection district, river corridor protection district, or wetland protection district shall provide details to demonstrate compliance with the requirements set forth in Chapter 3, and shall contain the following information:

   a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
b. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

c. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.

d. The orientation and distance from the boundaries of the proposed site to the nearest bank of a protected river corridor.

e. Elevations of the site and adjacent lands within fifty (50) feet of the site at contour intervals of no greater than two (2) feet and no greater than one (1) foot slopes less than or equal to two (2) percent.

f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

g. All proposed temporary disruptions or diversions of local hydrology.

4. All applications shall include the following information: current and proposed zoning, current and proposed use, adjacent uses, locations of public improvements and utilities, proposed structures or additions to existing structures and paved areas, and locations of existing or proposed streets.

5. A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Chapter 4, including the following:
   a. Identification of all trees, natural features, and manmade structures that will be retained upon the site; and
   b. A description of proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials.

6. Whenever a development contains protected open space, a management plan shall be provided, demonstrating compliance with the standards for resource and open space protection set forth in Chapter 3 and in Chapter 4, if applicable.

7. Whenever a development contains a floodplain or floodway, a floodplain management plan shall be provided, demonstrating compliance with the requirements of Chapter 3, and including the following information:
   a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
   b. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
c. Certificate from a registered professional engineer or registered land surveyor that a nonresidential floodproofed building will meet the floodproofing criteria in Chapter 3; and
d. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

8. Erosion and sedimentation control plans shall be provided to demonstrate compliance with Chapter 3. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. 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 storm water management facilities, local ordinances and State laws. The following data shall be provided:
a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
b. Name and phone number of the twenty-four (24) hour local contact who is responsible for erosion and sedimentation controls.
c. Delineation of disturbed areas within project boundary.
d. Existing and planned contours, with an interval in accordance with the following:

<table>
<thead>
<tr>
<th>Grade Slope</th>
<th>Contour Interval, ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat 0-2%</td>
<td>0.5 or 1</td>
</tr>
<tr>
<td>Rolling 2-8%</td>
<td>1 or 2</td>
</tr>
<tr>
<td>Steep 8% +</td>
<td>2, 5, or 10</td>
</tr>
</tbody>
</table>

e. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.”
f. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
g. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.

h. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.

i. The following maintenance statement shall be provided: “Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.”

10.02.02 Submittal Requirements for Building Permits

A. All applications, except as provided in subsection (B) below, for building permits shall be accompanied by a recorded deed, a recorded plat, and a scaled site plan or survey in duplicate, showing:
   1. The actual dimensions of the lot to be built upon;
   2. The size of the building to be erected;
   3. The location of the building on the lot;
   4. The location of existing structures on the lot, if any;
   5. The number of dwelling units the building is designed to accommodate;
   6. The setback lines of buildings on adjoining lots;
   7. The layout of off-street parking and loading spaces;
   8. Such other information as may be essential for determining whether the provisions of this ULDC are being observed; and
   9. Such other information as may be requested by the Building Inspector or required by any other County ordinance.

   10. Certification by the applicant that he has complied with or will comply with the applicable Board of Health regulations, this ULDC, and all other applicable ordinances of Gordon County.

B. Applications for accessory buildings located in agriculture and residential zoning districts are exempt from the requirements of subsection (A) above.

10.02.03 Submittal Requirements for Subdivision Plats

A. Sketch plat

   In addition to the application requirements set forth in Section 10.02.01, the following information shall be required for a sketch plat:
   1. Boundary survey or a corrected tax map depiction of the tract
   2. Rough sketch of the street and lot layout of the proposed subdivision.
   3. Existing roads
4. Property lines
5. Zoning of all properties abutting the proposed subdivision.
6. The data provided shall be for the entire tract to be eventually subdivided.

B. Construction plans

In addition to the application requirements set forth in Section 10.02.01, the following information shall be required for a construction plan:

1. General
   a. Subdivision name.
   b. Name, address and phone number of the property owner(s) and developer.
   c. Name, address and phone number of the design firm.
   d. Submittal date and date of most recent revisions.
   e. Graphic scale.
   f. Vicinity map, with owner names and zoning shown for abutting properties.
   g. North arrow.
   h. Location and mean sea level elevation of the bench mark, when reasonably available.
   i. Land lot; section and district.
   j. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings.
   k. Ground elevations of the tract determined from field surveys or aerial photographs. The basis for the topographic information shall be shown. Contours shall be drawn at intervals of ten feet, and shall be mean sea level contours.
   l. Natural features within the proposed subdivision, including drainage channels, bodies of water, and other significant features.
   m. Location of the 100-year flood plain, or a statement that no part of the property lies within the 100-year flood plain, by a State approved professional.
   n. All existing County roads which abut the property, showing right-of-way and pavement widths.
   o. Existing easements, city or County lines, utility lines, bridges, street culverts and similar features.
   q. Proposed lot layout, with approximate dimensions.
   r. Proposed street names.
   s. Phase lines, for subdivisions to be developed in phases.
   t. Lots numbered consecutively, disregarding phasing.
u. Total number of lots, total acreage and lots per acre.
v. Average lot size and minimum lot size.
w. Present zoning of the tract, and the zoning of abutting land.
x. Proposed use of the property.
y. Proposed zoning of the tract, if to be rezoned, and the corresponding minimum lot size.
z. Required setbacks for the proposed zoning.

aa. Front yard setback line for each lot.
bb. Indication of whether utilities will be located underground or overhead.

cc. Proposed type of water and sanitary sewer service.

dd. Any proposed easements.

ee. Appropriate state approved professional's stamp.

2. Roads and streets

a. Deceleration lanes at development entrances.
b. The plan, profile and speed limit for the existing County road at the development entrance, demonstrating that the minimum horizontal and vertical stopping sight distances are satisfied.
c. Future right-of-way, if additional right-of-way is required to bring an existing County road up to current standards.
d. Profiles and typical sections for all proposed streets.
e. Proposed street grades.
f. Proposed lengths of all vertical curves.
g. Vertical stopping sight distance at all proposed internal subdivision intersections.
h. Street horizontal curve radii.
i. All radii, curb setbacks, and taper details.
j. Typical construction details.
k. Street sign locations.

3. Storm water management

a. Topographic layout of the development at ten foot contour intervals based on mean sea level datum with the storm drain layout.
b. Location, size and length of the existing drainage structures with the drainage area.
c. Description, by an appropriate state approved professional, demonstrating how the method of runoff control will not adversely affect downstream properties.
d. Location, size, length and type of all proposed drainage structures.
e. Drainage area to each inlet point of the drainage system.
f. Ditch profiles.
g. Ditch cross-sections at each point where there is a change in grade with velocity of the runoff.
h. Hydrology study by a State approved professional, if deemed necessary.
i. Location and elevations of the 100-year flood plain, or a statement that no part of the property lies within the 100-year flood plain by a State approved professional.
j. Profiles of storm drainage pipes.
k. All cross drain pipes shown on street profiles.
l. Water travel stance in street between catch basins.
m. Drainage at intersections, indicated by flow arrows on plan sheet.
n. The method and calculations used to size all storm drainage structures.
o. Easements for the drainage system.
p. Dam breach zone, if an existing or proposed pond or lake is part of the proposed development.
q. Cul-de-sac grading detail for steep downhill cul-de-sacs.

