

UNIFIED DEVELOPMENT CODE



FRANKLIN COUNTY, GEORGIA

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Prepared Under Contract by:

Jerry Weitz & Associates, Inc.
Planning & Development Consultants
Alpharetta, Georgia

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CHAPTER 1 GENERAL AND LEGAL STATUS PROVISIONS

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**ARTICLE 1-1
GENERAL PROVISIONS**

- Sec. 1-101. Short title.
- Sec. 1-102. Authority.
- Sec. 1-103. Purposes.
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- Sec. 1-108. Every use must be upon a lot of record.
- Sec. 1-109. One principal dwelling unit on a lot.
- Sec. 1-110. Definitions.
- Sec. 1-111. Exterior lighting.

Sec. 1-101. Short title.

This ordinance shall be known and may be cited as the Franklin County, GA, unified development code or, for brevity, UDC.

Sec. 1-102. Authority.

The legal authority to adopt this UDC includes but is not limited to the following laws and rules:

- (a) The Constitution of the State of Georgia, effective July 1, 1983, Article IX, Section II, Paragraph IV thereof, which provides that the governing authority of a county may adopt plans and exercise the power of zoning.
- (b) The Zoning Procedures Law, O.C.G.A. 36-66 et seq.
- (c) The erosion and sedimentation control act of 1975, (Chapter 7 of Title 12, O.C.G.A.), as amended.
- (d) The Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use.
- (e) Rules for Environmental Planning Criteria, commonly known as the “Part V” Standards, of the Georgia Department of Natural Resources, promulgated to protect water supply watersheds, wetlands, groundwater recharge areas, and river corridors.
- (f) The protection of river corridors as provided in O.C.G.A. § 12-2-8 and implementing rules adopted by the Georgia Board of Natural Resources.

- (g) The Georgia Water Quality Control Act (Article 2 of Chapter 5 of Title 12, O.C.G.A.).
- (h) Georgia Code Section 36-65-1, in which it is declared by the General Assembly of Georgia that in the exercise of powers specifically granted to them by law, local governing authorities of cities and counties are acting pursuant to state policy.
- (i) Other applicable laws enacted by the Georgia General Assembly and the United States government.

Sec. 1-103. Purposes.

- (a) The Franklin County Board of Commissioners has adopted a comprehensive plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time. This UDC helps assure the implementation of the adopted comprehensive plan. Among the numerous goals and policies of the adopted comprehensive plan that this UDC seeks to implement are the following:
 - 1. Discourage and avoid land use conflicts.
 - 2. Encourage development or expansion of businesses and industries that are suitable for the county, in their most appropriate location, including but not limited to the Interstate 85 and State Route 17 corridors.
 - 3. Promote the efficient use of natural resources and identify and protect environmentally sensitive areas of the county.
 - 4. Maximize the use of existing infrastructure in existing urbanized areas and minimize the costly conversion of undeveloped land in rural, and exurban portions of the county.
 - 5. Provide for an adequate range and diversity of affordable housing in the county.
 - 6. Preserve private property rights.
- (b) This UDC is needed and intended to: promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens of the county; promote responsible growth, lessen congestion in the public streets, secure safety from fire and health dangers, and promote desirable living conditions; regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population; maintain the integrity and individual character of established communities and settlements, and promote desired character in new developments; prevent the encroachment of incompatible land uses within agricultural and residential areas and preserve property values; and provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity.

- (c) In addition to the purposes articulated in this section, this UDC is also intended to serve the several purposes articulated in different chapters and articles of this UDC.

Sec. 1-104. Jurisdiction.

- (a) This UDC shall apply to all unincorporated lands in Franklin County, Georgia.
- (b) If the official zoning map, adopted as part of this UDC, assigns a zoning district to a given piece of property but such property is not in the county or is no longer unincorporated because it has been annexed by a municipality, then such property is not within the land use jurisdiction of Franklin County and is therefore not subject to the requirements of this UDC.
- (c) If a given property is partially unincorporated and partially incorporated into a city limit, that portion of the property that is unincorporated shall be required to conform to the requirements of this UDC. In such case of a tract that is partially unincorporated and partially unincorporated, the zoning administrator may administratively authorize that the municipality become the lead review agency, or the zoning administrator may accept Franklin County as the lead review agency. Any such designation as lead review agency shall not negate the obligation to comply with regulations of the city and this UDC that apply to the subject property.

Sec. 1-105. Exemption.

All governmental bodies and authorities legally exempt from regulation under the police power of the Franklin County Board of Commissioners are exempt from the requirements of this UDC.

Sec. 1-106. Applicability of regulations.

- (a) No land or water shall hereafter be altered, disturbed, used or occupied, except in full compliance with all of the applicable regulations of this UDC.
- (b) No land, water, building, or structure, shall hereafter be used or occupied, and no building or structure or part hereof shall be erected or occupied except in conformity with the use provisions for the zoning district in which it is located, as established by the Franklin County zoning regulations (chapter 2 of this UDC), in conformity with specific use provisions established in chapter 3 of this UDC, if applicable, in conformity with environmental overlay district regulations established in chapter 4 of this UDC, if applicable, and in conformity with all other applicable regulations of this UDC.

Sec. 1-107. Uses.

- (a) Any use that is specifically indicated in chapter 2 of this UDC as a permitted use in any given zoning district shall be authorized, subject to compliance with all other applicable requirements of this UDC, including but not limited to subdivision platting, development

permitting and building permitting.

- (b) Any use that is specifically indicated in chapter 2 of this UDC as a conditional use in any given zoning district shall only be authorized if approval of a conditional use is sought and obtained as provided in this UDC.
- (c) Unless otherwise specifically provided in this UDC, within agricultural and residential zoning districts, any use not specifically permitted as a use by right shall be prohibited in that zoning district.
- (d) Within commercial and industrial zoning districts, if an industry or use is not listed, it shall be deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.

Sec. 1-108. Every use must be upon a lot of record.

No building or structure shall be erected, nor shall any use be established unless upon a lot of record as defined by this UDC.

Sec. 1-109. One principal dwelling unit on a lot.

- (a) Except as otherwise specifically provided in this section, only one single-family detached dwelling and its customary accessory buildings and structures may be erected on any one lot.
- (b) Notwithstanding the requirement that each dwelling unit shall be located on its own lot (paragraph (a) above), a lot that is at least 10 acres in size and that is zoned AI or AG, may have two detached, single-family dwelling units without requiring subdivision; provided, however, that adequate provision shall be made for water and on-site sewage management system for each unit that meets requirements of the Franklin County Environmental Health Department. In such instances, applicants shall be required to layout the location of the units and lots in such a manner that can be subdivided later in accordance with applicable lot frontage, lot area and lot width requirements for the zoning district in which it is located.

Sec. 1-110. Definitions.

The definitions provided in this section are primarily intended to apply to the contents of this chapter, but their applicability is not limited exclusively to this chapter. Certain chapters of this UDC also provide definitions. Use definitions are included in chapter 2. For definitions related to subdivisions and lots, see chapter 7. Definitions related to access and roads are provided in chapter 8.

Appeal: A request for a review of an administrative official's interpretation of any provision of this UDC, or a request for a review of an action taken by an administrative official in the application or enforcement of this UDC.

Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property; a strip of land between a stream or other natural feature and a building, structure, or use, intended to protect the stream or other natural feature.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

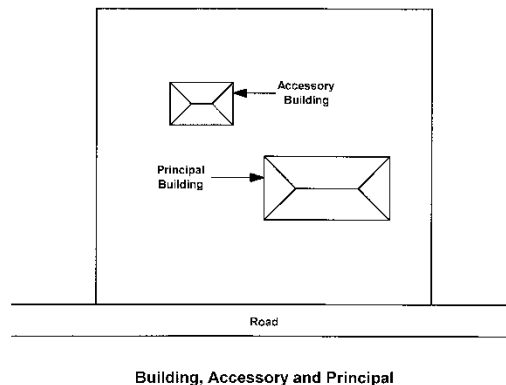
Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

Building coverage, maximum: The greatest percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal and accessory buildings and structures on the lot, not including steps, terraces, and uncovered porches.

Building floor area: The gross floor area of all heated spaces within a building. Heated floor area does not include garages, unheated basements, attic storage areas or partially enclosed decks or patios. Gross floor area comprises the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of area open and unobstructed to the sky.

Building, accessory: A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

Building, principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated, unless otherwise specifically provided in this UDC.



Certificate of occupancy: A document issued by the building official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Character: Those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive plan: The Comprehensive Plan for Franklin County and its municipalities, adopted by the Franklin County Board of Commissioners, as readopted or amended from time to time in accordance with the Georgia Planning Act of 1989 and administrative rules of the Georgia Department of Community Affairs. Comprehensive plan also broadly includes any other functional plans adopted by the Franklin County Board of Commissioners pertaining to land use, transportation, community facilities, natural and historic resources, and the environment.

Condition of zoning or use approval: A requirement adopted by the Franklin County Board of Commissioners at the time of approval of a rezoning, or conditional use; placing greater or additional requirements or restrictions on the property than provided in this UDC to reduce an adverse impact of the request and to further protect the public health, safety, or general welfare.

County engineer: The engineer or engineering firm in the employ of Franklin County, or his authorized representative.

Density: The quantity of building per unit of lot area; for example, the number of dwellings per lot area (gross square foot or per acre).

Development: (1) a land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade 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; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Development permit: An official authorization issued by the zoning administrator in accord with this code to proceed with land disturbance and grading, as set forth in this UDC.

Floor: The top surface of an enclosed area in a building, from the top of slab in concrete slab construction or top of wood flooring in wood frame construction, to the top of ceiling of enclosed area.

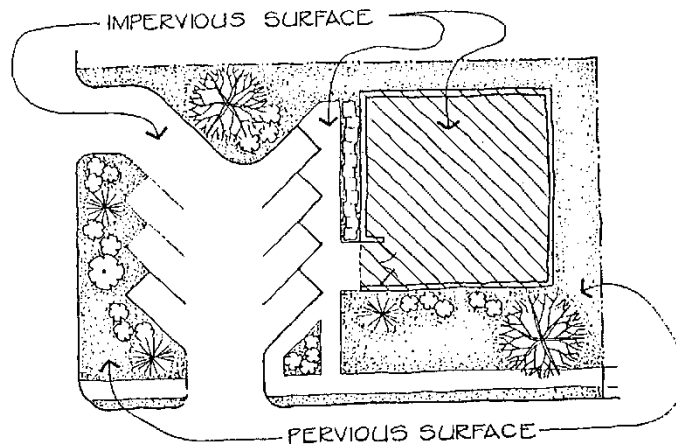
Frontage or street frontage: The width in linear feet where it abuts the right of way of any street from which access may be gained.

Governing body: The Franklin County Board of Commissioners.

Height of building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

Height of structure: For all structures other than buildings, height shall be the vertical distance to the highest point of a structure, as measured from the average grade at the base of the structure or directly below a projecting structure.

Impervious surface: A man-made structure or surface, which prevents the infiltration of water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

Landscaped open space: That portion of a given lot, not covered by buildings, parking, access and service areas, or detention ponds, that is designed to enhance privacy and the amenity of the development by providing open spaces and/or landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, pervious walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Landscaping: Shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Lot: A parcel or tract of land held in single ownership.

Lot area: The total horizontal area included within lot lines. Street rights-of-way shall not be considered a part of a lot for the purpose of meeting the minimum requirements of this UDC.

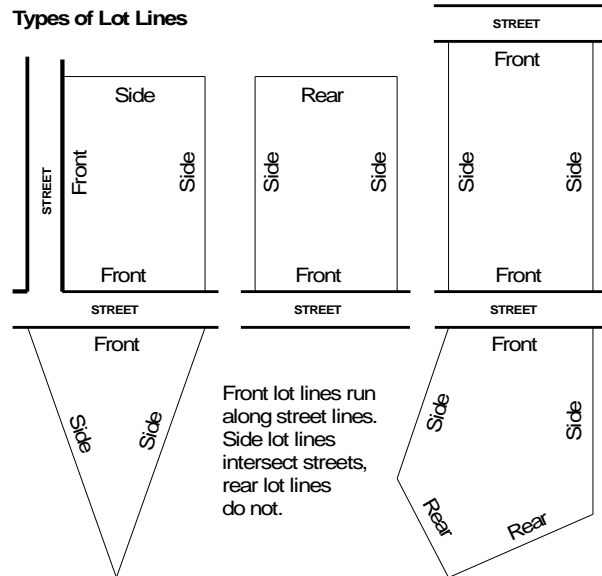
Lot frontage: The distance in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Lot line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

Lot line, front: Any boundary line of a lot that abuts a street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.

Lot line, rear: Any boundary line of a lot that does not intersect with a public street right-of-way line and is not a front lot line.

Lot line, side: Any boundary line of a lot that intersects with a public street right-of-way line and is not a front lot line.



Lot of record: A lot which is part of a subdivision lawfully recorded in the plat books of the office of the Clerk of the Superior Court of Franklin County, Georgia, or a lot described by metes and bounds, the description of which has been lawfully recorded. A tax parcel is not necessarily a lot of record. A lot of record may not conform to the requirements of this UDC, in which case it is a nonconforming lot of record. A lot shall not be considered a lot of record if it is: (1) described in a deed recorded in the county deed books with reference to an attached boundary survey or plat that has not been recorded in the plat books; (2) not described in a deed recorded prior to the original adoption of zoning and subdivision regulations in Franklin County.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; anything that causes hurt, inconvenience or damage to another, even though it may otherwise be lawful.

Occupied: The word “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

Open space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a nature and unimproved state or that may be improved only for active or passive recreation or enjoyment.

Permitted use: A use by right which is specifically authorized in a particular zoning district.

Person: Includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

Rezoning: An amendment to or a change in the official zoning map.

Roof: The cover of a building, including the eaves and similar projections.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot. Screening methods include opaque fences, walls, hedges, berms and other features.

Setback: The straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less).

Setback, minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a front yard setback is measured from the right of way, or, in the case where no deeded right of way exists, a 60-foot wide setback is assumed (30 feet from the centerline). Street rights-of-way shall not be considered a part of a front yard setback for the purpose of meeting the minimum requirements of this UDC.

Shall: The word "shall" is mandatory, not discretionary.

Site plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Story: That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and extending vertically from the ground by one foot or more. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Among other things, unless the context clearly indicates otherwise, structures include but are not limited to buildings, walls, fences, signs, and swimming pools.

Unincorporated: Any land within the boundaries of Franklin County, Georgia, which are not a part of the corporate limits of a municipality.