4. Water and sewer layout

All water and sewer information shall be provided as required by the Water and Sewer provider, the Gordon County Fire Department and/or the Board of Health.

5. Additional requirements:
   a. The sketch plat shall be submitted with the construction plans.
   b. The soil erosion and sedimentation control plan shall be submitted with the construction plans.
   c. Construction plans shall indicate placement of sidewalks if required or otherwise provided.
   d. If the development will utilize on site wastewater disposal, the location of all wells on or within 100 feet of the property shall be indicated, or a statement provided certifying that there are no such wells.
   e. The names of all utility companies serving the development.
   f. Standard utility placement cross section detail.
   g. Additional Utility Easements

C. Final plat

In addition to the application requirements set forth in Section 10.02.01, the following information shall be required for a final plat:
   1. The final plat shall include, at a minimum, the following items. The data required herein shall apply to the entire tract.
a. Subdivision name.
b. Name, address and phone number of the property owner and developer.
c. Vicinity map.
d. Submittal date.
e. Graphic scale.
f. North arrow.
g. Name and address of surveyor or surveyor's firm.
h. Surveyor's stamp and signature,
i. Exact boundary lines of the tract, as determined by the field survey, indicated by a heavy line giving lengths and bearings.
j. Field survey error of closure, not to exceed one to ten thousand.
k. Exact locations, right-of-way widths, and names of all streets and alleys within and immediately abutting the subdivision.
l. Appropriate curve data for all streets.
m. Land lot lines or the nearest existing street intersection shall be tied to the subdivision by bearings and distances.
n. Lot lines with dimensions to the nearest tenth foot and bearings to the nearest minute.
o. Lots shall be numbered consecutively, with no duplication of numbers. There will be no block lettering or phasing, Division will be made by units.
p. Lot areas in acres.
q. All existing easements.
r. All required storm drainage, water and sewer line easements.
s. Any private easements for permanent ponds or lakes,
t. Location and size of storm drains.
u. For lots upstream of culvert road crossings, a statement shall be provided that finished floor elevations shall be no less than one foot above the low point in the road.
v. The location of the 100-year flood plain and a statement prohibiting house finished floor elevations lower than one foot above the flood plain, or a statement that no part of the property lies within the 100-year flood plain.
w. Location of any dam breach zone and a statement prohibiting the construction or location of any dwelling unit in this zone.
x. Show all front yard setbacks, side yard setbacks on corner lots.
y. Side and rear setbacks stated in notes.
z. Any protective covenants, with deed book and page number information, or a statement indicating that there are no protective covenants.

aa. Accurate locations and descriptions of all monuments and markers.

bb. Surveyor's certification statement.

c. Owner's certification and dedication statements.

d. Board of Health certification statement, if required.

e. Planning Department certification statement.

ff. Statement explaining plat changes, if the plat is being re-recorded,

gg. References to recorded subdivision plats of abutting land by record name, plat book and page number.

hh. Name of former subdivision, if any or all or the land had been previously subdivided.

ii. Street address of each lot.

10.02.04 Submittal Requirements for Development Plans

A development plan is required for approval of all multi-family residential development and all non-residential development. An application for development plan approval shall contain all of the applicable information set forth in Section 10.02.01 and the following additional information:

A. A site development plan that demonstrates compliance with all design standards required for development in the zoning district in which the use is proposed. Such standards are set forth in Chapter 4.

B. For development proposed within a designated overlay district, a site development plan shall be provided that demonstrates compliance with all design standards specified for the applicable overlay district, as set forth in Chapter 4.

C. Where a Mixed Use development is proposed, a site development plan shall be provided that demonstrates compliance with the standards set forth in Chapter 4.

D. When a proposed development contains one (1) or more uses that are subject to supplemental standards, a site development plan shall be provided that demonstrated compliance with all design standards for the specified use or uses, as set forth in Chapter 4.

E. All site development plans shall contain details for proposed accessory uses and shall demonstrate compliance with the standards for such uses set forth in Chapter 5.

F. The following specific information shall be provided:

1. Proposed density (both gross and net).

2. Location of all buildings and structures, showing setback lines, building orientation, and building height.
3. For mixed use projects, drawing notes shall include a table summarizing the total amount of development in each use, the percentage of the total site, net density of proposed residential development.

4. The location of all utility lines, utility easements, access easements and other easements.

5. The distance to the nearest fire hydrant.

10.02.05 Submittal Requirements for Rezoning Applications

A. Each application to amend the Official Zoning Map shall be filed with the Department of Building, Planning and Development.

1. Applications shall be submitted in compliance with the following:
   a. A legal description of the tract to be rezoned.
   b. One (1) copy of a plat, drawn to scale, showing a north arrow, land lot and district, the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat.
   c. The present and proposed zoning district for the tract.
   d. Existing and intermediate regional floodplain and structures.
   e. The names and addresses of the owners of the land and their agents, if any.

B. An application for rezoning approval related to a major subdivision, multifamily or non-residential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the standards of the ULDC. The concept plan shall be prepared by an architect, engineer, landscape architect or land surveyor whose registration is current and valid. The preparer's seal shall be affixed to the plan. The plan shall meet the requirements of Section 10.02.01(B) and shall include the following additional information:
   a. Current and proposed use and zoning district classification.
   b. Adjacent uses and zoning district classifications.
   c. Water bodies on the site or adjacent to the site, in addition to the outline of the 100-year floodplain, if present.
   d. Location of public improvements and utilities.
   e. Proposed structures and paved areas.
   f. The proposed project layout including:
      i. For subdivisions, approximate lot lines and street right-of-way lines, as well as the location of the front setback line on each lot.
      ii. For multi-family and non-residential development projects, the approximate outline and location of all buildings, and the
location and minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.

2. Such other and additional information as may be requested by designated representative of the County or required by this section.

C. All applications shall be sworn to be true and correct and shall be signed by the landowner requesting the zoning change or by his/her authorized agent.

10.02.06 Submittal Requirements for Amendments to the Future Development Map

A. Each application to amend the Future Development shall be filed with the Department of Building, Planning and Development. Applications shall include the following (See also Section 10.03.02):
   1. An identification of the geographic area in the County that is to have a revised classification under the applicant's proposal.
   2. All permitted land uses for the identified area under the existing Future Development Map.
   3. All changes to existing land use designations that are proposed by the application.
   4. All land uses immediately adjacent to the subject property under the existing land use plan.
   5. All reasons for the amendment application.
   6. Names and addresses of the owners of the land affected by the proposed amendment and their agents, if any, authorized to apply for an amendment.
   7. An initiating party shall also file any other information or supporting materials that are required by the County.

B. All applications shall be sworn to be true and correct and shall be signed by the landowner requesting the map change by his/her authorized agent.

10.02.07 Submittal Requirements for Amendments to the Unified Land Development Code

A. Applications for amendment of this ULDC shall be made in the form of proposals for amendments of the text, standards, and other criteria. Proposals to amend the Gordon County Zoning Map shall meet the requirements set forth in Section 10.02.05.

B. In addition to the application requirements set forth in Section 10.02.01(A)(1) and (A)(6), the following information shall be provided:
   1. Identification of the specific provision proposed for amendment;
   2. The proposed modifications in a strikethrough and underline format;
   3. A detailed explanation of the rationale and justification for the requested amendment; and
4. A detailed explanation of the potential impacts of the modification on the development of Gordon County.

**10.02.08 Submittal Requirements for Amendments to Conceptual Development Plans and approved Development Plans**

Amendments to development plans include changes to dimensional design features as depicted on a conceptual development plan or on an approved development plan. The application shall include the information required by Section 10.02.01 and shall be accompanied by a detailed description of the site design features proposed to be modified and a detailed explanation of the need for the modification.

**10.02.09 Requirements regarding Letters of Credit and Performance Bonds**

(Reserved)

**10.02.10 Specifications for Digital File Submittals**

(Reserved)

**10.03.00 PROCEDURAL REQUIREMENTS**

**10.03.01 Building and Fire Inspection Permits**

A. Permit application

1. Unless specifically exempted, 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, plumbing, or fire protection system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Department of Building, Planning and Development and obtain the required permit, including fire inspection permit, for the work.

2. The following situations **do not** require a building permit:

   a. Accessory buildings which are 120 square feet or less and do not require a branch circuit panel board and/or a utility service. Accessory buildings which do not require a building permit are still required to meet all setback requirements established in this ULDC.

   b. The following mechanical work:

      i. Any portable heating appliance;
      ii. Any portable ventilation equipment;
      iii. Any portable cooling unit;
      iv. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this article;
v. Replacement of any part which does not alter its approval or make it unsafe;

vi. Any portable evaporative cooler;

vii. Any self-contained refrigeration system containing ten (10) pounds (4.54 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.

c. Electrical work on any 120 volt branch circuit work involving two (2) circuits or less, provided that this work is done in an existing structure which otherwise would not require an additional building permit.

3. Work authorized

a. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit.

b. 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 Building Inspector without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

5. Information required

Each application for a permit, with the required fee, shall be filed with the Department of Building, Planning and Development on a form furnished for that purpose and shall contain the information required in Section 10.02.01 and shall include a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent, and shall be accompanied by the following:

a. The actual dimensions of the lot to be built upon;

b. The size of the building to be erected;

c. The location of the building on the lot;

d. The location of existing structures on the lot, if any;

e. The number of dwelling units the building is designed to accommodate;

f. The layout of off-street parking and loading spaces;

g. Such other information as may be essential for determining whether the provisions of this article are being observed; and
h. Such other information as may be requested by the Building Inspector and/or Fire Inspector or required by any other County ordinance(s).

6. Time limitations
   a. 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 ninety (90) days each may be allowed by the Building Inspector for the application provided the extension is requested in writing and justifiable cause is demonstrated.

   b. Any building permit or other permit issued pursuant to this article shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

B. Drawings and specifications
   1. Requirements
      a. One (1) copy 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.

      b. 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 technical codes.

      c. Such information shall be specific, and the technical 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.

      d. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

      e. Exception. No drawings or specifications shall be required for:

         i. Accessory buildings, except engineered metal buildings shall require design data from the manufacturer which indicates meeting load requirements of the Standard Building Code.

         ii. Agricultural buildings, except engineered metal buildings shall require design data from the manufacturer which indicates meeting load requirements of the Standard Building Code.

   2. Additional data
      a. The Building Inspector may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.
b. All drawings, specifications and accompanying data required by the Building Inspector 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 the state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

a. All Group A (Assembly), Group E (Educational), and Group I (Institutional) occupancies.

b. Buildings and structures three (3) stories or more high.

c. Buildings and structures five thousand (5,000) square feet or more in area.

d. 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.

e. Exception: Single-family dwellings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

4. 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 resistant floors intersect the exterior walls.

5. Site drawings

a. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot.

b. The Building Inspector may require a boundary line survey prepared by a qualified surveyor.

6. Hazardous occupancies
The Building Inspector or Fire Inspector may require the following:

a. General site plan

i. 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.

ii. 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

i. 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.

ii. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous material stored.

C. Examination of documents

1. Plan review. The Building Inspector and Fire Inspector 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 technical codes and all other pertinent laws or ordinances.

2. Affidavits

a. The Building Inspector and Fire Inspector may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes.

b. 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 technical codes as to strength, stresses, strains, loads and stability.

c. The Building Inspector may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Inspector 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 technical codes.

d. Where the Building Inspector relies upon such affidavit, the architect or engineer shall assume full responsibility for the
compliance with all provisions of the technical codes and other pertinent laws or ordinances.

D. Issuing permits

1. Action on permits
   a. The Building Inspector or Fire Inspector shall act upon an application for a permit without unreasonable or unnecessary delay.
   b. If the Building Inspector and Fire Inspector are satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Inspector and Fire Inspector shall issue the appropriate permit to the applicant.

2. Refusal to issue permit
   a. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Inspector and Fire Inspector shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit.
   b. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

E. Contractors' responsibilities

1. 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 or local rules and regulations concerning licensing which the applicable governing authority may have adopted.

2. 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.

F. Conditions of the permit

1. Permit intent
   a. 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 technical codes, nor shall issuance of a permit prevent the Building Inspector from thereafter requiring a correction of errors in plans, construction, or violations of this article.
   b. 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 work is commenced.
c. One (1) or more extensions of time, for periods of not more than
ninety (90) days each, may be allowed for the permit.
d. The extension shall be requested in writing and justifiable cause
demonstrated.
e. Permission for extensions shall be in writing by the Building
Inspector.

2. Permit issued on basis of an affidavit
a. 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 Building Inspector or
Fire Inspector, are hazardous or complex, the Building Inspector or
Fire Inspector shall require that computations be submitted by the
architect or engineer who shall supervise such work.
b. 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 Building
Inspector a written affidavit that the work has been done in
conformity with the reviewed plans and with the structural
provisions of the technical codes.
c. In the event 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 Building Inspector or Fire
Inspector.

3. Plans
a. When the Building Inspector issues a permit, he shall endorse, in
writing or by stamp, the set of plans "Reviewed for Code
Compliance."
b. The set of drawings so reviewed shall be returned to the applicant.
c. The permitted drawings shall be kept at the site of work during
normal business hours and shall be open to inspection by the
Building Inspector or his authorized representative.

G. Fees
1. Prescribed fees.
a. A permit shall not be issued until the necessary fees for such permit
have been paid.
b. Nor shall an amendment to a permit be released until the
additional fee, if any, due to an increase in the size of the building,
structure, electrical, plumbing, mechanical or gas systems, etc., has
been paid.
c. All fees shall be as established from time to time by the Board of Commissioners and shall be posted in the Department of Building, Planning and Development.

2. Work commencing before permit issuance
   a. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems, etc., before obtaining the necessary permits shall be subject to a penalty of one hundred (100) percent of the usual permit fee in addition to the required permit fees.

3. Accounting
   The Department of Building, Planning and Development shall keep a permanent and accurate accounting of all permit fees and other monies 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, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing of the application, in accordance with the fees as established by the Board of Commissioners.