Used: The word “used” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

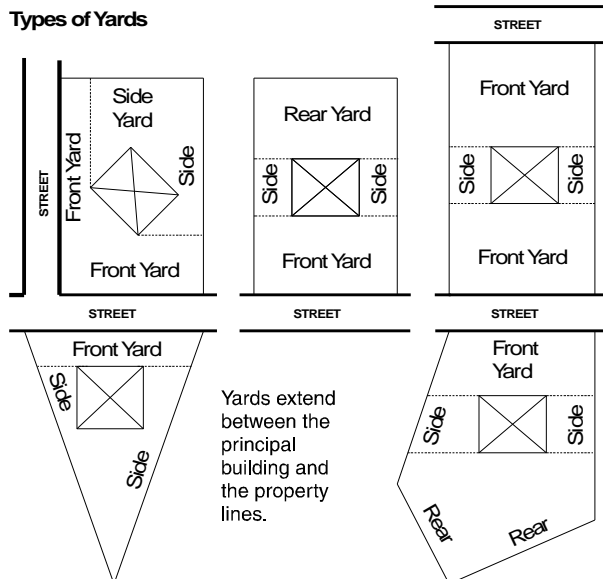
Variance: A grant of relief from the requirements of this UDC which permits construction or use in a matter otherwise prohibited by this UDC, which may be approved in individual cases upon application and applied to specific property.

Yard: An area that lies between the principal building on a lot and a lot line. A yard is unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: A yard situated along but not including any public street right-of-way or private street or access easement. In the case of a double frontage lot, if there is an established no access easement along one of the frontages, the yard adjacent to the no access easement shall not be considered a front yard for purposes of this UDC.

Yard, rear: A yard situated along a rear lot line.

Yard, side: A yard situated along a side lot line, but not extending into a front or rear yard.



Zoning administrator: The director of planning for Franklin County, or designee, appointed by the Board of Commissioners of Franklin County or the county manager.

Zoning district: A geographical area or areas, designated with the use of symbols on the official zoning map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Sec. 1-111. Exterior lighting.

Outdoor lighting shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads. Outdoor lighting shall not spill onto any adjacent property or into the night sky.

**ARTICLE 1-2
GENERAL DIMENSIONAL REQUIREMENTS**

- Sec. 1-201. Minimum lot frontage.
- Sec. 1-202. Minimum lot area requirements.
- Sec. 1-203. Minimum lot width requirements.
- Sec. 1-204. Measurement of required minimum lot width.
- Sec. 1-205. Definitions.

Sec. 1-201. Minimum lot frontage.

- (a) Except as otherwise specifically provided in this UDC, every lot hereafter created must front at least sixty (60) feet on a street from which direct access can be gained (but from which is not necessarily required to be gained) that has been opened and accepted as a public street or a private street approved by the Franklin County Board of Commissioners.
- (b) No lot shall hereafter be created or subdivided unless it meets or exceeds the minimum lot frontage requirement established in this section, except as otherwise specifically provided in this UDC.
- (c) No lot shall be reduced in street frontage below the minimum lot frontage requirement established by this section UDC.

Sec. 1-202. Minimum lot area requirements.

- (a) No lot shall hereafter be created or subdivided unless it meets or exceeds the minimum lot area (size) for the zoning district in which the lot is located as established by the Franklin County zoning regulations (chapter 2 of this UDC), except as otherwise specifically provided in this UDC.
- (b) No lot shall be reduced below the minimum lot area (size) of the zoning district in which said lot and building are located as established by the Franklin County zoning regulations (chapter 2 of this UDC), except as otherwise specifically provided in this UDC.
- (c) The Franklin County Health Department (environmental health) may require larger lot sizes than the minimums established for zoning districts, when the use of the lot will be served by an on-site sewage management system (e.g. septic tank), pursuant to the Georgia Department of Public Health “Manual for On-site Sewage Management Systems,” June, 2019 Update, or as most recently amended or updated (see Section “M” Recommended Lot Sizing Criteria). Per Table 16.M, “MT-1 Minimum Lot Sizes – Single Family Dwellings, the minimum lot size for a single-family dwelling on a septic tank is 21,780 square feet on a public water system and 43,560 square feet with a non-public (individual) water system.

- (d) The county through its zoning regulations (this UDC) may require larger minimum lot sizes; such establishment of larger minimum lot sizes will take precedence over health department requirements.

Sec. 1-203. Minimum lot width requirements.

- (a) No lot shall hereafter be created or subdivided unless it meets or exceeds the minimum lot width established for the zoning district in which it is located by the Franklin County Zoning Regulations (chapter 2 of this UDC).
- (b) No lot shall be reduced below the minimum lot width for the zoning district in which said lot is located as established by the Franklin County zoning regulations (chapter 2 of this UDC), except as otherwise specifically provided in this UDC.
- (c) The Franklin County Health Department (environmental health) may require larger lot widths than the minimums established for zoning districts, when the use of the lot will be served by an on-site sewage management system (e.g. septic tank), pursuant to the Georgia Department of Public Health “Manual for On-site Sewage Management Systems,” June, 2019 Update, or as most recently amended or updated (see Section “M” Recommended Lot Sizing Criteria). Per Table 16.M, “MT-1 Minimum Lot Sizes – Single Family Dwellings, the minimum lot width for a single-family dwelling on a septic tank is 100 feet when a public water system is utilized and 150 feet when a non-public (individual) water supply system is used.
- (d) The county through its zoning regulations (this UDC) may require larger minimum lot widths; such establishment of larger minimum lot widths will take precedence over health department requirements.

Sec. 1-204. Measurement of required minimum lot width.

- (a) Where a minimum lot width is required, the lot width shall be measured at the front building setback line required by the Franklin County Zoning Regulations (chapter 2 of this UDC) or as established on a recorded plat. If the required minimum lot width cannot be achieved at the front setback line required by the zoning district, the required front building setback line shall be moved further interior to the lot where the minimum lot width is achieved.
- (b) Where a lot has frontage only on an access easement rather than frontage on an existing county standard road, the lot width for purposes of meeting the minimum lot width requirement shall be measured at the proposed building line fronting and paralleling the access easement.

ARTICLE 1-3 NONCONFORMITIES

- Sec. 1-301. Definitions.
- Sec. 1-302. Nonconforming lot.
- Sec. 1-303. Nonconforming use – continuance.
- Sec. 1-304. Nonconforming use – change of use.
- Sec. 1-305. Nonconforming use – discontinuance or abandonment.
- Sec. 1-306. Nonconforming use – expansion.
- Sec. 1-307. Nonconforming use – repair after damage.
- Sec. 1-308. Nonconforming building or structure.
- Sec. 1-309. Combination or reconfiguration of nonconforming lots.
- Sec. 1-310. Nonconforming situations.
- Sec. 1-311. Standards for correcting nonconforming situations.

Sec. 1-301. Definitions.

Nonconforming building or structure: A building or structure (excluding signs) that does not meet one or more setbacks for the zoning district or overlay district if applicable in which said building or structure is located, or a building or structure (excluding signs) that exceeds the maximum building coverage for the zoning district or overlay district if applicable in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this UDC for the particular principal building or accessory structure or for the zoning district or environmental overlay district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district or if applicable overlay district in which the lot is located as established by Franklin County zoning regulations but which was a lot of record prior to the effective date of said zoning regulations or its amendment. A lot created pursuant to an act of subdivision of land which was unlawful shall not be considered a nonconforming lot.

Nonconforming situation: Any development, land improvement, or activity, not otherwise included within the definition of nonconforming lot, nonconforming building or structure, or nonconforming use, which does not meet the provisions of this UDC at the time of its adoption or amendment. Examples of nonconforming situations include but are not limited to, noncompliance with off-street parking regulations, failure to meet access requirements, failure to adhere to landscape strip requirements, and signs not meeting height or area restrictions.

Nonconforming use: Any building or use of land or building which lawfully existed on or before the effective date of zoning regulations in Franklin County; also a use can be rendered nonconforming if it lawfully existed prior to the effective date of this UDC or on or before subsequent amendments to this UDC, and does not conform to the use provisions of the zoning district in which it is located. In addition, any building or use of land or building which lawfully

existed on or before the effective date of this UDC or on or before subsequent amendments to this UDC, which does not conform to the specific use provisions of chapter 3 of this UDC if applicable shall be considered a nonconforming use.

Sec. 1-302. Nonconforming lot.

A lot of record, as defined, that does not conform to the minimum lot frontage requirements, or that does not conform to the minimum lot size or minimum lot width requirements, may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained, and, provided further, that the lot meets all the current applicable standards and requirements (or gains the approval) of the Franklin County Health Department.

Sec. 1-303. Nonconforming use – continuance.

- (a) A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this article.
- (b) It shall be the responsibility of the owner of a nonconforming use to prove to the zoning administrator that such use was lawfully established and existed on the effective date of zoning regulations in Franklin County, or adoption or amendment of this UDC, whichever date is applicable to the context.

Sec. 1-304. Nonconforming use – change of use.

A nonconforming use may be changed to a conforming use, but a nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.

Sec. 1-305. Nonconforming use – discontinuance or abandonment.

A nonconforming use shall not be re-established after discontinuance or abandonment for 12 months. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this section; provided, however, that if any required occupational tax license is maintained and renewed in a timely fashion for the subject nonconforming use, said nonconforming use shall not be considered discontinued or abandoned even if the building containing the nonconforming use remains vacant. If an occupational tax payment is required for said nonconforming use and the payment pertaining to said use has not been made for more than 12 months, said lapse of occupational tax certificate shall constitute discontinuance or abandonment for purposes of this section.

Sec. 1-306. Nonconforming use – expansion.

A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.

Sec. 1-307. Nonconforming use – repair after damage.

A nonconforming use may be rebuilt, altered or repaired after damage or destruction, provided such rebuilding, alteration or repair is completed within 12 months of such damage.

Sec. 1-308. Nonconforming building or structure.

- (a) A nonconforming building or structure may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located.
- (b) Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, density, and other dimensional requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this UDC.

Sec. 1-309. Combination or reconfiguration of nonconforming lots.

If the owner of two or more abutting lots, at least one of which is a nonconforming lot, decides to subdivide, develop or sell one or more of said lots, then prior to approval of land subdivision or building or development, the zoning administrator shall require the owner to combine said lots to comply with the dimensional requirements of the zoning district in which the lots are located, or if compliance cannot be fully achieved, revise the nonconforming lot or lots to more closely approximate the dimensional requirements of the zoning district in which the lot or lots are located, without reducing any nonconforming lot area.

Sec. 1-310. Nonconforming situations.

- (a) **Intent.** It is the intent of this section to require the complete correction of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land.
- (b) **Determination of nonconforming situations.** For any proposed subdivision, building or development, or modification of a subdivision, building or development, it shall be the duty of the zoning administrator to identify the extent to which the subdivision and any improvements on land on which the building or development is proposed constitutes a nonconforming situation, as defined in this chapter. The zoning administrator shall conduct a review and identify such nonconforming situation(s) at the time plans for such

proposed building or development are submitted for review, and at any earlier opportunity, if presented. If one or more nonconforming situations are found to exist by the zoning administrator, they shall be documented and notice of the need to correct said nonconforming situations shall be provided by the zoning administrator to the building or development applicant.

Sec. 1-311. Standards for correcting nonconforming situations.

In determining the need to completely correct or reduce the noncompliance of nonconforming situations, the zoning administrator shall be guided by the standards in this section. Any decision of the zoning administrator in administering and interpreting the provisions of this section may be appealed in accordance with the provisions of this UDC for appeals of administrative decisions.

1. **Strict compliance.** A standard of “strict compliance” (complete correction of all nonconforming situations) shall be applied by the zoning administrator where physical standards can clearly be made in the subject development proposal without significant alteration of the development as proposed.
2. **Reasonable progress toward compliance.** In lieu of strict compliance, a standard of “reasonable progress toward compliance” shall be applied by the zoning administrator in cases where complete correction or compliance with the nonconforming situation would require undue hardship, practical difficulty, or might unreasonably reduce the size, scale, or other significant aspect of the development proposal to a point where strict compliance would jeopardize the building or development proposal. In applying a standard of reasonable progress toward compliance, the zoning administrator shall have authority to approve the building, development, or improvement even though it does not meet a standard of strict compliance, if the relief granted is the minimum necessary to effectuate the building, development, or improvement.
3. **Proportionality.** Whenever something less than strict compliance is authorized by the zoning administrator, the zoning administrator in determining the amount or extent of compliance required, shall apply a standard of “proportionality,” meaning that the scope, scale, extent and cost of requirements to correct nonconforming situations are more or less the same as the scope, scale, extent and cost of the improvement or development proposed.

**ARTICLE 1-4
LEGAL STATUS PROVISIONS**

- Sec. 1-401. Severability.
- Sec. 1-402. Liability.
- Sec. 1-403. Repeal of previous ordinances.
- Sec. 1-404. Effective Date.

Sec. 1-401. Relationship to private agreements.

This UDC is not intended to repeal, abrogate, or impair any valid easement, covenant, or deed restriction duly recorded with the Clerk of the Superior Court of Franklin County, Georgia, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this UDC.

Sec. 1-402. Status of previously issued permits.

The provisions of this UDC and any subsequent amendments shall not affect the validity of any lawfully issued and effective building permit or development permit, if the development activity or building construction authorized by the permit has been commenced prior to the effective date of this UDC or the amendment, or will be commenced after such effective date but within six (6) months of issuance of the permit, and the development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this UDC in effect on the date of the permit expiration.

Sec. 1-401. Severability.

Should a court of competent jurisdiction find any provision of this UDC to be invalid or unenforceable, such invalid or unenforceable provision shall be severed from this development code and shall not affect the validity or enforceability of the remainder of this UDC, which shall remain in full force and effect.

Sec. 1-402. Liability.

Neither the approval of a plat or development plan under the provisions of this UDC nor the compliance with the provisions of this UDC shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law; provided, however, nothing in this UDC shall be construed to impose any liability upon the county for damage to any person or property.

Sec. 1-403. Repeal of previous ordinances.

All ordinances or parts thereof having the same purpose or subject matter are hereby repealed to the extent of their conflict. Without limiting the generality of the foregoing, the following ordinances existing on the effective date of this ordinance adoption are specifically repealed:


Zoning regulations of Franklin County, Georgia, adopted April 4, 2005, as amended.

Sec. 1-404. Effective date.

This UDC shall take effect and be in force from and after adoption of the official zoning map by the Board of Commissioners, the public health, safety, and welfare demanding it; provided, however, that Articles 12, "Zoning Amendments and Procedures," and 13, "Variances and Appeals" of this UDC shall be effective immediately upon adoption of this UDC.

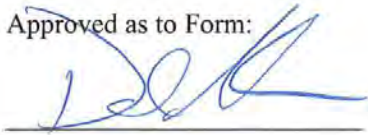


Attest: County Clerk

 8-1-22

Chairman, Board of Commissioners

Approved as to Form:



County Attorney

CHAPTER 2

ZONING DISTRICTS AND OFFICIAL ZONING MAP

ARTICLE 2-1 OFFICIAL ZONING MAP

- Sec. 2-101. Adoption.
- Sec. 2-102. Zoning districts established.
- Sec. 2-103. Amendment.
- Sec. 2-104. Determination of boundaries.
- Sec. 2-105. Interpretation of boundaries.

ARTICLE 2-2 AGRICULTURAL ZONING DISTRICTS

- Sec. 2-201. AI, Intensive Agriculture District.
- Sec. 2-202. AG, Agricultural District.

ARTICLE 2-3 RESIDENTIAL ZONING DISTRICTS

- Sec. 2-301. RR, Rural Residential District
- Sec. 2-302. LR, Lakefront Residential District
- Sec. 2-303. SR, Suburban Residential District
- Sec. 2-304. MFR, Multiple-Family Residential District

ARTICLE 2-4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

- Sec. 2-401. INST, Institutional District.
- Sec. 2-402. NC, Neighborhood Commercial District.
- Sec. 2-403. HB, Highway Business District.
- Sec. 2-404. LI, Light Industrial District.
- Sec. 2-405. HI, Heavy Industrial District.
- Sec. 2-406. Other Provisions.

ARTICLE 2-5 USE DEFINITIONS

**ARTICLE 2-1
OFFICIAL ZONING MAP**

- Sec. 2-101. Adoption.
- Sec. 2-102. Zoning districts established.
- Sec. 2-103. Amendment.
- Sec. 2-104. Determination of boundaries.
- Sec. 2-105. Interpretation of boundaries.

Sec. 2-101. Adoption of official zoning map.

- (a) The official zoning map, together with explanatory matter thereon, is hereby adopted and made a part of this UDC. The official zoning map shall be signed by the Chairman of the Franklin County Board of Commissioners, and attested by the Clerk of Franklin County.
- (b) The original of the official zoning map shall be kept on record in the office of the County Clerk. A certified copy of the zoning map as originally adopted, and as subsequently officially amended, shall be kept on record in the County Clerk's office.
- (c) The official zoning map, as adopted by the Board of Commissioners and amended from time to time by its action, shall be maintained and available in the office of the Zoning Administrator.
- (d) The official zoning map may be kept electronically in a geographic information system, and such electronic data shall constitute an integral part of the official zoning map.

Sec. 2-102. Zoning districts established.

- (a) All properties in the unincorporated area of Franklin County are designated as lying within one or more zoning districts as indicated on the official zoning map.
- (b) No property shall be used except in accordance with the requirements for the zoning district in which the property is located as shown on the official zoning map, conditions of zoning approval if applicable and the provisions of this UDC. The use and dimensional requirements for each zoning district are specified in this chapter.
- (c) The following zoning districts are hereby established. Such zoning districts are shown on the official zoning map:

AI, Intensive Agriculture District
AG, Agricultural District
RR, Rural Residential District
LR, Lakefront Residential District
SR, Suburban Residential District
MFR, Multiple-Family Residential District

INST, Institutional District
NC, Neighborhood Commercial District
HB, Highway Business District
LI, Light Industrial District
HI, Heavy Industrial District

Sec. 2-103. Amendment to official zoning map.

- (a) No changes of any nature shall be made to the official zoning map except for amendments to the map approved by the Franklin County Board of Commissioners or by adoption of a new official zoning map of Franklin County.
- (b) The official zoning map may be amended from time to time, or a new official zoning map may be adopted, in accordance with the provisions of this UDC. Amendments to the official zoning map shall be made promptly after the amendment has been approved.

Sec. 2-104. Determination of boundaries.

The boundaries of the zoning districts established by this UDC shall be determined based on the location of the boundary as depicted on the official zoning map; provided, however, that the following provisions shall be used where uncertainty exists by the zoning administrator to interpret the exact location of a zoning district boundary shown on the official zoning map:

- (a) **Streets.** All streets are considered to be placed in a zoning district, whether or not specifically shown as lying within a zoning district on the official zoning map. The zoning district(s) of the property abutting the street shall be interpreted as extending to the centerline of said street.
- (b) **Abandoned or vacated right-of-way.** Where a public street or other right-of-way is officially vacated or abandoned, the zoning district regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.
- (c) **Railroads.** All railroads and railroad rights of ways are considered to be placed in a zoning district, whether or not specifically shown as lying within a zoning district on the official zoning map. The zoning district(s) of the property abutting the railroad or railroad right of way shall be interpreted as extending to the centerline of said railroad or railroad right of way.
- (d) **County and city limit, militia district and land lot lines.** Where boundaries are indicated as approximately following the county boundary, corporate limit line of the city, a militia district line, or a land lot line, such line shall be construed to be such boundaries.
- (e) **Property lines.** Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or

amendment, if available, for a lot of record in question, shall be construed to be such boundaries.

- (f) **Water courses and drainage ways.** Where boundaries are indicated as approximately following the centerline of a stream bed or river bed, or a drainage way, such centerline shall be construed to be such boundaries.

Sec. 2-105. Interpretation of boundaries.

- (a) In the case where the exact location of a zoning district boundary shown on the official zoning map cannot be determined by the provisions of this article, the zoning administrator shall determine the location of the zoning district boundary.
- (b) Any administrative determination to interpret boundaries is an administrative decision subject to appeal as an administrative decision in accordance with procedures specified in this UDC.

ARTICLE 2-2
AGRICULTURAL ZONING DISTRICTS

Sec. 2-201. AI, Intensive Agriculture District.

Sec. 2-202. AG, Agricultural District.

Sec. 2-201. AI, Intensive Agriculture District.

- (a) **Purpose and intent.** The Intensive Agriculture District is intended to accommodate large tracts of at least twenty-five (25) acres devoted to exclusive or nearly exclusive agricultural production, including intensive livestock raising (i.e., poultry houses). Poultry houses are permitted outright in this district. The intensive agricultural operations permitted in this zoning district are likely to result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Therefore, the intensive agriculture district is intended to protect such operations from residential subdivision tract development, and residential uses are restricted to those dwellings related to farm owners or their family members and which are more or less subordinate to farming operations. Commercial activities that serve farming operations or that are potentially compatible with farming operations are conditional or in some cases permitted uses. The subdivision of land is restricted to farm tracts, intra-family land transfers, and occasional single-lot divisions. Public water service may or may not be available and sanitary sewer is generally not available to these districts.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-1, “Permitted and Conditional Uses for Agricultural Zoning Districts.”
- (c) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-2, “Dimensional Requirements for Agricultural Zoning Districts.”
- (d) **Subdivision of land.** Land within the Intensive Agriculture District shall not be subdivided, except for the following:
1. Lots (any number) meeting the minimum lot size of twenty-five (25) acres.
 2. As many as four (4) lots total may be divided from an existing lot of record, for intra-family land transfer (i.e., to a family member).
 3. If an owner has not fully utilized the then intra-family land subdivision allowance of this subsection, the owner may divide one lot from the parent lot of record in a one-year period for sale to an unrelated person, not to exceed four lots total. The maximum number of lots less than 25 acres that may be subdivided is four (4), counting any lots created by intra-family land transfer.

Sec. 2-202. AG, Agricultural District.

- (a) **Purpose and intent.** The Agricultural District is intended to accommodate agricultural uses on tracts of ten (10) acres or more which are devoted predominantly to forestry, crop production and livestock raising. The Agricultural District is considered an appropriate transitional zone in between Intensive Agriculture (AI) and Rural Residential (RR) zoning districts. Poultry houses are conditional uses in this district. The agricultural operations permitted in this zoning district may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development. Therefore, the agricultural district is intended to protect such operations from residential subdivision tract development, and residential uses are restricted to those dwellings related to farm owners or their family members and which are more or less subordinate to farming operations. Commercial activities that serve farming operations or that are potentially compatible with farming operations are conditional uses. Public water service may or may not be available and sanitary sewer is generally not available to these districts.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-1, “Permitted and Conditional Uses for Agricultural Zoning Districts.”
- (c) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) within this zoning district shall be as specified in Table 2-2, “Dimensional Requirements for Agricultural Zoning Districts.”
- (d) **Subdivision of land.** Land within the Agricultural District shall not be subdivided, except for the following:
1. Lots (any number) meeting the minimum lot size of ten (10) acres.
 2. As many as four (4) lots total may be divided from an existing lot of record, for intra-family land transfer (i.e., to a family member).
 3. If an owner has not fully utilized the intra-family land subdivision allowance of this subsection, the owner may divide one lot from the parent lot of record in a one-year period for sale to an unrelated person, not to exceed four lots total. The maximum number of lots less than 10 acres that may be subdivided is four (4), counting any lots created by intra-family land transfer.

Table 2-1
Permitted and Conditional Uses For Agricultural Districts
P = Permitted C = Conditional Use X = Not Permitted

USE	AI	AG	See also Section:
AGRICULTURAL USES			
Agriculture (crop production)	P	P	
Forestry	P	P	
Livestock quarters, not including poultry house	P	P	
Poultry house	P	C	3-152
Sawmill	P	C	
Stack house	P	P	
Timber harvesting	P	P	3-169
USES ACCESSORY TO AGRICULTURE	AI	AG	See also Section:
Accessory uses and structures not otherwise listed in this table section, determined by the zoning administrator to be normally incidental to permitted principal agricultural uses	P	P	3-101
Food processing plant or food manufacturing, not exceeding 5,000 square feet of building space, for products produced on the premises only	C	C	
Greenhouse (private)	P	P	
Produce stand	P	P	
Storage building or storage shed, including intermodal container	P	P	3-140
Sawmill, temporary with permit issued by zoning administrator	P	P	
Wind turbine	P	P	
RESIDENTIAL USES	AI	AG	See also Section:
Dwelling, single-family detached, fee simple	P	P	
Manufactured home	P	P	3-127
Relocated residential structure	P	P	3-157
USES ACCESSORY TO A RESIDENTIAL DWELLING			
Accessory uses and structures not otherwise listed in this table section, determined by the Zoning Administrator to be normally incidental to permitted principal residential uses	P	P	3-101; 3-102
Amateur radio tower less than 70 feet in height	P	P	
Backyard chickens	P	P	3-110
Carport	P	P	
Fallout shelter or subterranean survival bunker	P	P	
Family burial plot	P	P	3-128
Guest house	P	P	3-135
Home occupation, including family day care home	P	P	3-137
Home occupation, not meeting specified requirements	C	C	3-137
Intermodal container, temporary	P	P	3-140
Parking space, for automobile or non-commercial truck	P	P	
Solar energy system, building mounted	P	P	3-165
Solar energy system, ground mounted	P	P	3-166
Yard or garage sale	P	P	3-177
INSTITUTIONAL USES			
Agricultural experiment station	P	C	
Boarding house, for agricultural workers	C	C	3-134
Cemetery	P	P	
Church, temple, synagogue, or place of worship	P	P	3-115
Public use, including public school	P	P	
School, private or special	C	C	
Therapeutic camp	C	C	
Utility substation or installation	P	P	

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COMMERCIAL AND OTHER USES	AI	AG	See also Section:
Aircraft landing area	C	C	3-104
Animal hospital or veterinary clinic	C	C	
Auction house or auction yard	C	C	3-112
Bed and breakfast inn	P	C	3-110
Boarding or breeding of animals	P	P	3-112
Botanical garden	P	C	
Camp or campground	C	C	
Conservation area	P	P	
Farm equipment and implement sales	C	C	
Farmer's market (not including flea market)	C	C	
Greenhouse (wholesale or retail commercial)	P	P	
Kennel	C	C	3-142
Landscaping company	C	C	
Lumber yard	C	C	
Parking for trucks and truck trailers, off-site	C	C	
Pet care	C	C	
Riding academy or equestrian center	P	C	3-159
Riding stable	P	P	
Solar farm	C	C	3-167
Special event facility	C	C	
Taxidermist	C	C	
Winery	P	C	
Wireless telecommunication facility or equipment (cell tower, antenna, installation)	C	C	Art. 3-2

Table 2-2
Dimensional Requirements for Agricultural Districts

DIMENSIONAL REQUIREMENT	AI	AG
Minimum site area to rezone to this district (acres)	25	10
MINIMUM LOT REQUIREMENTS, ALL USES (see also intra-family land transfer)	AI	AG
Minimum lot area (acres)	25	10
Minimum lot width (feet)	200	150
BUILDING HEIGHT REQUIREMENTS	AI	AG
Maximum height (feet)	75	60
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS	AI	AG
Front (feet)	100	60
Side (feet)	50	35
Rear (feet)	60	40
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES	AI	AG
Front (feet)	50	35
Side (feet)	30	25
Rear (feet)	40	25
REQUIREMENTS FOR INTRA-FAMILY TRANSFER LOTS	AI	AG
Minimum lot area, served by private well and septic tank (acres)	1.5	1.5
Minimum lot area, served by public water and septic tank (acres)	1.0	1.0
Maximum lot area (acres)	3.0	3.0
Minimum lot width, served by private well and septic tank (feet)	150	150
Minimum lot width, served by public water and septic tank (feet)	125	125
SPECIAL REQUIREMENTS POULTRY HOUSES AND OTHER (feet unless noted otherwise)	AI	AG
Poultry house, minimum front setback from right of way abutting property not zoned AI	200'	N/A**
Poultry house, minimum front setback from right of way abutting property zoned AI	50'	N/A**
Poultry house, minimum setback from property line not zoned AI	200'	N/A**
Poultry house, minimum setback from property line zoned AI	35'	N/A**
Poultry house, minimum setback from property lines abutting any lot not zoned A-I that has a habitable dwelling	300'	N/A**
On-site sewage lagoon (agricultural) from stream	150'	150'
On-site sewage lagoon (agricultural) from property line not an AI zoning district boundary	500'	N/A**
On-site sewage lagoon (agricultural) from AI zoning district boundary	100'	N/A**
Livestock feedlot, minimum setback from the zoning district boundary in which it is located	500'	500'
Stack house, minimum setback from the zoning district in which it is located	100'	100'
FLOOR AREA REQUIREMENTS PER DWELLING UNIT	AI	AG
Minimum heated floor area per dwelling unit (sq. ft.)	None	None

* The minimum required front setback is measured from the right of way, or, in the case where no deeded right of way exists, a 60-foot wide setback is assumed (30 feet from the centerline).

**Poultry houses are conditional uses in the AG district. If authorized by conditional use, poultry houses shall meet the setbacks for poultry houses in the AI zoning district, unless otherwise approved by the Board of Commissioners as part of the conditional use application.