5. Building permit valuations
   a. If, in the opinion of the Building Inspector, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Inspector.
   b. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

H. Inspections
   1. Existing building inspections. Before issuing a permit, the Building Inspector:
      a. 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.
      b. Shall inspect all buildings, structure, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued.
      c. Shall make a record of every such examination and inspection and of all violations of the technical codes.
2. Manufacturers and fabricators
   a. When deemed necessary by the Building Inspector, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication.
   b. A record shall be made of every such examination and inspection and of all violations of the technical codes.

3. Inspections prior to issuance of certificate of occupancy or completion
   The Building Inspector 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.

4. Posting of permit
   a. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises.
   b. The permit shall be protected from the weather and located in such position as to permit the Building Inspector or his representative to conveniently make the required entries thereon.
   c. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Inspector.

5. Required inspections
   The Building Inspector, upon notification from the permit holder or his 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 his agent of any violations which must be corrected in order to comply with the technical 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, fire blocking and bracing are in place, all concealed 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 are in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. This inspection shall include a pressure test which shall be performed by the contractor.

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.

iv. Note: See section 417 of the Standard Plumbing Code for required tests.

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 which shall be performed by the contractor.
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, to insure compliance with all the requirements of this article and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

6. Written release
   a. 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 Building Inspector.
   b. 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.

7. Reinforcing steel, structural frames, insulation, plumbing, mechanical, or electrical systems work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Inspector.

8. Plaster fire protection
   a. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Inspector after all lathing and backing is in place.
   b. Plaster shall not be applied until the release from the Building Inspector has been received.

I. Certificate of occupancy

1. Building occupancy
   a. 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 Building Inspector has issued a certificate of occupancy.
   b. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Inspector.
   c. Issuing certificate of occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with all technical codes, reviewed plans and specifications, and after the final inspection, the Building Inspector 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 technical codes.

d. 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.

e. Existing building certificate of occupancy.
   i. A certificate of occupancy for any existing building may be obtained by applying to the Building Inspector and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended.
   ii. Where necessary, in the opinion of the Building Inspector, two (2) sets of detailed drawings, or a general inspection, or both, may be required.
   iii. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

2. Certificate of completion.
   a. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued.
   b. This certificate is proof that a structure or system is complete, is released for use and may be connected to a utility system.
   c. 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 technical codes for which a permit is required, until released by the Building Inspector and a certificate of occupancy or completion is issued.
   b. Temporary connection. The Building Inspector 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.
      i. The Building Inspector shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property.
ii. The Building Inspector 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.

iii. 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.

J. Posting floor loads

1. Occupancy
   a. An existing or new commercial building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity.
   b. The Building Inspector 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
   a. 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.
   b. 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.
   c. The computations and affidavit shall be filed as a permanent record of the Department of Building, Planning and Development.

3. Signs required.
   a. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Inspector 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.
   b. Such plates shall not be removed or defaced and, if lost, removed or defaced, shall be replaced by the owner of the building.

10.03.02 Procedures for Amendments to the Official Zoning Map (Rezoning)

A. Initiation of amendments
   1. An application to amend the official zoning map may be initiated by the Planning Commission or be submitted to the Planning Commission
by the Board of Commissioners or by any person having any interest in the County.

2. Unless initiated by the Board of Commissioners or the Planning Commission, all applications to amend the official zoning map must be submitted by the owner of the affected property or by the authorized agent of the owner following the procedures set forth herein.

3. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application.

4. An application for an amendment to the zoning map affecting the same property shall not be submitted more than once every twelve (12) months, such interval to begin on the date of the final decision by the Board of Commissioners.

5. The twelve-month interval shall not apply to applications initiated by the Board of Commissioners or the Planning Commission, except for amendments to the zoning maps which were defeated by the Board of Commissioners, in which case the interval required for the subsequent applications shall be at least twelve (12) months.

6. An application to alter conditions of rezoning may be submitted at any time.

B. Withdrawn applications

1. An application may be withdrawn without prejudice at any time prior to the first appearance of the legal advertisement required by Section 10.00.07.

2. An application may be withdrawn prior to a vote on the amendment by the Planning Commission or prior to final action by the Board of Commissioners, but in such event an application for the same amendment may not be resubmitted for consideration by the Planning Commission for a period of six (6) months from the date of withdrawal.

3. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant.

C. Procedures

1. Upon presentation of an application for a zoning change, the application shall be forwarded to the Planning Commission who will examine the property and make a recommendation to the Board of Commissioners for action on the application.

2. The Planning Commission may recommend approval and/or the Board of Commissioners may approve a rezoning request conditioned upon the applicant complying with specified conditions, the Planning Commission and/or the Board of Commissioners deem reasonable and appropriate to carry out the purposes of this chapter and which are designed to harmonize applicant's request with the public interest.
3. In the event the request is approved upon the compliance with certain conditions, the applicant will have so much time as may be granted to the applicant by the Board of Commissioners to comply with such conditions and if the applicant fails to comply with such conditions the rezoning request will be deemed denied.

4. No building permits or other permits shall be issued until such time as the Building Inspector determines that the applicant has complied with the specified conditions.

5. The application for a zoning change may be acted upon by the Board of Commissioners at the first meeting of the Board of Commissioners to which such application is submitted following the recommendation of the County Planning Commission.

6. Such application shall be read at the first meeting of the Board of Commissioners following the recommendation of the Planning Commission, and may be acted upon by the Board of Commissioners following the presentation of both the proponents and the opponents to the proposed zoning decision.

7. Action by the Board of Commissioners regarding proposed amendments to the official zoning map shall be taken at an advertised public hearing, and shall be based on the following information:
   a. Any County departmental reviews pertaining to the application;
   b. The recommendation of the Planning Commission;
   c. The application and supporting documentation; and
   d. Testimony during the public hearing.

D. Zoning Standards
   The County shall consider the following when considering an amendment to the zoning map:
   1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
   2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
   3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
   4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
   5. Whether the zoning proposal is in conformity with the policy and intent of the Future Development Map and Comprehensive Plan; and
   6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
10.03.03 Procedures for Amendments to the Future Development Map

A. Initiation of amendments

1. An application to amend the Future Development Map may be initiated by the Planning Commission or be submitted to the Planning Commission by the Board of Commissioners or by any person having any interest in the County.

2. Unless initiated by the Board of Commissioners or the Planning Commission, all applications to amend the Future Development Map must be submitted by the owner of the affected property or by the authorized agent of the owner following the procedures set forth herein.

3. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application.

4. An application for an amendment to the Future Development Map affecting the same property shall not be submitted more than once every twelve (12) months, such interval to begin on the date of the final decision by the Board of Commissioners.

B. Procedures

1. Proposed amendments to the Future Development Map will be considered cumulatively as a single amendment to the map on an annual basis, as follows:

   a. The Planning Commission shall review all requested map amendments in conjunction with all zoning requests made in a 12 month period.

   b. Based on a review of said applications received in a given 12 month period, the Planning Commission shall recommend to the Board of Commissioners proposed amendments to the Future Development Map.

   c. The Board of Commissioners shall review and act on recommended amendments to the Future Development Map annually, at a regularly scheduled meeting.

2. Action by the Board of Commissioners regarding proposed map amendments shall be taken at an advertised public hearing, and shall be based on the following information:

   a. The recommendation of the Planning Commission;

   b. The applications and supporting documentation; and

   c. Testimony during the public hearing.
10.03.04 Procedures for Single Lot Development

A. Residential Single Lot Development

1. Residential single lot development which does not result in the construction of any new streets shall be exempt from the subdivision requirements of this ULDC.

2. Residential single lot development shall be governed by the requirements contained in this ULDC.

3. Any residential single lot development which results in land disturbing activities, as defined in Section 3.06.00, shall obtain a permit as required by said section.

B. Non-Residential Single Lot Development

1. Non-residential single lot development which does not result in the construction of any new streets shall be exempt from the subdivision requirements of this ULDC.

2. In addition to meeting the requirements of this ULDC, non-residential single lot developments shall meet the following requirements, and shall submit five (5) copies of site development plans to the County.

3. Small additions, phases, or expansions to existing buildings which do not result in any negative site impacts are not required to submit site development plans.

4. Electric substations, cellular telephone towers, water and sewer pumping stations, and similar uses which are not subject to public traffic and are limited in area to less than one and one tenth (1.1) acres are not required to submit site development plans. The County may require additional information if it is determined that these facilities may have a negative site impact.

5. All proposed off-street parking lots shall meet all requirements of this ULDC, and be designed as illustrated in Standard Detail 209 "Off street Parking".

6. All driveways providing access to the street shall be designed as illustrated in Standard Detail 210 "Non-Residential Driveways" and Standard Detail 211 "Non-Residential Driveway Landing Requirements on Existing Streets". A deceleration lane will be required if the proposed development will generate more-than five hundred (500) ADT, as determined in the current edition of ITE's Trip Generation manual.

7. Storm water Management
   a. Storm water management structures shall be provided by the developer as required in Chapter 3 and Chapter 6 of this ULDC.
   b. All proposed storm water management structures shall be designed and certified by an appropriate state approved professional, and shall be subject to the approval of the County.
c. Storm water management structures shall be designed based on a twenty-five (25) year storm event. The drainage formula used in design of all drainage structures shall be determined by the developer's appropriate state approved professional and based on sound engineering practice.

d. Energy dissipation devices shall be installed at all discharge points of storm drains in compliance with the approved soil erosion and sediment control plan. At a minimum, an area of rip rap six (6) times the pipe diameter in length and two (2) times the pipe diameter in width shall be provided. If the exit velocity from the pipe will exceed ten (10) fps, rip rap set in concrete, stilling basins, baffle wall basins, impact blocks or other energy dissipation devices approved by the County shall be required.

e. All pipes in a County right-of-way shall be a minimum of eighteen (18) inches in diameter. No storm drain pipe parallel to any existing or proposed County roads shall be placed beneath a proposed deceleration lane without the approval of the County.

f. Each site shall be analyzed for Storm water runoff flow patterns. Where a wet weather stream exists between a proposed road and the building line on a lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on the lot. The construction plans and the final plat shall show the minimum driveway pipe size required.

g. All developments shall be required to submit a hydrology study certified by an appropriate state approved professional which shall discuss the effects of off-site drainage, increased runoff from the site, and existing conditions downstream of the development. The study shall show that drainage from this development will not adversely affect downstream property owners within the limits stated below.

h. If hydrologic studies and examination show that the proposed development will increase storm water runoff by more than seven (7.0) cfs for a 100-year storm, then the proposed development shall be required to include storage and release mechanisms such that rainwater from impervious areas will leave the site at the same rate, over the same period, as was characteristic of the unmodified site. No building permit shall be granted unless storage and release is provided for the water volume generated by a 100-year storm.

i. The following criteria shall be used in determining the needs for detention facilities:

i. If the amount of increased runoff due to the development is no more than seven (7.0) cfs for a 100-year storm, detention facilities are not required if downstream street culverts are
adequately sized to pass the 100-year storm without overtopping the road.

ii. If the development abuts and drains into a studied stream, detention facilities are not required, provided that existing street culverts are adequately sized to pass the 100-year storm without overtopping the road and the property immediately upstream of the culvert is undeveloped. The County may determine that the detention facility requirement can be waived if the developer upgrades the street culvert.

iii. If there are adequately sized street culverts downstream of the proposed development that will pass a 100-year storm without overtopping the road and the runoff can be adequately conveyed to a studied stream, then no detention facilities are required.

iv. If the downstream system is inadequate to pass the 100-year storm, the developer is required to detain the increased runoff (provided the runoff increase is greater than seven (7.0) cfs for a 100-year storm), and only release that amount of runoff produced by the property prior to development. The hydrology study necessary to design retention and detention facilities must be certified by an appropriate state approved professional.

j. Detention facilities shall be designed for the 2, 5, 10, 25, 50 and 100-year storm events. The reservoir routing methods or an equivalent method shall be used in sizing the detention facility. The bowstring method is not allowed.

k. The emergency outflow device for the detention facility shall be designed to pass the 100-year developed inflow without overtopping the dam.

l. Detention facility discharge locations shall be in defined drainage ditches. The developer's appropriate state approved professional shall include in the hydrology study a discussion of existing conditions downstream of the detention facility and show that downstream property owners will not be adversely affected by the concentrated runoff.

m. Adequate access shall be provided for maintenance of all detention facilities.

n. On a detention pond the steepest fill slopes shall be 2:1, and the steepest cut slopes shall be 2:1.

o. Fences a minimum of five (5) feet in height with a minimum ten (10) foot wide gate will be required on all detention ponds where the sides of the pond have a slope of two (2) horizontal to one (1) vertical or greater and the depth of water in the pond is greater than two (2) feet at one hour after the duration of the storm event. Normally dry headwater pools are exempt from the fencing requirement.
8. Traffic studies shall be required for all non-residential single lot developments generating more than four thousand (4000) ADT. Such studies will, at a minimum, address the level of traffic generated by the proposed development and its distribution on the existing road network; and the need for acceleration lanes, deceleration lanes, left turn lanes, other additional lanes and traffic signals on all existing and proposed roadways.

9. Any non-residential single lot development which results in land disturbing activities, as defined in Section 3.06.00, shall obtain a permit as required by said section.