NP = Not Permitted N/A = Not Applicable

ARTICLE 2-3 RESIDENTIAL ZONING DISTRICTS

- Sec. 2-301. RR, Rural Residential District.
Sec. 2-302. LR, Lakefront Residential District.
Sec. 2-303. SR, Suburban Residential District.
Sec. 2-304. MFR, Multiple-Family Residential District.

Sec. 2-301. RR, Rural Residential District.

- (a) **Purpose and intent.** The RR district is comprised of individual single-family homes including manufactured homes at very low densities. Lot sizes generally range from one (1) to as much as ten (10) acres. The RR zoning district is intended to be compatible with and implement agricultural and rural character.
- (a) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (b) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”

Sec. 2-302. LR, Lakefront Residential District.

- (a) **Purpose and intent.** The LR zoning district is established primarily to provide locations for single-family detached residential uses on individual lots, including subdivisions. This district corresponds with the land around Lake Hartwell. Many of the lots in this zoning district were platted without requiring adherence to the minimum required lot size and minimum lot width requirements of the Franklin County Environmental Health Department. Many of the roads serving subdivisions in this zoning district are also substandard because they were constructed previously and were not built to conform to county standards. Accordingly, building setbacks are less in this district because of the comparatively smaller lot sizes.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.”
- (c) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”

Sec. 2-303. SR, Suburban Residential District.

- (a) **Purpose and intent.** The SR zoning district is established primarily to provide locations for single-family detached residential uses on individual lots, including subdivisions, at densities of approximately three (3) units or less per acre. SR zoning districts require public water and sanitary sewer, and such districts are most appropriately located in suburban and urbanized or urbanizing areas near municipalities.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (b) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”
- (c) **Utility requirements.** Rezoning to this zoning district requires sanitary sewer service and requires connection of all dwellings to sanitary sewer, unless a dwelling was existing on the effective date of SR zoning.

Sec. 2-304. MFR, Multiple-Family Residential District.

- (a) **Purpose and intent.** The MFR zoning district is established to provide locations for a mix of housing types, including single-family detached residences, attached single-family residential uses, duplexes, triplexes, quadraplexes, townhouses, and apartments and condominiums. MFR zoning districts require public water and sanitary sewer, and such districts are most appropriately located in urbanized or urbanizing areas near municipalities and urban services. The maximum density in this district is 12 units per acre.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-3, “Permitted and Conditional Uses for Residential Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (c) **Dimensional requirements.** Dimensional requirements (e.g., height, setback, lot area, density, intensity, and other requirements for development) shall be as provided in Table 2-4, “Dimensional Requirements for Residential Zoning Districts.”
- (d) **Utility requirements.** Rezoning to this zoning district requires sanitary sewer service and requires connection of all dwellings to sanitary sewer, unless a dwelling was existing on the effective date of MFR zoning.

Table 2-3
Permitted and Conditional Uses for
Residential Zoning Districts

Accessory Uses and Structures Generally P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Accessory uses and structures not otherwise listed in this table, determined by the zoning administrator to be normally incidental to one or more permitted principal uses	3-101	P	P	P	P
Amateur radio tower less than 70 feet in height		P	P	P	P
Fallout shelter or subterranean survival bunker		P	P	P	P
Intermodal container, temporary	3-140	P	P	P	P
Parking space (surface), accessory to one or more permitted uses		P	P	P	P
Solar energy system, building mounted	3-165	P	P	P	P
Solar energy system, ground mounted	3-166	P	C	C	C
Storage building or storage shed		P	P	P	P
Utility substation or installation		P	P	P	P
Agricultural Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Agriculture (crop production)		P	P	P	P
Forestry		P	P	P	P
Livestock quarters, not including poultry house		P	X	X	X
Poultry house		X	X	X	X
Sawmill		C	X	X	X
Stack house		X	X	X	X
Timber harvesting	3-169	P	P	P	P
Residential Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Dwelling, detached single-family, fee simple		P	P	P	P
Dwelling, single-family attached (fee simple townhouse)	3-125	X	X	X	P
Dwelling, multi-family, including apartments and condominiums		X	X	X	P
Dwelling, two family (duplex)		X	X	X	P
Manufactured home (on individual lot)	3-127	P	X	X	X
Manufactured home park	3-147	X	X	X	C
Relocated residential structure	3-157	P	X	X	X
Uses and Structures Accessory to Residential Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Carport		P	P	P	P
Family burial plot	3-128	C	X	X	X
Guest house	3-135	P	P	P	P
Home occupation, including family day care home	3-137	P	P	P	P
Home occupation, not meeting specified requirements	3-137	P	P	P	P
Recreation, private, including swimming pool and tennis courts		P	P	P	P
Yard or garage sale	3-177	P	P	P	P
Institutional Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Church, temple, synagogue, place of worship	3-115	P	P	P	P
Club or lodge, nonprofit		X	X	X	C
Continuing care retirement community	3-121	X	X	X	C
Dormitory or fraternity or sorority house		X	X	X	C
Group home, dormitory, or rooming or boarding house	3-134	C	X	X	C
Institutionalized residential living and care facility, serving 15 or less persons	3-139	X	X	X	P

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Institutionalized residential living and care facility, serving more than 15 persons	3-139	X	X	X	C
Public use		P	P	P	P
School, private		C	C	C	P
Commercial or Other Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	RR	LR	SR	MFR
Boarding or breeding of animals	3-112	P	X	X	X
Child care learning center, group day care home, adult day services	3-114	P	X	X	X
Golf course	3-133	X	C	C	C
Timber harvesting	3-169	P	P	P	P

Table 2-4
Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	RR	LR	SR	MFR
Minimum site area to rezone to this district (acres)	1.5	1.0	2.0	5.0
MINIMUM LOT REQUIREMENTS, SINGLE-FAMILY DETACHED (AND MANUFACTURED HOME WHERE PERMITTED)	RR	LR	SR	MFR
Minimum lot area, well and septic tank (acres)	1.5	1.5	NP	NP
Minimum lot area, public water and septic tank (acres)	1.0	1.0	NP	NP
Minimum lot area, public water and sanitary sewer (acres)	1.0	1.0	0.34	0.34
Minimum lot area, public water and sanitary sewer (square feet)	43,560	43,560	15,000	15,000
Minimum lot width (feet), well and septic tank (feet)	150	150	150	NP
Minimum lot width (feet), public water and septic tank (feet)	125	125	125	NP
Minimum lot width (feet), public water and sanitary sewer	NP	NP	85	75
MINIMUM LOT REQUIREMENTS, MULTI-FAMILY	RR	LR	SR	MFR
Minimum lot area, public water and sanitary sewer (acres) (duplex)	NP	NP	NP	0.69
Minimum lot area, public water and sanitary sewer (square feet) (duplex)	NP	NP	NP	30,000
Fee simple townhouse	NP	NP	NP	See Sec. 3-125
Maximum density, multi-family development (units per acre)	NP	NP	NP	12.0
BUILDING HEIGHT REQUIREMENTS	RR	LR	SR	MFR
Maximum height (feet)	35	45	35	55
Maximum height (number of stories)	3	3	3	4
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS	RR	LR	SR	MFR
Front (feet)	40	20	35	35
Side (feet)	25	10	10	20
Rear (feet)	30	10	15	25
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES	RR	LR	SR	MFR
Front (feet)*	NP	NP	NP	NP
Side (feet)	15	5	5	25
Rear (feet)	20	5	10	25
COVERAGE AND SEPARATION REQUIREMENTS	RR	LR	SR	MFR
Minimum principal building separation (feet)	N/A	N/A	N/A	20
Maximum building coverage, including principal and accessory buildings and structures (% of lot) (multi-family uses and nonresidential uses only)	N/A	N/A	N/A	50%
Minimum landscaped open space (% of lot) (multi-family residential and nonresidential uses only)	N/A	N/A	N/A	20%
FLOOR AREA REQUIREMENTS PER DWELLING UNIT	RR	LR	SR	MFR
Minimum heated floor area per dwelling unit (sq. ft.)	800	1,000	1,400	800

* The minimum required front setback is measured from the right of way, or, in the case where no deeded right of way exists, a 60-foot wide setback is assumed (30 feet from the centerline).

NP = Not Permitted N/A = Not Applicable

ARTICLE 2-4
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

- Sec. 2-401. INST, Institutional District.
- Sec. 2-402. NC, Neighborhood Commercial District.
- Sec. 2-403. HB, Highway Business District.
- Sec. 2-404. LI, Light Industrial District.
- Sec. 2-405. HI, Heavy Industrial District.
- Sec. 2-406. Other Provisions.

Section 2-401. INST, Institutional District.

- (a) **Purpose and intent.** The institutional zoning district is intended to provide suitable areas for churches, public land uses, and professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities. In some cases, this district may be appropriate as a transition between commercial and residential zoning districts.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-5, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (c) **Dimensional requirements.** Dimensional requirements shall be as provided in Table 2-6, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 2-402. NC, Neighborhood Commercial District.

- (a) **Purpose and intent.** The NC, neighborhood commercial, zoning district is intended to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Individual establishments are small (typically 5,000 square feet or less) so as not to impact the residential character of the area these neighborhood commercial districts serve. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Most of the uses permitted in this zoning district are not auto-oriented in nature, and the overall character of neighborhood commercial districts is such that access by both vehicles and pedestrians is possible.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-5, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.

- (c) **Dimensional requirements.** Dimensional requirements shall be as provided in Table 2-6, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 2-403. HB, Highway Business District.

- (a) **Purpose and intent.** The HB, highway business, district is intended to provide suitable areas for those business and commercial uses which primarily serve the public traveling by automobile. This zoning district is most appropriate along state highways; however, several properties that do not front on highways but which have been developed for auto-oriented uses are placed in this zoning district. Such districts are generally designed so that the automobile has precedence over the pedestrian.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-5, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (c) **Dimensional requirements.** Dimensional requirements shall be as provided in Table 2-6, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 2-404. LI, Light Industrial District.

- (a) **Purpose and intent.** The LI, Light Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations, but where such areas’ proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. The industries locating in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial areas than are heavy industrial (HI) uses. Such industries are capable of operation in a manner so as to control the external effects of the manufacturing process through prevention or mitigation devices and conduct of operations within the confines of buildings. Uses within the LI zoning district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air, or water transportation. Such uses include manufacturing, wholesale trade, and warehousing and distribution activities. Vehicular activities in LI districts consist predominantly of trucks, with some passenger vehicle traffic, and the road system is built to support truck traffic. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also included within this zoning district. Light industrial districts, however, do not service the general public and most business uses generating vehicle traffic are generally not permitted.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-5, “Permitted and Conditional Uses for Commercial and Industrial Zoning

Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.

- (c) **Dimensional requirements.** Dimensional requirements shall be as provided in Table 2-6, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”

Section 2-405. HI, Heavy Industrial District.

- (a) **Purpose and intent.** The HI, Heavy Industrial, zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations which may be objectionable due to the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that may create fire or explosion hazards or other objectionable conditions. Uses within this district may require substantial quantities of water for manufacturing operations and may require rail, air, or water transportation. Conditional uses in this district include those uses known to create a severe safety hazard or to be major producers of air pollution, thus being subject to state and/or federal environmental controls. Uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted.
- (b) **Permitted and conditional uses.** Permitted and conditional uses shall be as provided in Table 2-5, “Permitted and Conditional Uses for Commercial and Industrial Zoning Districts.” If an industry or use is not listed, it is deemed a conditional use in the zoning district the zoning administrator determines as the most appropriate.
- (c) **Dimensional requirements.** Dimensional requirements shall be as provided in Table 2-6, “Dimensional Requirements for Commercial and Industrial Zoning Districts.”
- (d) **Special district requirements.** Applications for rezoning to the HI zoning district, or for any conditional use in the HI zoning district once established, shall include an impact statement prepared by a qualified professional that addresses the impact of the proposed use on abutting and nearby buildings, uses, and properties. The impact statement shall address those external effects determined by the Zoning Administrator to be likely to exist if said district or conditional use is established, including but not limited to, electromagnetic interference, noise, vibration, fumes, odors, dust and air particulates, illumination, truck traffic, and water table protection. The impact statement shall recommend specific measures to mitigate such impacts and provisions for monitoring and enforcing mitigation measures, and, if approved, the recommendations of the impact statement shall be considered conditions of approval unless otherwise specified by action of the Board of Commissioners. At the option of the Board of Commissioners, and at its expense, an independent impact statement may be secured prior to its taking action on a HI zoning decision or conditional use authorization within an HI district once established, to review the impact statement submitted by the applicant or to otherwise address probable adverse impacts of the proposed development.

- (e) **Prohibitions.** The chipping, burning and/or incineration of railroad cross ties, including those containing creosote, naphthenate, or any other preservative compounds, by any commercial and or industrial entity is prohibited. No work shall be done to cause any dust or particulate matter to be released into the air by burning, incineration, chipping, sawing, or any other means used to disassemble railroad cross ties.