10. Non-residential site development plans shall, at a minimum, contain the following items:
   a. Name of proposed business.
   b. Name, address, and phone number of the property owner(s) and developer.
   c. Name, address, and phone number of the design firm.
   d. Submittal date and date of most recent revisions.
   e. Graphic scale.
   f. Vicinity map, with owner names and zoning of abutting properties.
   g. North arrow.
   h. Land lot, section, and district.
   i. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings.
   j. Ground elevations of the tract determined from field surveys or aerial photographs. The basis for the topographical information shall be shown. Contours shall be drawn at intervals of ten (10) feet and shall be mean sea level contours.
   k. Proposed grading, if different than existing contours.
   l. Location of the 100-year floodplain, or a statement that no part of the property lies within the 100-year floodplain.
   m. All existing County roads which abut the property, showing right-of-way and pavement widths.
   n. Existing easements, city or County lines, utility lines, bridges, street culverts, and similar features.
   o. Present zoning of the tract, and the zoning of the abutting land.
   p. Proposed zoning, if different from the existing zoning.
   q. A statement of the required setbacks for the proposed zoning.
   r. The front, rear, and side setback lines shown graphically.
   s. Total acreage of the site.
   t. State approved design professional’s stamp and signature.
u. Deceleration lanes at development entrances.
v. Dimensions of turning radii.
w. The plan, profile, and speed limit for the existing County road at the development entrance, demonstrating that the minimum horizontal and stopping sight distances are satisfied.
x. Future right-of-way, if additional right-of-way is required to bring an existing County road up to current standards.
y. Detail for paving on right-of-way.
z. Curb and gutter detail.
aa. Details of temporary construction exits at all construction access points to County roads.
bb. Location, size, length, and type of all existing and proposed drainage structures.
cc. Drainage area to each inlet point of the drainage system.
dd. Hydrology study by state approved professional; if detention ponds are required.
ee. Proposed type of water and sanitary sewer service.
ff. All water and sewer information in the applicable Water and Sewer Department construction documents or the Board of Health documents.
gg. Location of nearest existing fire hydrant.
hh. The soil erosion and sedimentation control plan shall be submitted with the commercial site plans.
ii. Proposed off-street parking facilities, including dimensions of the parking lot, location of parking spaces, and maneuvering aisles.
jj. The proposed finished floor elevations of all buildings.
kk. A standard detail of a commercial driveway entering a street.
ll. The location, height, and size of any proposed signs.
mm. The centerline of the nearest existing driveway or street if there is one within 100 feet of the proposed entrance centerline.
nn. Location and mean sea level elevation of the bench mark.
oo. Description, by a registered engineer, demonstrating how the method of runoff control will not adversely affect downstream properties.
pp. Placement of sidewalks if required or otherwise provided.
qq. Names of all utility companies, and indication of whether utilities will be located underground or overhead.
rr. Any proposed easements.
ss. Certification that a water flow test has been performed specifically for this project within the past twelve month period of time.
11. Exceptions
For electrical substations, cellular telephone towers, water and sewer pumping stations on sites with a project area measuring less than one and one tenth (1.1) acres, the following items may be eliminated from above listing of required items on site plans: (u), (v), (w), (z), (aa), (dd), (ee), (ff), (gg), (ii), (kk), (mm), (pp), (qq), and (ss).

10.03.05 Subdivisions – Generally
A. When any subdivision of land is proposed, and before any permits for development of the subdivision are granted, the developer or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with this ULDC.

B. Any subdivision of land, including for the purpose of auction, requires approval by Planning Department. Prior to subdivision of any property and prior to recording said subdivision with the County clerk’s office, the property owner or his or her representative shall first receive written approval from the Planning Department to ensure the proposed subdivision meets the standards of this ULDC.

C. For the purpose of auction, the Planning Department shall determine the extent of required compliance with the standards of this ULDC prior to the sale of a subject property.

D. All fees for subdivision approval shall be established from time to time by resolution of the Gordon County Board of Commissioners.

E. Single lot developments shall meet the requirements contained in Section 10.03.03.

10.03.06 Procedures for Minor Subdivisions
A. Minor subdivisions include up to four (4) lots created in compliance with the zoning district lot standards set forth in Chapter 4 and subdivisions which do not involve the platting, construction, or opening of new streets, water, or sewer facilities.

B. If the cumulative number of lots subdivided from the parent tract exceeds four (4) lots, the proposed subdivision shall be subject to the requirements in this ULDC pertaining to a major subdivision.

C. Applications for minor subdivisions shall be submitted in the form of a final plat, provided that essential data required by the reviewing agencies to insure compliance with the intent of these regulations is submitted. Essential data includes a proper soils inventory, a contour map, and necessary percolation tests.

D. The Planning Department is authorized to review and take final action to approve, approve with conditions, or deny the final plat.

10.03.07 Procedures for Exempt Plats
An exempt plat includes existing lots for which a new survey or plat has been prepared, a parcel resulting from public acquisition, or the creation of one (1) lot
in the A-1 or RA-1 zoning district. An exempt plat may be approved by the Planning Department provided that the plat meets the following requirements:

A. If a new lot is proposed, a map and parcel number must be assigned by the Gordon County Board of Tax Assessors.

B. If an existing lot has been re-surveyed, the map and parcel number must be verified by the Tax Assessors office.

C. Any newly created lot shall meet the lot standards set forth in Section 4.01.01.

D. Any newly created lot shall not cause the cumulative number of lots subdivided from a parent tract to exceed four (4) lots.

E. One (1) original and five (5) copies shall be submitted.

10.03.08 Procedures for Subdivision Sketch Plat

A. Prior to submitting construction plans, the developer, or his authorized agent, shall review the subdivision plans with the Planning Department.

B. The developer shall present the sketch plat information specified in Section 10.02.03(A).

C. It is the intent of the sketch plat review that the developer may familiarize himself with these regulations and the procedures of subdivision approval.

D. It is a further intent that the Planning Department may review and comment on the plans before significant design investments are made by the developer.

E. The Planning Department shall provide written notice that the sketch plat meets the requirements contained in this ULDC discussion of the sketch plat has occurred.

F. If the property is not properly zoned, the applicant must submit an application for rezoning as specified in this ULDC.

10.03.09 Procedures for Subdivision Construction Plan

A. Following the review of the sketch plat, the developer shall submit to the Planning Department five (5) sets of copies of the subdivision construction plans, or six (6) sets if on-site wastewater disposal is proposed. The Planning Department shall distribute the plans to the reviewing entities as follows (if applicable):

1. Building, Planning and Development Department
2. Engineering Consultants (if applicable)
3. Water and Sewer Utility Provider
4. Gordon County Soil Conservation Service
5. Gordon County Board of Health (if applicable)
6. Gordon County Public Works Department
7. Gordon County Fire Department
8. Any other department as deemed necessary by the Planning Department

B. The construction plans shall be prepared and certified by an appropriate state approved professional, and shall include such information as will allow each reviewing entity to assess the proposed development for conformance to the applicable Gordon County regulations and standards. Specific information required to be included with the construction plans is listed in Section 10.02.01.

C. Each reviewing entity shall review the construction plans and indicate their written approval or disapproval, providing the reasons for such disapproval. All copies will then be returned to the Planning Department, who will notify the developer of the results. If a reviewing entity takes no action within fifteen (15) consecutive calendar days from the date of submittal of the construction plans, the plans shall be considered approved and certification of approval issued on demand.

D. The developer shall then revise the construction plans based on the comments of the individual reviewing entities, and resubmit the plans only to those reviewing entities which did not grant approval. This process shall continue until all reviewing entities approve the construction plans.

E. After approval is granted by all reviewing entities, the developer shall prepare seven (7) sets of the revised construction plans (eight (8) if on-site wastewater disposal is proposed) and return these to the Planning Department. The Planning Department shall have each set stamped or signed by each of the reviewing entities and shall affix the Gordon County approval stamp on each set. The Planning Department shall then distribute a set of approved plans to each reviewing entity, and one set to the developer for construction.

F. Revisions to the approved construction plans may be accomplished by the developer coordinating directly with the applicable reviewing entity. Approved revisions will be sent to the Planning Department and the developer to be attached to the approved plans. Minor revisions to the final construction plans may be made by the individual reviewing entities in indelible red ink and initialed on all sets of plans.

G. The land disturbance permit will be issued only after construction plans have been approved. The Planning Department shall be notified by the developer before actual construction begins, and at such stages in the construction process as stipulated in these regulations. A clearing and grubbing permit may be issued before the construction plans are approved if a detailed soil erosion control plan prepared by an appropriate state approved professional is submitted. Such plan shall include analysis of storm water runoff and hydrology, and shall be approved by the Planning Department. The clearing and grubbing permit shall not authorize any grading work to be done. All requirements of the Land Disturbing Permit...
shall be in place prior to any building permit being issued for the development.

H. Further, prior to beginning any work on a new development advance warning signs with speed reduction advisory plats shall be placed on connecting thoroughfares at 1000' and 500' points on either side of the intersection. The signing shall be reviewed and approved by the Road Department prior to commencing work. This signing detail shall be shown on the construction plans.

I. See section 6.01.05 concerning DOT permits and approvals on state routes.

10.03.10 Procedures for Subdivision Final Plat

A. Generally

1. After completion of physical development of the subdivision or the posting of a performance guarantee for any unfinished or any unacceptable portion, the developer shall submit to the Planning Department seven (7) copies of the final plat (eight (8) copies if on-site wastewater disposal has been provided).

2. The final plat shall be reviewed for conformance with the approved construction plans, the requirements of these regulations, and any special conditions or restrictions imposed by the Planning Department or any other reviewing entity.

3. Final approval shall be granted provided the final plat is substantially the same as the approved construction plans, fulfills all conditions specified by the Planning Department or any other reviewing entity and contains all of the specifications set forth in Sections 10.02.01 and 10.02.03. Approval shall be so indicated on all copies of the final plat, and include the signatures of the Planning Department representative, the reviewing professional and the date of approval.

4. The Planning Department representative and/or other designated reviewing party may find the final plat in conflict with the approved construction plans or with these regulations, requiring the disapproval of the final plat. A statement of the reasons for disapproval shall be placed on all copies of the final plat. The original plat shall be returned to the subdivider. The final plat may be resubmitted for a new review for approval after the corrections noted by the Planning Department and/or other designated reviewing party are made.

B. Recording of the final plat

Once the final plat has been approved and all required improvements complete, or a performance guarantee posted for any improvements not complete, the final plat shall be presented by the developer to the Clerk of the Superior Court of Gordon County for recording.
C. Approval of improvements
   1. At the time that all required improvements have been completed, the County shall conduct an inspection of all improvements.
   2. If the County finds upon inspection that all improvements meet the requirements of Gordon County, the County Administrator or his designee shall provide written notice of acceptance to the developer. If a performance guarantee has been posted, it shall be released at this time.
   3. If the County finds, upon inspection, that the improvements do not meet the requirements of Gordon County, he shall provide the developer with written notice detailing the reasons for his rejection of the improvements.
   4. The reviewing professional shall make a review and confirmation of the hydrologic and geometric requirements established in this ordinance and shall conduct a site visit to confirm that the said geometries and hydrologic design will perform based on the specifics of the subject site.

D. Performance guarantees
A developer who wishes to submit a final plat and has not completed the required improvements shall submit a performance guarantee. The amount of such guarantee shall be set by the County based on an estimate of construction costs prepared by the appropriate state approved design professional, and shall be that amount necessary to cover the construction costs of any improvements not finished to meet the standards of these regulations.

E. Warranty
The developer shall provide a warranty to the County for all improvements in the subdivision. Such warranty shall be for a period of twelve (12) months.

F. As-Built Plans
   1. Two copies of the as-built plans required by Gordon County for the subdivision shall be submitted by the developer before the final plat is approved.
   2. All as-built plans shall be prepared by an appropriate state approved professional certifying a field run survey of as-built conditions.
   3. As-built plans that provide plan and profile, vertical grade data, including storm drainage, shall be submitted at the time the project is complete.

G. Official acceptance of improvements
   1. After the final plat has been approved and recorded, and performance guarantees have been released, the Gordon County Board of Commissioners may officially accept the subdivision improvements.
2. Such acceptance shall be made as an item of business conducted at a regular meeting of the Gordon County Board of Commissioners.

3. A right-of-way deed and clear title of right-of-way to be deeded to the County must be prepared by the attorney of the person proposing to deed a road(s) to the County per the instructions of the County Attorney.

H. Approval of revisions to a recorded plat

Proposed revisions to a recorded plat which do not affect platted rights-of-way shall be submitted for review and approval by the Planning Department. A revision to a recorded plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the County Land Records and the book and page number wherein said plat is recorded. Revisions to a recorded plat which involve platted rights-of-way or other major changes shall be submitted as a preliminary plat.

10.03.11 Land Disturbance Permit (See 3.06.04)

10.03.12 Right-of-Way Utilization Permit (Reserved)

10.03.13 Tree Removal Permit (Reserved)

10.03.14 Temporary Use Permit (Reserved)

10.04.00 APPEALS

10.04.01 Appeals to the Board of Zoning Appeals

A. Appeals to the Board of Zoning Appeals (BZA) may be taken by any person aggrieved by any officer, department, board, or bureau of the County or affected by any decision of the County Administrator or his designee(s) in the administration and enforcement of this ULDC.

1. Such appeal shall be taken within thirty (30) days from the date the appellant is notified of an adverse decision of the County by filing with the Secretary of the BZA a notice of appeal specifying the grounds thereof.

2. The County Administrator shall transmit to the BZA all the documentation constituting the record upon which the action appealed from was taken.

10.04.02 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the County Administrator certifies to the BZA after the notice of appeal shall have been filed with the Secretary of the BZA, that by reason of facts stated in the certificate, a stay would, in the County’s opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a stay granted by the BZA or by a restraining order issued by a court of record on application, on notice to the Building Inspector, and for due cause shown.
10.04.03 Powers of the Board of Zoning Appeals
   A. The Board of Commissioners may designate the Gordon County Planning
      Commission to serve as the Board of Zoning Appeals.
   B. The Board of Zoning Appeals (BZA) shall have the following powers and
duties:
      1. Administrative review. To hear and decide appeals where it is alleged
         there is error in any order, requirement, decision, or determination
         made by the County in the enforcement of this ULDC.
      2. To authorize upon appeal in specific cases such variance from the
         terms of this ULDC as provided in Section 9.02.00.
      3. In exercising its powers, the BZA may, in conformity with the
         provisions of this ULDC, reverse or affirm, wholly or partly, or may
         modify the order, requirement, decision, or determination appealed
         from and to that end shall have all the powers of the Building
         Inspector or any other agent authorized by the Board of
         Commissioners to enforce this chapter and may issue or direct the
         issuance of a building permit.