Table 2-5
Permitted and Conditional Uses for
Commercial and Industrial Zoning Districts

Accessory Uses and Structures Generally P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	3-101	P	P	P	P	P
Amateur radio tower less than 70 feet in height		P	P	P	P	P
Collection bin		X	X	P	X	X
Fallout shelter		P	P	P	P	P
Intermodal container, temporary	3-140	P	P	P	P	P
Parking space (surface), accessory to one or more permitted uses		P	P	P	P	P
Solar energy system, building mounted	3-165	P	P	P	P	P
Solar energy system, ground mounted	3-166	P	C	P	P	P
Storage building or storage shed		P	P	P	P	P
Utility substation or installation		P	P	P	P	P
Wind turbine		X	X	X	P	P
Accessory Buildings, Structures and Uses Accessory to Nonresidential Principal Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Automated teller machine with drive-through	3-108	X	P	P	P	X
Automated teller machine without drive-through	3-108; 3-124	P	P	P	P	X
Caretaker or night watchman residence	3-113	X	X	P	P	P
Cemetery, accessory to church/place of worship		P	P	P	P	X
Community food or housing shelter, accessory to church or place of worship, or crisis center	3-118	C	X	P	P	X
Concrete batching plant, temporary, on-site		X	X	X	P	P
Construction field office, temporary	3-120	P	P	P	P	P
Food truck or mobile food vendor	3-130	X	X	P	P	X
Helicopter landing pad	3-136	C	X	C	C	C
Residential Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Dwelling, detached single-family, fee simple, existing on the effective date the zoning district was established for the property	3-127	P	P	P	P	X
Dwelling, detached single-family, fee simple, new	3-127	X	X	X	X	X
Institutional Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Cemetery, excluding mausoleum		P	X	P	P	X
Church, temple, synagogue, place of worship	3-115	P	P	P	P	X
Club or lodge, nonprofit		P	P	P	C	X
College or university, private		P	C	P	C	X
Community donation center	3-117	C	C	P	P	X
Community food or housing shelter (nonprofit) or crisis center (nonprofit) (principal use)	3-118	C	X	P	X	X
Continuing care retirement community	3-121	C	C	P	X	X
Dormitory or fraternity or sorority house		C	X	C	X	X
Group home, dormitory, or rooming or boarding house	3-134	C	X	C	X	X
Hospital		P	X	P	P	X
Institutionalized residential living and care facility, serving 15 or less persons	3-139	P	P	P	X	X
Institutionalized residential living and care facility, serving more than 15 persons	3-139	C	C	P	X	X
Public use		P	P	P	P	P
School, private		P	P	P	P	X
School, special		P	P	P	P	X
School, trade		P	P	P	P	X
Adult entertainment establishment	3-103	X	X	X	X	C
Commercial Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Adult day services		P	P	P	X	X

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Agritourism	3-114	X	X	X	X	X
Commercial Uses (continued) P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Art gallery		P	P	P	X	X
Appliance repair		X	X	P	P	X
Auction house or auction yard		X	X	P	P	X
Automobile or other vehicle repair or paint		X	X	P	P	X
Automobile or other vehicle sales, rental, lease	3-109	X	X	P	P	X
Automobile or other vehicle service or wash		X	X	P	P	X
Bail bonding or bondsperson		X	X	P	X	X
Bank or financial establishment		P	P	P	X	X
Bed and breakfast inn	3-111	P	P	P	X	X
Body piercing		X	X	P	X	X
Botanical garden		X	X	P	X	X
Broadcasting, television, radio, movie studio		C	X	P	P	X
Building materials sales		X	X	P	P	X
Business service establishment		P	P	P	P	X
Camp or campground		C	C	C	C	X
Caterer		C	P	P	P	X
Child care learning center	3-114	C	P	P	X	X
Clinic		P	P	P	P	X
Commercial recreational facility, indoor		X	P	P	X	X
Commercial recreational facility, outdoor		X	X	C	C	X
Consumer fireworks retail sales facility		X	X	P	P	X
Contractor's establishment		X	X	P	P	X
Convenience store with or without fuel pumps		X	P	P	P	X
Custom order shop		X	X	P	X	X
Driving school, auto, truck, etc.		C	X	C	P	X
Dry cleaning and laundry establishment		X	P	P	X	X
Equipment rental center		X	X	P	P	X
Exterminator or pest control service		X	X	P	P	X
Farm equipment and implement sales		X	X	P	P	X
Flea, farmer, or other outdoor market	3-129	C	X	P	P	X
Funeral home, mortuary, or mausoleum		X	X	P	P	X
Gasoline station including automobile repair	3-132	X	X	P	P	X
Golf course, not part of residential subdivision	3-133	X	C	C	X	X
Greenhouse (wholesale or retail commercial)		X	X	P	P	X
Health spa		C	X	P	P	X
Kennel or pet boarding facility	3-142	X	C	P	P	X
Landscaping company		X	X	P	P	X
Laundromat		X	X	P	X	X
Liquor store or bottle shop		X	P	P	X	X
Lodging service, including extended stay		X	X	P	C	X
Manufactured or industrialized building sales		X	X	P	P	X
Marina		X	X	C	C	X
Micro-brewery		X	X	P	P	X
Mixed use building		X	P	P	X	X
Museum		P	P	P	P	X
Office		P	P	P	P	P
Open air business		X	X	P	P	X
Parking lot, off-site for passenger vehicles only		P	P	P	P	P
Parking lot for trucks and semi-trailers, off-site		X	X	C	P	P
Parking structure		X	X	P	P	X
Pawn shop		X	X	P	X	X
Payday loan establishment		X	X	P	X	X
Personal service establishment, apparel		P	P	P	X	X
Personal service establishment, entertainment		P	P	P	X	X
Personal service establishment, event or travel		P	P	P	X	X
Personal service establishment, forecasting		P	P	P	X	X
Personal service establishment, on-site provider		P	P	P	X	X
Personal service establishment, social relationship		P	P	P	X	X
Printing and photocopying establishment		P	P	P	P	X
Recreational vehicle dealer		X	X	P	P	X
Recreational vehicle park	3-156	X	X	C	X	X
Restaurant, without drive-through		X	P	P	P	X

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Restaurant, with drive-through	3-124	X	X	P	P	X
Commercial Uses (continued) P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Retail trade facility, enclosed		X	P	P	X	X
Retreat center		C	X	P	X	X
Riding stable, academy or center		X	X	P	X	X
Security service, including armored vehicle		X	X	P	P	X
Self-service storage facility (mini-warehouses)	3-162	X	X	P	P	X
Special event facility, indoor or outdoor		P	P	P	X	X
Stadium, sports arena, or amphitheater	3-168	X	X	C	X	X
Tattoo studio		X	X	P	X	X
Taxi-cab or limousine or bus service		X	X	P	P	P
Taxidermist		C	X	P	P	X
Tow service	3-171	X	X	P	P	X
Truck stop	3-172	X	X	C	P	X
Utility company		X	X	P	P	P
Vapor bar or vapor lounge		X	X	C	X	X
Vehicle emission testing facility		X	X	P	P	P
Veterinary clinic, animal hospital, or pet care		X	C	P	P	X
Industrial Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Biomass electrical generation plant, or incineration of waste of any type, including but not limited to municipal, commercial, industrial, construction and demolition.		X	X	X	X	C
Incineration of waste of any type, including but not limited to municipal, commercial, industrial, construction and demolition, and agricultural and poultry.		X	X	X	X	C
Bottling or canning plant		X	X	X	X	P
Brewery or distillery		X	X	X	P	P
Bulk storage		X	X	X	C	P
Cold storage plant or frozen food locker		X	X	X	P	P
Composting facility		X	X	X	P	P
Co-generation facility		X	X	X	C	P
Distribution center including truck terminals		X	X	X	P	P
Dry cleaning plant		X	X	X	P	P
Food processing plant, including poultry and fish, animal slaughtering, processing and/or rendering		X	X	X	X	C
Food processing plant, excluding poultry and fish, excluding animal slaughtering, processing and/or rendering		X	X	X	P	P
Fuel dealer or fuel oil or gas distributor		X	X	X	P	P
Hazardous waste materials or volatile organic liquid handling and/or storage		X	X	X	X	P
Incinerator or crematory		X	X	X	X	C
Landfill, construction and demolition		X	X	X	X	C
Landfill, inert waste		X	X	X	X	C
Landfill, sanitary (subtitle D)		X	X	X	X	C
Manufacturing, apparel		X	X	X	P	P
Manufacturing, bread and bakery products		X	X	X	P	P
Manufacturing, chemicals, floor coverings, glass, or rubber		X	X	X	X	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling		X	X	X	X	C
Manufacturing, computers, electronics, camera, photographic, or optical good or communication equipment		X	X	X	P	P
Manufacturing, cosmetics or toiletries		X	X	X	P	P
Manufacturing, explosives		X	X	X	X	P
Manufacturing, fiberglass insulation		X	X	X	X	P
Manufacturing, ice		X	X	X	P	P
Manufacturing, instrument assembly		X	X	X	P	P
Manufacturing, leather and allied products		X	X	X	X	P
Manufacturing, machinery		X	X	X	P	P
Manufacturing, nonmetallic mineral products (including ceramics)		X	X	X	X	P
Manufacturing, paint, coating, and adhesive		X	X	X	X	P
Manufacturing, primary metal or fabricated metal products		X	X	X	X	P
Manufacturing, petroleum and coal products		X	X	X	X	P
Manufacturing, pharmaceuticals, medicines, and medical instruments		X	X	X	P	P
Manufacturing, plastic products		X	X	X	P	P
Manufacturing, textiles; textile mill		X	X	X	X	P

Chapter 2, Zoning Districts and Official Zoning Map
Franklin County Unified Development Code (Adopted August 1, 2022)

Manufacturing, wood products (excluding pulp mill)		X	X	X	P	P
Industrial Uses (continued) P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Manufacturing, wood products (including pulp mill)		X	X	X	X	C
Manufacturing, stone, clay, concrete; batching plant		X	X	X	X	P
Mining, quarrying, or resource extraction		X	X	X	X	C
Power plant, private		X	X	X	X	C
Recycling collection center		X	X	X	P	P
Research laboratory		P	X	P	P	P
Salvage yard, junk yard, materials recovery processing	3-161	X	X	X	X	P
Sawmill		X	X	X	P	P
Septic tank cleaning service		X	X	X	P	P
Slaughterhouse		X	X	X	X	C
Solid waste transfer facility		X	X	X	C	P
Solvent metal cleaning		X	X	X	X	P
Tire retreading and recapping facilities		X	X	X	P	P
Warehouse or storage building		X	X	X	P	P
Wastewater treatment plant (private)		X	X	X	X	P
Wholesale trade establishment		X	X	X	P	X
Winery		X	X	X	P	X
Wrecked motor vehicle compound	3-176	X	X	X	P	P
Miscellaneous, Temporary, Other Uses P = Permitted C = Conditional Use X = Prohibited	See Also Sec.	INST	NC	HB	LI	HI
Aircraft landing area (excludes helicopter pads)		X	X	C	C	C
Ambulance service		P	X	P	P	X
Animal shelter (quasi-public or private)		C	X	C	P	X
Conservation area		P	P	P	P	P
Co-generation facility		X	X	X	C	P
Public use		P	P	P	P	P
Utility substation or installation (principal)		P	P	P	P	P
Solar farm	3-167	X	X	C	P	P
Wireless telecommunication facility or equipment (cell tower, antenna, installation)	Art. 3-2	X	X	C	C	C

Table 2-6
Dimensional Requirements for Commercial and Industrial Zoning Districts

DIMENSIONAL REQUIREMENT	INST	NC	HB	LI	HI
Minimum site area to rezone to this district (acres)	1	1	1	2	5
Minimum floor area per dwelling unit including caretaker's residence if permitted (square feet)	NP	NP	700	700	700
BUILDING HEIGHT REQUIREMENTS					
Maximum height (feet)	40	40	50	60	75
Maximum height (number of stories)	3	2	5	5	5
BUILDING AND SITE REQUIREMENTS					
Maximum building coverage (percent)	35	35	35	40	50
Minimum landscaped open space (percent)	20	20	15	20	20
BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS					
Front (feet)	20	15	30	40	100
Side (feet)	10	10	10	30	75
Rear (feet)	15	15	20	40	75
BUILDING SETBACKS, ACCESSORY BUILDINGS AND STRUCTURES					
Front (feet)*	NP	NP	NP	NP	NP
Side (feet)	10	10	5	20	50
Rear (feet)	10	10	None	30	50
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS					
Minimum principal or accessory building setback abutting any residential zoning district (feet)	20	30	40	150	1000
Minimum natural buffer abutting any residential zoning district (feet)	10	20	30	50	200
Minimum landscape strip required along right of ways for any non-single-family residential use (width in feet)	10	10	10	20	30
Minimum landscape strip required alongside property lines for any non-single-family residential use	5	5	5	10	20

* The minimum required front setback is measured from the right of way, or, in the case where no deeded right of way exists, a 60-foot wide setback is assumed (30 feet from the centerline).

NP = Not Permitted N/A = Not Applicable

Section 2-406. Other Provisions.

Applicants for re-zoning adjacent to property outside the Franklin County Government jurisdiction (ex. City of Lavonia) shall submit official, current zoning verification of adjacent property from that jurisdiction. Such zoning may be subject to further investigation on the part of planning staff. Setbacks and buffer requirements shall apply to the property per the adjacent property's zoning district equivalent in the Franklin County's zoning regulations and its respective performance standards.

ARTICLE 2-5 USE DEFINITIONS

Interpretation of chapter 2 shall be guided by the following use definitions. If a definition in this article conflicts with another definition in these zoning regulations, the definitions in this article shall prevail when interpreting whether a use is permitted, conditional or prohibited in the zoning districts established in this chapter.

A

Adult day services: A facility that provides supports for elderly individuals (and their families, if present), who do not function fully independently, but who do not need 24-hour nursing care. Participants may have: some degree of physical disability; a social impairment; mental confusion; need for some assistance with activities of daily living which fall short of the need for placement in and institution; or returned from a recent hospital or institutional stay. There are two types of adult day services programs: basic social, and medical.

Adult entertainment: Any adult bookstore or adult movie house, retail sales of adult items, adult bookstores, adult video stores, adult motion picture theaters, and adult motion picture arcades.

Agriculture: Farming, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. This term specifically includes “horticulture,” or the growing of fruits, vegetables, herbs, flowers or ornamental plants. This term also includes plant nurseries and greenhouses, where lands or structures are used primarily to cultivate trees, shrubs, flowers or other plants for sale.

Aircraft landing area: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances.

Amateur radio tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Amphitheater: An oval or circular structure having tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics.

Animal shelter: Any premises designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually primarily cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals including but not limited to broadcast radio and television, satellite television, wireless cable, amateur radio, Citizen's Band radio, land mobile communications, personal wireless services, and fixed wireless signals.

Apartment: A building, distinguished from a "duplex" or "two-family" dwelling, designed for or occupied exclusively by 2 or more families with separate housekeeping facilities for each family for rent or lease. The term "apartment" shall include "triplex" and "quadraplex." For purpose of this UDC an apartment building shall also be considered a "multi-family" dwelling.

Appliance repair: The replacement of parts or other repair activities for products such as stoves, refrigerators, washers, dryers, or other domestic or commercial equipment.

Arcade, amusement: A place or facility where pinball or electronic games are played for amusement. An amusement arcade is an indoor commercial recreation facility.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

Assisted living facility: Residences for the elderly who are in need of assistance, that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. An assisted living facility is an institutionalized residential living and care facility.

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others).

Automated teller machine: A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use. This use is also referred to in state law as a "remote service terminal."

Automobile repair: Includes but is not limited to engine overhaul, dismantling of subparts, body or frame repair, paint, automotive glass, transmission, and alternator repair. It is characteristic of automobile repair facilities that the customer will typically leave the vehicle overnight, thus requiring storage of vehicles under repair.

Automobile service: Includes but is not limited to oil change facilities and engine tune-up facilities, as well as facilities providing for the rotation of tires. Automobile service may occur in conjunction with auto sales or auto repair, but it is characteristic of automobile service facilities

that the customer will receive service in one day, thus not requiring the storage of vehicles under service.

Automobile sales: New or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, and rental, including agricultural implements and equipment, and similar pieces of equipment or vehicles (excluding manufactured home sales), all of which are complete and operable. This definition includes rental car facilities. An automobile sales establishment may include automobile repair and service facilities as an accessory use.