10.04.04 Procedures of the Board of Zoning Appeals
   A. Notice of such hearing on the request for a variance and/or appeal shall be
      advertised once a week for two (2) consecutive weeks in a newspaper of
      general circulation in the County; provided, however, that at least one (1)
      notice of such hearing shall be advertised in the newspaper in which the
      County regularly publishes its public notices: the first date of such
      publication shall be at least fifteen (15) days prior to but not more than
      forty-five (45) days prior to the date of such public hearing. The cost of the
      advertisement shall be borne by the applicant.
   B. The applicant for such variance and/or appeal shall also give actual notice
      of the request for variance and/or appeal and the public hearing thereon to
      all property owners adjoining the property for which the variance and/or
      appeal is requested. The notice shall be given to the adjoining property
      owners either in person or by certified mail, return receipt requested, to
      the last known address of such adjoining property owner. The actual
      notice must be given no later than ten (10) days prior to the date of said
      scheduled public hearing. If notice is given by certified mail, the notice
      shall be deemed received three (3) business days after the postmark of the
      notice. If actual notice of the hearing is given in person, then the applicant
      shall furnish to the Department of Building, Planning and Development,
      prior to the scheduled hearing, and acknowledgment of the notice, which
      has been signed and dated by the person receiving the notice and
      witnessed by an individual other than the applicant. (Please Note:
      Reliance on the Tax Assessors records may not provide the applicant with
      the most recent owners of record.)
C. The notice required herein to be published and to be served upon adjacent property owners shall contain the following information:
1. Name and address of the applicant;
2. Address and location of the property for which the variance and/or appeal is sought;
3. Current zoning of the property for which the variance and/or appeal is sought;
4. The variance and/or appeal requested and the reason for the requested variance and/or appeal; and
5. The date, time and place of the public hearing on such requested variance and/or appeal.

D. The hearing herein referred to shall be conducted as follows:
1. All persons who wish to address the board of appeals at a hearing concerning an appeal under consideration by the board of appeals shall first sign up on a form to be provided by the secretary prior to the commencement of the hearing.
2. The secretary will read the proposed appeal under consideration, and any County departmental reviews pertaining thereto, if any, prior to receiving public input on the proposed appeal. Appeals shall be called in the order in which they were filed.
3. The secretary of the board of appeals shall then call each person who has signed up to speak on the appeal before the board of appeals in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak.
4. Each speaker shall speak only to the merits of the proposed appeal under consideration and shall address his remarks only to the members of the board of appeals. Each speaker shall refrain from personal attacks on any other speaker, the board, or the discussion of facts or opinions irrelevant to the proposed appeal under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
5. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on the appeal is conducted in a fair and orderly manner.

E. All applications shall be accompanied by a fee to be established by the Board of Commissioners from time to time.
F. The concurring vote of a majority of the members present of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation of this chapter.

G. On all appeals, applications and other matters brought before the board of appeals, the board shall inform, in writing, all the parties involved of its decisions and the reasons therefore.

10.04.05 Appeals from a Decision of the Board of Zoning Appeals

A. Recourse from a decision by the Board of Zoning Appeals shall be to the Board of Commissioners following the same procedures as set out for an appeal to the Board of Zoning Appeals.

B. Recourse from a decision of the Board of Commissioners shall be to a court of competent jurisdiction by the filing of an appeal within thirty (30) days of the decision.

10.05.00 VIOLATIONS, ENFORCEMENT, AND PENALTIES

10.05.01 Jurisdiction

The jurisdiction for actions brought pursuant to this ULDC shall be in the Magistrate Court of Gordon County.

10.05.02 Violations

It shall be a violation of this ULDC to:

A. Use or develop property without a permit required by this ULDC for such use or development;

B. Use or develop any property for use that is not permissible in the applicable zoning district;

C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this ULDC;

D. Construct or move any structure in violation of the applicable provisions of this ULDC.

10.05.03 Enforcement

A. The County Administrator shall be responsible for enforcement of the provisions of this ULDC.

B. If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained or used in violation of this ordinance, any appropriate authority or any property owner whose property would be damaged by such violation may file a written complaint with the County Administrator stating fully the causes and basis for the complaint.

C. The County Administrator shall provide a written notice of an alleged violation of this ULDC to the property owner. The written notice shall
indicate the nature of the violation and the necessary action to correct or abate the violation.

D. Gordon County or any other owner of real estate who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop the violation.

10.05.04 Penalties

A. No further County permits shall be issued or inspections provided until all violations of this ULDC are corrected and accepted by the County Administrator.

B. No certificate of occupancy shall be granted unless and until the all corrective actions have been completed or a performance bond satisfactory to the County is submitted and approved.

C. Each day such violation continues shall be deemed a separate offense.

D. Any such person convicted of violating any provision of this ULDC shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or sixty (60) days imprisonment, or both for each violation.

10.05.05 Remedies

A. Buildings and use of land

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ULDC, the County Administrator or any person who would be damaged by such violation, in addition to other remedies, may seek injunctive, mandamus or other appropriate relief to prevent the violation in the case of each building or use of land.

B. Subdivision

1. The owner or agent of the owner of any land to be subdivided within the County who transfers or sells such land by reference to or exhibition of, or by other use of a plat to subdivide such land before such plat has been approved pursuant to this ULDC and recorded in the office of the Clerk of the Superior Court of Gordon County, or before such performance guarantees have been posted as required in this ULDC, shall be guilty of a violation of a County ordinance and, upon conviction thereof shall be punished up to the maximum as provided by Georgia law (O.C.G.A. Section 17-10-3).

2. The description by metes and bounds in the instrument of transfer by other document used in the process of selling or transfer shall not exempt the transaction from such penalties without County approval.

3. The local government, through its attorney or other official designated by the Board of Commissioners, may enjoin such transfer or sale or agreement by appropriate action.
4. No plat or plan of subdivision within the County shall be filed or recorded in the office of the Clerk of the Superior Court of Gordon County until it is found to be in compliance with this ULDC and such approval is entered in writing on the plat by the designated officials.

5. The Clerk of the Superior Court shall not file or record a plat of a subdivision which does not have the approval of the designated officials.

6. The filing or recording of a plat of a subdivision without the approval of the designated officials is hereby declared a misdemeanor and, upon conviction, is punishable as provided by Georgia law (O.C.G.A. Section 17-10-3).

7. No building permit shall be issued for, and no building or other structure shall be erected on, any lot within the County except when:
   a. The street giving access to said lot on which a structure is proposed has already been accepted, opened, or received the legal status of a public street; or
   b. The street corresponds in its location and line with a street shown on the approved construction plans;
   c. The County, prior to final plat approval, has authorized the construction of not more than three (3) units to be used as model units in a subdivision. Said units shall not be authorized for occupancy until final plat approval has been given.

C. Stop work order

Whenever the County determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this ULDC then Gordon County may order the specific part of the work that constitutes, creates, or results in a violation of this ULDC to be immediately stopped.

1. Violations of the provisions of Section 3.06.00 Soil Erosion, Sedimentation and Pollution Control shall be addressed in accordance with Section 3.06.06(B) of this ULDC.

2. The following actions shall be undertaken by the County to address work that is in violation of the provisions of this ULDC, excluding Section 3.06.00:
   a. A stop work order issued under this subsection shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed. A copy of the stop work order shall also be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.
   b. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Appeals.
c. The Board of Appeals shall meet and act upon the appeal within ten (10) working days after receipt of the appeal notice. If the board fails to comply with this requirement, the stop work order shall be stayed automatically beginning on the day following the expiration of this ten (10) working day period, and the stay shall remain in effect until the Board of Appeals meets and acts on the appeal.

d. The staff shall orally notify the appellant of the date, time, and place of the Board of Appeals meeting as soon as it has been scheduled and shall send to the appellant a written confirmation of the meeting as soon as possible.

e. Neither the person upon whom a stop work order is served nor an owner or developer served with a copy under subsection 10.05.05(C)(2)(a) may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under section 10.05.05(C)(2)(c).