B

Bail bonding or bondsperson: An establishment that acts as a surety and pledges money or property as bail for the appearance of a person accused in court.

Bank: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes.

Batching plant: A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

Bed and breakfast inn: A facility where overnight accommodations not exceeding six rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Boarding house: A building, house, or portion thereof, where persons reside and meals are provided for not more than 8 persons, who are not members of the operator's family.

Body piercing: An establishment engaged in the practice of puncturing or cutting a part of the human body to create an opening in which jewelry may be worn.

Botanical garden: A private facility, either nonprofit or operated for a fee, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Brewery: An industrial use that brews ales, beers, or similar beverages on site. This definition excludes micro-breweries.

Broadcast tower: Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types.

Broadcasting studio: A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

Building materials sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

Building sales establishment: A lot on which the principal use is the sale of manufactured homes and/or modular buildings. This use is an open-air business.

Bulk storage: The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

Business service establishment: A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, publications and business consulting firms.

Business services, accessory: One or more accessory operations that provide incidental services to individuals patronizing a principal use commercial establishment such as hotels and other lodging, convention centers, and the like. Such uses may, depending on the principal use, include financial transaction processing, concession operations, check room services, comfort station and rest room operators, concierge services, or other similar service arrangers. Such accessory services may also include automated teller machines, newsstands, gift, novelty, and souvenir shops, coin-operated blood pressure check machines, vending machines, photograph booths, and lockers for short-term rental.

C

Camp or campground: Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. A car wash may be operated as a principal use or accessory to another use or building.

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is an accessory use which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carport: A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination

thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Caterer: An establishment that serves and supplies food to be consumed off-premises.

Cemetery: The use of property as a burial place.

Child care learning center: Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age and which is required to be licensed. Child care learning center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to O.C.G.A. Code Section 20-1A-1 et seq.

Christmas tree sales facility: A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary, open-air business establishment. This use is typically accessory to commercial.

Church: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: parsonage, schools, meeting halls, indoor recreational facilities, day care, counseling, and kitchens. This term includes synagogues, temples, and places of worship.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Club or lodge, nonprofit: A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Rotary, Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Collection bin: Any closed receptacle or container made of metal, wood, steel or similar materials designed or intended for the collection of clothing, toys and other small, customary household items (excluding furniture and carpeting) for purposes of donation to needy households; or any such receptacle or container for the collection of recycled materials such as glass, paper, or aluminum.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers an associate, bachelor, master, and/or doctoral degree(s).

Co-generation facility: An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, for-profit art galleries, billiard halls and pool rooms, amusement arcades, indoor swimming centers, ice and roller skating rinks, and bowling alleys.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, and which all or part of the activities occur outside of a building or structure, including but not limited to the following: amusement parks, stadiums, amphitheaters, fairgrounds, drive-in theaters, golf courses, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, archery ranges, unenclosed firearms shooting ranges and turkey shoots, fish ponds, botanical and zoological gardens, ultra-light flight parks, and bungee jumping. A golf course and private club that is built as part of an approved single-family residential subdivision is not considered to be an outdoor commercial recreational facility.

Community donation center: A building or structure owned or leased by a charitable, nonprofit organization which collects donated items such as clothing, food, furniture, house wares, small electrical appliances, toys and other small household items for distribution to needy persons, and where the exchange of goods does not involve payment for such goods.

Conditional use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the governing body. Such uses may be permitted only if a conditional use is approved by the governing body in accordance with the regulations established herein.

Condominium building: A building containing one or more individually owned units or building spaces situated on jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family condominium building.

Conservation area: Any land set aside for conservation of the land in its natural state.

Construction field office: An industrialized building used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use.

Consumer fireworks: Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term consumer fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term consumer fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Consumer fireworks retail sales facility: Shall have the same meaning as provided for by the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition (NFPA 1124).

Consumer fireworks retail sales stand: Shall have the same meaning as provided for by National Fire Protection Association (NFPA) Standard 1124: A temporary or permanent building or structure that has a floor area not greater than 800 square feet (74 square meters), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. An establishment primarily engaged in providing residential and personal care services for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. In some instances these establishments provide skilled nursing care for residents in separate on-site facilities.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

Convenience store: A retail store, usually with a floor area no more than 5,000 square feet and often approximately 2,500 to 3,000 square feet, which sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Crop production: Includes plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for production of food or fiber products (except commercial forestry and logging), sod production, orchards, Christmas tree farms, and nurseries (noncommercial). This term specifically includes horticulture, or the growing of fruits, vegetables, herbs, flowers and other plants. This term also includes aquaculture, or the cultivation of aquatic plants but not including animal production.

Custom order shop: A business establishment that offers merchandise but which maintains no inventory on the site other than display items.

D

Day care: The use of a building or premises for the care and supervision of children or adults who do reside on the property for less than 24 hours.

Developmentally disabled person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Dormitory: A building designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.

Drive-through: A retail or service enterprise wherein service is provided or goods are sold to the customer within a motor vehicle and outside of a principal building.

Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, putting, and/or chipping, and which may include a snack bar and/or pro-shop. A driving range is an outdoor commercial recreation facility.

Dry cleaning and laundry establishment: An establishment, usually less than 3,000 square feet of floor area, for the mechanical cleaning of garments, articles or goods of fabric for retail customers. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers.

Dry cleaning plant: A building, portion of a building, or premises, usually more than 3,000 square feet of floor area. used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto. A dry cleaning plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers.

Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

Duplex: A two-family dwelling; a building designed or arranged to be occupied by two families or households living independently of each other and where both dwelling units are located on the same lot in fee-simple title.

Dwelling: A building, other than a manufactured home, mobile home, house trailer, or recreational vehicle, which is designed, arranged or used for permanent living, and/or sleeping quarters. A recreational vehicle is not a dwelling.

Dwelling, multi-family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen and bath facilities for each family or housekeeping unit, including apartment houses, row houses, townhouses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, single-family detached: A residential building, whether site-built or an industrialized building, designed for occupancy by one family or household. This definition does not include manufactured home, mobile home, house trailer, or recreational vehicle.

Dwelling unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure, and serving one family or household only. This does not include units in hotels or other structures designed for transient residence.

E

Excavation: The mechanical removal of earth material.

Exterminator: An establishment engaged in pest control and exterminating services for businesses, institutions, residences, or industries.

F

Fallout shelter: An accessory building or underground facility designed for the protection of life from radioactive fallout. This includes storm shelters. A fallout shelter may be an accessory use to a dwelling or other principal use.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premise at one time shall constitute a family.

Family burial plot: A private, non-commercial cemetery dedicated to and used, or intended to be used, for permanent interment of human remains. Such term shall not include governmentally owned cemeteries, commercial cemeteries, or cemeteries owned and operated by churches, synagogues, or communities.

Family day care home: A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 13 years of age who are not related to such persons and whose parent(s) or guardians are not residents in the same private residence as the provider; provided, however, that the total number of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time. A family day care home may be authorized as a home occupation in accordance with this UDC.

Fairground: An area of land permanently established and intended to be devoted to seasonal community events, and which may include agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. A fairground not owned by the public is an outdoor commercial recreation facility.

Farm equipment and implement sales: An establishment devoted to the sale of new or used farm equipment and related implements, but not including inoperable equipment stored outside a building.

Farmed deer: Fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer (*Cervus nippon*), red deer and elk (*Cervus elaphus*), reindeer and caribou (*Rangifer tarandus*), and hybrids between these farmed deer species raised for the commercial sale of meat and other parts or for the sale of live animals. Those cervids which are indigenous to the state of Georgia, including white-tailed deer, and those members of the order Artiodactyla which are considered to be inherently dangerous to human beings and are described in subparagraph (a)(1)(F) of Code Section 27-5-5,

O.C.G.A., shall be classified as unacceptable species and shall not be included within the definition of farmed deer (reference: O.C.G.A. 4-4-171).

Farmers market: A structure or location wherein space is provided to multiple independent operators for the purpose of retail and/or wholesale trade of raw agricultural products; provided, however, the use shall not include the processing of any product or the sale of poultry, fish, shellfish, pork, beef or other wildlife or domesticated meat products.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of 6 feet, usually at a height of 3 or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Fireworks: Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term fireworks shall not include: (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term fireworks include ammunition consumed by weapons used for sporting and hunting purposes; and (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is also defined in state law as follows: Flea market means any event (1) at which two or more persons offer personal property for sale or exchange; and (2) at which a fee is charged for the privilege of offering or displaying personal property for sale or

exchange; or (3) at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or (4) regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12 month period. The term “flea market” is interchangeable with and applicable to “swap meet,” “indoor swap meet,” or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. The term “flea market” shall not mean and shall not apply to (1) an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percent of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or (2) any event at which all of the personal property offered for sale or displayed is new, and all persons selling, exchanging, or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants (O.C.G.A. 10-1-360).

Food processing plant: A manufacturing establishment producing or processing foods for human or animal consumption and certain related products or by-products, including but not limited to the following products: sugar, dairy, fruit and vegetable (including canning, preserving and processing), grain mill products and by-products, meat, poultry and seafood (including by-product processing but not including the slaughtering of animals), and miscellaneous food preparation from raw products. This is a manufacturing use.

Food truck: A licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to the general public. A food truck upon its establishment on a property is by definition an accessory use.

Forestry: An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

Fuel tank sales: The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or

the indoor storage of funeral vehicles. A funeral home may have a crematory as an accessory use.

G

Gasoline station: An establishment that provides automobile fueling services, which may include limited sales of convenience items.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

Group day care home: Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than 7 nor more than 18 children under 18 years of age for less than 24 hours without transfer of legal custody and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning. A group day care home is a child care learning center for purposes of this UDC.

Group home: Any dwelling unit with unrelated persons living as a single housekeeping unit in a manner that does not meet the definition of a family.

Guest house: A living unit for temporary guests in building accessory to a single-family detached dwelling. No guest house shall be rented or otherwise used as a separate dwelling.

H

Hazardous waste: Any materials defined or customarily defined as hazardous waste by the Environmental Protection Division of the Georgia Department of Natural Resources; generally, any refuse or discarded material or combination of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as “reducing salons,” “exercise gyms,” “fitness centers,” “health studios,” “health clubs,” and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Helicopter landing pad: Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area. A helicopter landing pad is an accessory use.

Home occupation: Any use, occupation or activity conducted by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, as may be lawfully established under the terms of this UDC.

Hookah bar or hookah lounge: Any facility, building, structure, or location where customers share tobacco or similar product from an individual or communal hookah placed throughout the establishment, and which may include retail sales. This is a vapor bar or vapor lounge for purposes of this UDC.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this UDC.

I

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, or animal or human remains.

Industrialized building: Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. An industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. All industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings.

Industrialized building, residential: Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. A residential industrialized building bears an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs. For purposes of this ordinance, a detached residential industrialized building for one family shall be considered the

same as a detached, single-family dwelling and permitted under the same zoning districts as a detached, single-family dwelling. All residential industrialized buildings bearing an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs pursuant to applicable state law shall be deemed to comply with state minimum standards codes and all ordinances and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings. This UDC shall not be construed to exclude detached, single-family residential industrialized buildings from being sited in a residential district solely because the building is a residential industrialized building.

Institutional residential living and care facility: An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term “intermediate care” means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis. This use is an institutional residential living and care facility.

Intermodal container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e., on semi-trailer beds, rail cars, or ships.

Intrafamily land transfer: A division of land within one or more agricultural districts that creates at least one additional lot but not more than four additional lots, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof; provided, that no more than one (1) lot in the subdivision shall be deeded to any one individual.

J

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

Junk motor vehicle: Any motorized vehicle which is inoperable for 90 days or more, dismantled or partially dismantled, wrecked beyond minor repair, ruined or scrapped.

K

Kennel: Any facility used for the purpose of overnight commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

L

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

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

Landfill, sanitary: The burial of nonhazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Livestock: All of the following animals: horses, ponies, donkeys, mules, asses and other members of the horse family (i.e., equines); cattle (i.e., any bovines not classified as wild animals); pigs and hogs (i.e., any swine not classified as wild animals); goats; sheep; fowl such as chickens, turkeys, ducks and geese, pheasants, partridge, quail, grouse, pigeons, and doves (i.e., poultry); any rabbit or hare not considered by state law to be a wild animal; and “nontraditional livestock” as defined herein.

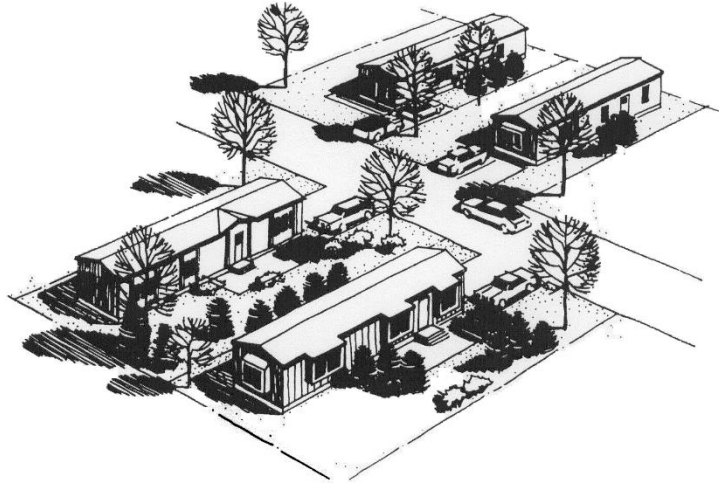
Livestock quarters: Any structure 150 square feet or more in area which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show livestock, as defined. This is not intended to apply to non-structural, fenced land for grazing. This includes the term “barn” when used to shelter livestock. This term does not include “poultry houses” which are defined separately.

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including “hotel,” “motel,” and single-room occupancy. “Bed and breakfast inn” is defined separately and is not considered a lodging service for purposes of this definition.

Lumber yard: A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planing, cutting, and/or other customizing processes.

M

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).



Source: *Time-Saver Standards for Housing and Residential Development*. 2nd Ed. Joseph De Chiara, Julius Panero, and Martin Zelnik, Editors. New York: McGraw-Hill Professional, 1995. Chapter 11, Figure 17, p. 977.

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property.

Manufactured home space: A space within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants. Such space is not considered a lot of record.

Manufactured home sales lot: A premises on which manufactured homes are displayed for sale.

Manufacturing, apparel: An establishment that cuts and sews (i.e., purchasing fabric and cutting and sewing to make a garment) or that manufactures garments in establishments that first knit fabric and then cut and sew the fabric into a garment. (Reference: NAICS 315)

Manufacturing, beverage and tobacco product: An establishment that manufactures nonalcoholic beverages, alcoholic beverages through the fermentation process and processes that produce distilled alcoholic beverages. (Reference: NAICS 312). Excludes ice manufacturing, which is not a beverage.

Manufacturing, bread and bakery products: An establishment primarily engaged in manufacturing fresh and frozen bread and other bakery products, frozen cakes, pies and doughnuts. Includes retail and commercial bakeries. (Reference: NAICS 31181)

Manufacturing, chemical: An establishment that transforms organic and inorganic raw materials by a chemical process and formulates products. (Reference: NAICS 312 and 325)

Manufacturing, computer and electronic product: An establishment that manufactures computers, computer peripherals, communications equipment, or similar electronic products, and any establishment that manufactures components for such products. Processes may involve design and use of integrated circuits and the application of highly specialized miniaturization technologies (Reference: NAICS 334). Also, an establishment that manufactures products that generate, distribute and use electrical power, such as electric lamp bulbs, lighting fixtures, electrical appliances, electric motors, generators, transformers, and switchgear apparatus, as well as devices for storing electrical power (e.g., batteries), for transmitting electricity (e.g., insulated wire), and wiring devices (e.g., electrical outlets, fuse boxes, and light switches). (Reference: NAICS 335)

Manufacturing, concrete: An establishment primarily engaged in manufacturing Portland, natural, masonry, pozzolanic, and other hydraulic cements; or manufacturing concrete delivered to a purchaser in a plastic and unhardened state; or manufacturing concrete pipe, brick, and block. (Reference: NAICS 3273). Includes concrete batch or mixing plants.

Manufacturing, explosives: An establishment primarily engaged in manufacturing explosives (Reference: NAICS 325992)

Manufacturing, food: An establishment primarily engaged in transforming livestock or agricultural products into products for intermediate or final consumption, where raw materials (generally of animal or vegetable origin) are processed into food products. Includes animal food, dog and cat food, grain and oilseed milling, rice milling, malt manufacturing, fat and oil refining and blending, breakfast cereal manufacturing, sugar and confectionary product manufacturing, chocolate and confectionary manufacturing, frozen food manufacturing, fruit and vegetable canning, pickling and drying, dried and dehydrated food manufacturing, dairy product manufacturing (Reference: NAICS 311). Does not include animal processing and slaughtering (Reference: NAICS 31161)

Manufacturing, furniture or related products: An establishment primarily engaged in making furniture and related articles, such as mattresses, window blinds, cabinets, and fixtures. Furniture may be made of any material, but the most common ones used in North America are metal and wood. The processes used in the manufacture of furniture include the cutting, bending, molding,

laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan. Furniture may be made on a stock or custom basis and may be shipped assembled or unassembled (i.e., knockdown). The manufacture of furniture parts and frames is included. (Reference: NAICS 337)

Manufacturing, glass and glass products: An establishment primarily engaged in manufacturing glass and/or glass products. Establishments in this industry may manufacture glass and/or glass products by melting silica sand or cullet, or from purchased glass. Includes the manufacturing of glass containers. (Reference: NAICS 3272). See also “manufacturing, nonmetallic mineral products.”

Manufacturing, ice: An establishment primarily engaged in manufacturing ice (Reference: NAICS 312113).

Manufacturing, leather and allied products: An establishment primarily engaged in transforming hides into leather by tanning or curing and fabricating the leather into products for final consumption. Includes footwear manufacturing, including from "leather substitutes" products such as rubber, plastics, or textiles. (Reference: NAICS 316)

Manufacturing, machinery: An industry that creates end products that apply mechanical force, for example, the application of gears and levers, to perform work. Some important processes for the manufacture of machinery are forging, stamping, bending, forming, and machining that are used to shape individual pieces of metal. Processes, such as welding and assembling are used to join separate parts together. Although these processes are similar to those used in metal fabricating establishments, machinery manufacturing is different because it typically employs multiple metal forming processes in manufacturing the various parts of the machine. Moreover, complex assembly operations are an inherent part of the production process. (Reference: NAICS 333)

Manufacturing, nonmetallic mineral products: An establishment primarily engaged in transforming mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing. Heat often is used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product. Includes glass manufacturers. (Reference: NAICS 327). Does not include the mining of nonmetallic minerals. Does not include concrete manufacturing.

Manufacturing, paint, coating, or adhesive: An establishment primarily engaged in one or more of the following: (1) mixing pigments, solvents, and binders into paints and other coatings; (2) manufacturing allied paint products; and (3) manufacturing adhesives, glues, and caulking compounds. Includes the manufacture of stains, varnishes, lacquers, enamels, shellacs, and water-repellent coatings for concrete and masonry, putties, paint and varnish removers, paint brush cleaners, and frit. (Reference: NAICS 3255)

Manufacturing, petroleum and coal products: An establishment primarily engaged in the transformation of crude petroleum and coal into usable products. The dominant process is petroleum refining that involves the separation of crude petroleum into component products

through such techniques as cracking and distillation. Includes establishments that primarily further process refined petroleum and coal products and produce products, such as asphalt coatings and petroleum lubricating oils. (Reference: NAICS 324). Includes the manufacturing of asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials.

Manufacturing, primary metal or fabricated metal products: An establishment that smelts and/or refines ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques. Establishments may also manufacture metal alloys and superalloys by introducing other chemical elements to pure metals. The output of smelting and refining, usually in ingot form, is used in rolling, drawing, and extruding operations to make sheet, strip, bar, rod, or wire, and in molten form to make castings and other basic metal products. Includes iron, steel, copper and aluminum products manufacturing. (Reference: NAICS 331). Includes fabricated metal product manufacturing, including transforming metal into intermediate or end products, other than machinery, computers and electronics, or treat metals and metal formed products fabricated elsewhere. Important fabricated metal processes are forging, stamping, bending, forming, and machining, used to shape individual pieces of metal; and other processes, such as welding and assembling, used to join separate parts together. (Reference: NAICS 332)

Manufacturing, pharmaceuticals, medicines, and medical equipment: An establishment primarily engaged in manufacturing medical equipment and supplies. Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances. (Reference: NAICS 33911). Also, an establishment primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions. (Reference: NAICS 32541)

Manufacturing, plastic and rubber products: An establishment that primarily makes goods by processing plastics materials and raw rubber. The core technology employed by establishments in this subsector is that of plastics or rubber product production. Plastics and rubber are combined because plastics are increasingly being used as a substitute for rubber; however, individual industries typically produce products made of just one material, either solely plastics or rubber. Includes manufacture of plastic film and sheets, plastic bags, plastic pipes pipe fittings and plastic plumbing fixtures, polystyrene foam products, urethane and other foam products, and plastic bottles (Reference: NAICS 326). Also includes an establishments primarily engaged in processing natural, synthetic, or reclaimed rubber materials into intermediate or final products using processes, such as vulcanizing, cementing, molding, extruding, and lathe-cutting, including manufacturing of tires, plastic hoses and belts (Reference: NAICS 3262).

Manufacturing, signs: An establishment primarily engaged in manufacturing signs and related displays of all materials (except printing paper and paperboard signs, notices, displays). (Reference: NAICS 33950)

Manufacturing, textiles or textile products: An establishment that transforms a basic fiber (natural or synthetic) into a product, such as yarn or fabric that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption. The main processes in this subsector include preparation and spinning of fiber, knitting or weaving of fabric, and the finishing of the textile. (Reference: NAICS 313). Also, establishments that make textile products (except apparel) which include with a few exceptions, cut and sew processes to make non apparel textile products, such as sheets and towels. (Reference: NAICS 314). Excluded from this definition are establishments that weave or knit fabric and make garments (they are classified as NAICS 315, Apparel Manufacturing).

Manufacturing, transportation equipment: An establishment primarily engaged in producing equipment and machinery for transporting people and goods. Includes motor vehicle, truck trailer, motor home, travel trailer and camper manufacturing and motor vehicle parts. (Reference NAICS 336).

Manufacturing, wood products: An establishment that manufactures wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings. Production processes include sawing, planing, shaping, laminating, and assembling wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools. The lumber or other transformed wood shapes may also be subsequently planed or smoothed, and assembled into finished products, such as wood containers. Includes sawmills and wood preservation (Reference: NAICS 321). Excludes pulp, paper, and paperboard mills.

Micro-brewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment, indoor or outdoor.

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities. See also the term, “resource extraction.”

Mini-warehouse: (see self-service storage facility).

Mixed-use building: A building designed, planned and constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. This term includes live-work units, which are jointly used for commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work. This term is distinguished from a dwelling containing a home occupation.



Mobile home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Model home: A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

N

Nursing home: A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies

with rules and regulations of the Georgia Department of Human Resources. This use is an institutional residential living and care facility.

Nontraditional livestock: The species of Artiodactyla (even-toed ungulates) listed as bison, water buffalo, farmed deer (as defined), llamas, and alpacas that are held and possessed legally and in a manner which is not in conflict with the provisions of Chapter 5 of Title 27 of the Georgia Code dealing with wild animals (reference: O.C.G.A. 4-4-1.1).

O

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales on the premises.

Office, medical: An office for a physician, dentist, medical specialist, chiropractor, and similar medical professionals and which may include outpatient and laboratory facilities as accessory uses.

Office/warehouse: A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions (office use does not exceed 20 percent of the gross floor area), and which does not involve retail sales.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air, including but not limited to rock yards, nurseries and garden centers and garden supply stores, lumber and building materials yards, statuary and monument sales establishments, and tank sales. A produce stand as defined is not considered an open air business. A flea market is defined separately from open air business.

P

Parking lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of operable passenger motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator. An off-site parking lot does not include or authorize the parking of vehicles with three (3) or more axles, recreational vehicles, or semi-trailers.

Parking lot for trucks and truck trailers, off-site: A parcel of land or portion thereof principally used for the parking or storage of tractor trailers, and non-passenger vehicle trucks, whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator. An off-site parking lot for trucks may include and authorizes the parking of vehicles with three (3) or more axles and semi-trailers.

Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

Pawn shop: Any business wherein a well-defined part thereof is to take or receive, by way of pledge or pawn through bailment, any goods, wares, merchandise, or any kind of personal property whatever, as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

Payday loan establishment: Any facility that offers short-term borrowing, where an individual borrows a small amount at a very high rate of interest. The borrower typically writes a post-dated personal check in the amount they wish to borrow plus a fee in exchange for cash.

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating. For purposes of this article, this use is an institutional residential living and care facility.

Personal service, apparel: An establishment that has one or more persons or machines or other equipment on-site to deliver certain services related to personal clothing and apparel, and where a person brings to the site on-person or in-hand an article of clothing or other apparel or device worn on the body to be serviced. These include shoe shine (boot black), shoe repair, clothing repair. This definition also includes costume or clothing rental facilities and items on the personal body including optical goods, and hearing aids. Excludes body piercing, dry cleaners and laundromats.

Personal service, entertainment: An establishment that arranges the dispatch of one or more persons with or without incidental items to an off-site location for a temporary duration for purposes of temporary amusement or entertainment. These include singing telegram and balloon-o-gram services. This category excludes food caterers and other establishments that serve food.

Personal service, event or travel: An establishment that assists one or more persons in arranging an event such as a wedding or special event planner, or travel.

Personal service, forecasting: An establishment that has one or more persons on-site to deliver certain services related to the forecasting or prediction of future events and conditions. These include astrology (horoscope), fortune telling, numerology, palm reading, and psychic services.

Personal service, on-site provider: An establishment that has one or more persons on-site to deliver certain bodily services and which the person serviced is present to receive such bodily services. This definition includes hair (barber, stylists, beauticians, etc.), nail, and tanning establishments. This definition also includes diet and weight reduction establishments (excluding fitness centers and exercise rooms). This definition does not include clinics and medical

establishments or service providers such as professional massage therapists. This definition excludes service to pets and animals other than humans. Excludes body piercing and tattooing.

Personal service, social relationship: An establishment that arranges for social relationships and may provide for the dispatch from an office location or from another location, one or more persons to accompany another person or persons for pleasure or social interaction. These include dating services and escort services. Not included within this definition is any establishment involving sexually explicit activity or service. Security services are defined separately.

Pet care: An establishment that provides grooming, training, sitting, or psychological services for household pets.

Pet, household: Any animal other than livestock or wild animals, which is kept for pleasure and not sale, which is an animal of a species customarily bred and raised to live in the habitat of residential dwellings or on the premises thereof and is dependent upon residents of the dwelling for food and shelter. Household pets include but are not limited to dogs, cats, rodents, common cage birds, aquarium-kept fish, and small amphibians and reptiles. The following shall not be considered a household pet: any pig or any other type of swine; or any rabbit or hare considered by state law to be a wild animal, i.e., other than Genus *Oryctolagus* (Common European Rabbits) or any other normally domesticated species (reference O.C.G.A. 27-5-5).

Photovoltaic (PV) system: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert direct current electricity produced by the system to usable alternating current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Poultry house: A building for housing domesticated birds for eggs or meat, at a commercial scale of production. A poultry house is typically single-story and typically built with a width of 40 to 60 feet and with a length of 400 to 600 feet. A poultry house can be built as a stand-alone, single building or poultry houses may be built together in the form of a poultry farm. A poultry house is typically served by a water-supply line, has a system for the disposal of droppings, and includes central-heating and ventilating systems. Equipment in a poultry house is typically industrially manufactured to ensure optimal mechanization of production processes. Poultry houses may be operated by commercial poultry processors such as Fieldale Farms, Wayne Farms, and CWT Farms International, or by individual farmers with agreements with such poultry processors. Franklin County is a leading producer of poultry in Georgia.

Power plant, private: A facility, distinguished from a public use, which converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located, or off-site.

Produce stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Franklin County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

R

Recovered materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. (Georgia Code Section 12-8-22)

Recovered materials processing facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste. (Georgia Code Section 12-8-22)

Recreational vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others. Recreational vehicles are not dwelling units and are not authorized by this UDC to be used as permanent dwelling units.

Recreational vehicle park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers. This definition also includes developed campgrounds, governed by a set of public or private management rules, that accommodate recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

Recreational vehicle space: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recreational vehicle dealer: The use of any building or premises for the display and sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use. This use is an automobile sales establishment.

Recycling collection center: Any facility utilized for the purpose of collecting and sorting materials to be recycled, including but not limited to, plastics, glass, paper and metals.

Relocated residential structure: A detached, single-family dwelling, site-built (i.e., excluding a manufactured home or mobile home) that is moved to another site, whether temporarily or permanently.

Rendering plant: A process that converts what would otherwise be waste materials (usually unusable animal parts or components) into usable materials or products.

Research laboratory: A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

Resource extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations.

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafés.

Restaurant, drive-through: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include

but are not limited to the following: hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, , drug stores, apothecaries and proprietary stores, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, newsstands, florists, , automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops. Retail trade establishment excludes pawn shops and vapor lounges which are defined separately.

Retreat center: A facility used for professional, educational, or religious conferences or seminars, and which may provide meals, lodging, and recreation for participants during the period of the retreat or program only. Housing is usually in lodges, sleeping cabins or other temporary quarters, not containing kitchens.

Riding academy or equestrian center: An establishment where horses are kept for riding or are kept for competition or educational purposes incidental to a club, association, ranch, educational institution or similar establishment but which does not involve commercial sales and is not open to the general public for a fee.

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding, either for private use or commercially for a fee.

S

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials or recovered materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

Sawmill: A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the processing of timber for use on the same lot by the owner or occupant of that lot.

School, private: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by a County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia; or an educational use not operated by the County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the County Board of Education.

School, special: An educational use not operated by the County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

Security service: An establishment that provides a security-related service to an individual or business. These include locksmiths, investigation, identity theft protection, security guard and patrol services, armored vehicles, and security system sales.

Self-service storage facility: Mini-warehouse; A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units for exclusively storage purposes. A manager's office is an accessory use to this principal use.

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being. For purposes of this code, this use is an institutional residential living and care facility.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refinement of their byproducts.

Solar access easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar array, tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar energy facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term “solar farm.”

Solar energy system: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited, to photovoltaic (solar electric) systems and thermal solar energy systems.

Solar energy system, building mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

Solar energy system, ground mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure.

Solar energy system, thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special event facility: A facility or assembly hall available for lease by private parties or special events such as weddings. This term includes wedding chapels.

Sports arena: An enclosed or enclosable building, often circular or oval-shaped, designed to showcase theater, musical performances, or sporting events, having tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area.

Stack house: A stand-alone covered structure dedicated to the storage of manure/litter.

Stadium: A building, usually roofless, often circular or oval-shaped, with tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area, and which is used to showcase sporting events, musical performances, or other commercial recreation or leisure events.

T

Tattoo: To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. (Reference O.C.G.A. 31-40-1)

Tattoo studio: Any facility or building on a fixed foundation wherein a tattoo artist performs tattooing. (Reference O.C.G.A. 31-40-1)

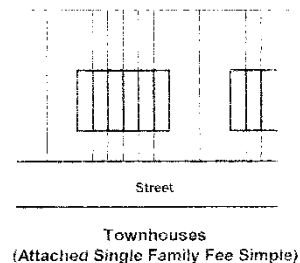
Taxi-cab or limousine service: Any place used to dispatch motor vehicles with drivers for hire, which may include the maintenance of vehicles.

Taxidermist: A facility in which the art or operation of preparing, stuffing and mounting the skins of birds, animals or fish is conducted to maintain deceased animals for exhibition in a life-like state.

Temporary use: A use intended for a specified limited duration.

Tow service: An establishment that dispatches towing vehicles and which provides for the storage of vehicles for a period not exceeding 60 days but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from “wrecked motor vehicle compound” and “salvage yard” as defined herein.

Townhouse, fee simple: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Source: John Matusik and Daniel Deible. "Grading and Earthwork." Figure 24.30 in Land Development Handbook, 2nd ed. New York: McGraw-Hill, 2002, p. 571.

Truck stop: A commercial use of property on one parcel providing facilities for the refueling, maintenance and/or servicing of heavy trucks and which may include related service facilities for such vehicles and their drivers, including but not limited to dispensing of motor fuels and petroleum products directly into motor vehicles, restaurants, lodging, shower and laundry facilities, truck service, overnight truck parking and/or storage, and a parking area in association with the above services.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

U

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied.

Use, permitted: A use by right which is specifically authorized in a particular zoning district.

Use, conditional: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found to be compatible and approved by the Franklin County Board of Commissioners within a particular zoning district as provided in certain instances by this code. An approved conditional use runs with the property.

Utility company: A private business providing electricity, natural gas, telephone or other services under the regulation of Georgia Public Services Commission. This use includes equipment and vehicle storage.

Utility substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.

V

Vapor bar or vapor lounge: Any facility, building, or structure or location where customers use an electronic smoking device or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. This use includes utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one or more electronic or battery operated delivery devices, including any device known as an electronic cigarette (also commonly referred to as e-cigarette). Includes hookah bars and hookah lounges. This use may also include retail sales.

Vehicle emission testing facility: A building, structure, or use which is specifically designed to test the vehicle emissions of vehicles for compliance with air quality standards. This use may be a principal or accessory use.

W

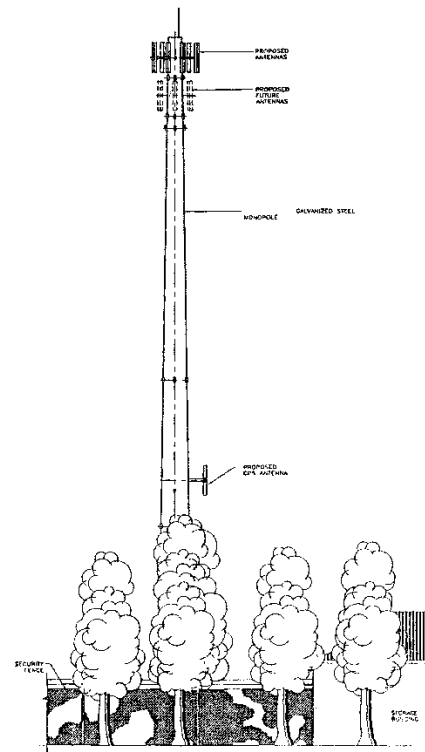
Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site. A mini-warehouse is defined as a different use (self-service storage facility).

Wastewater treatment plant: A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters.

Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.



Wrecked motor vehicle compound: An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative.”

Y

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

CHAPTER 3

SPECIFIC USE PROVISIONS

ARTICLE 3-1 SPECIFIC USES

- Sec. 3-101. Accessory use, building or structure generally.
- Sec. 3-102. Accessory use, building or structure in a residential district.
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- Sec. 3-104. Aircraft landing area.
- Sec. 3-105. Animal shelter.
- Sec. 3-106. Asphalt or concrete plant.
- Sec. 3-107. Attendant's shelter.
- Sec. 3-108. Automated teller machine.
- Sec. 3-109. Automobile or other vehicle sales, rental, or lease.
- Sec. 3-110. [Reserved].
- Sec. 3-111. Bed and breakfast inn.
- Sec. 3-112. Boarding or breeding of animals.
- Sec. 3-113. Caretaker or nightwatchman residence.
- Sec. 3-114. Child care learning center, group day care home, adult day services.
- Sec. 3-115. Church or place of worship.
- Sec. 3-116. Commercial recreation facility, outdoor.
- Sec. 3-117. Community donation center.
- Sec. 3-118. Community food or housing shelter or crisis center.
- Sec. 3-119. Condominium.
- Sec. 3-120. Construction field office, temporary.
- Sec. 3-121. Continuing care retirement community.
- Sec. 3-122. Crematory.
- Sec. 3-123. Dam.
- Sec. 3-124. Drive-through.
- Sec. 3-125. Dwelling, fee simple townhouse.
- Sec. 3-126. Dwelling, multiple family.
- Sec. 3-127. Dwelling, manufactured home.
- Sec. 3-128. Family burial plot.
- Sec. 3-129. Fence or wall.
- Sec. 3-130. Food truck or mobile food vendor.
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- Sec. 3-133. Golf course.
- Sec. 3-134. Group home, or rooming or boarding house.
- Sec. 3-135. Guest house.
- Sec. 3-136. Helicopter landing pad.
- Sec. 3-137. Home occupation.
- Sec. 3-138. Incinerator.
- Sec. 3-139. Institutional residential living and care facility.
- Sec. 3-140. [Reserved].
- Sec. 3-141. Junked vehicle, junk, or recovered material.

- Sec. 3-142. Kennel or pet boarding facility.
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- Sec. 3-154. Recreation facility, private.
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- Sec. 3-208. Additional criteria to consider.
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- Sec. 3-221. Local review of applications for modification or collocation.
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**ARTICLE 3-1
SPECIFIC USES**

- Sec. 3-101. Accessory use, building or structure generally.
- Sec. 3-102. Accessory use, building or structure in a residential district.
- Sec. 3-103. Adult entertainment establishment.
- Sec. 3-104. Aircraft landing area.
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- Sec. 3-106. Asphalt or concrete plant.
- Sec. 3-107. Attendant's shelter.
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- Sec. 3-118. Community food or housing shelter or crisis center.
- Sec. 3-119. Condominium.
- Sec. 3-120. Construction field office, temporary.
- Sec. 3-121. Continuing care retirement community.
- Sec. 3-122. Crematory.
- Sec. 3-123. Dam.
- Sec. 3-124. Drive-through.
- Sec. 3-125. Dwelling, fee simple townhouse.
- Sec. 3-126. Dwelling, multiple family.
- Sec. 3-127. Dwelling, manufactured home.
- Sec. 3-128. Family burial plot.
- Sec. 3-129. Fence or wall.
- Sec. 3-130. Food truck or mobile food vendor.
- Sec. 3-131. Fuel pump.
- Sec. 3-132. Gasoline service station.
- Sec. 3-133. Golf course.
- Sec. 3-134. Group home, or rooming or boarding house.
- Sec. 3-135. Guest house.
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- Sec. 3-137. Home occupation.
- Sec. 3-138. Incinerator.
- Sec. 3-139. Institutional residential living and care facility.
- Sec. 3-140. [Reserved].
- Sec. 3-141. Junked vehicle, junk, or recovered material.
- Sec. 3-142. Kennel or pet boarding facility.

- Sec. 3-143. Landfill, other than sanitary, and solid waste transfer facility.
- Sec. 3-144. Landfill, sanitary.
- Sec. 3-145. Live-work unit.
- Sec. 3-146. Lodging, extended stay.
- Sec. 3-147. Manufactured home park.
- Sec. 3-148. Manufacturing, fabrication or assembly as accessory use.
- Sec. 3-149. Mining, quarrying or resource extraction.
- Sec. 3-150. Model home.
- Sec. 3-151. Parking lot, accessory uses within.
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- Sec. 3-160. [Reserved].
- Sec. 3-161. Salvage yard or materials recovery facility.
- Sec. 3-162. Self-service storage facility (mini-warehouse).
- Sec. 3-163. Semi-trailer.
- Sec. 3-164. Shooting range, outdoor.
- Sec. 3-165. Solar energy system, building mounted.
- Sec. 3-166. Solar energy system, ground mounted.
- Sec. 3-167. Solar farm.
- Sec. 3-168. Stadium, sports arena, or amphitheater.
- Sec. 3-169. Timber harvesting.
- Sec. 3-170. Tire shop or tire display.
- Sec. 3-171. Tow service.
- Sec. 3-172. Truck stop.
- Sec. 3-173. Utility substation or installation.
- Sec. 3-174. Vehicle or implement for sale.
- Sec. 3-175. Wireless telecommunication facility.
- Sec. 3-176. Wrecked motor vehicle compound.
- Sec. 3-177. Yard or garage sale.

Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through conditional use approval. All uses shall be required to comply with the provisions of this article, to the extent they apply. Some uses may be subject to more than one section of this article. See also Chapter 2 for zoning district use regulations.

Sec. 3-101. Accessory use, building or structure generally.

This section shall apply to all accessory uses, buildings and structures, unless otherwise specifically provided.

- (a) **Permitted uses.** Accessory uses, buildings and structures shall be as permitted in Tables 2-1, 2-3, and 2-5 of this UDC for the respective types of zoning districts (chapter 2).
- (b) **Relationship to principal use.** Except in agricultural districts, no accessory use, building or structure shall be allowed on any lot until there exists a principal use on the lot. An accessory building attached to a principal building by a breezeway, passageway, or similar means shall meet the building setback requirements for the principal building.
- (c) **Location on lot.** Except in agricultural districts, and unless otherwise specifically permitted, all accessory uses, buildings, and structures shall only be permitted or allowed in a side or rear yard of the lot.
- (d) **Separation.** Accessory buildings shall be separated from principal buildings and any other permitted accessory buildings by at least ten (10) feet.
- (e) **Side and rear setback.** An accessory building with a building floor area of less than 150 square feet shall be setback a minimum of five feet from any side or rear property line. In residential zoning districts, an accessory building with a building floor area 150 square feet or more shall comply with the setbacks required for principal buildings for the zoning district in which it is located.
- (f) **Maximum building floor area.** Except in agricultural and rural residential districts and unless otherwise specifically permitted, no accessory building or structure shall exceed the building floor area of the principal building on the lot.
- (g) **Permit.** An accessory building or structure with 150 or more square feet in area requires a building permit.

Sec. 3-102. Accessory use, building or structure in a residential district.

In addition to the requirements applicable to an accessory use, building or structure generally as provided in Sec. 3-001 of this article, the following regulations shall apply to accessory buildings, structures and uses in all residential zoning districts:

- (a) **Maximum height.** No accessory building shall exceed a height of two (2) stories or thirty-five (35) feet.

Sec. 3-103. Adult entertainment establishment.

- (a) **Finding.** The Board of Commissioners of Franklin County determines that adult entertainment establishments shall not be allowed within any zoning district other than HI (Heavy Industrial), and then only with conditional use approval.
- (b) **Location restrictions.** No adult entertainment establishment shall be located within 2,000 feet of: any residence; any church or place of worship, school, government-owned or operated building, library, civic center, public park, hospital, community club, or prison; another adult entertainment establishment; or an establishment selling alcoholic beverages. Within this 2,000 foot separation, there shall be no hotel, motel, overnight lodging, or truck stop (overnight parking) permitted. For purposes of this section, distance shall be by airline measurement from property line, using the closest points on the property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.
- (c) **Additional conditional use criteria to consider.** In addition to criteria applicable for decision making with regard to special uses generally, as provided in chapter 12 of this UDC, the Board of Commissioners of Franklin County shall consider the following criteria prior to making a decision on a conditional use application for an adult entertainment establishment:
 - 1. Whether there is evidence that, even though there is compliance with the minimum distance requirements required by this section, the type and number of schools or number of churches or other facilities in the vicinity causes minors to frequent the immediate area;
 - 2. Whether there is evidence that the location or type of structure would create difficulty in law enforcement, including but not limited to answering complaints or making extra surveillance of the premises;
 - 3. Whether there is evidence that a conditional use or a license for the location would be detrimental to the property values in the area;
 - 4. Whether there is evidence that a conditional use or license in that location would be detrimental to traffic conditions or that there is a lack of sufficient parking spaces for automobiles. In addition to compliance with any other parking space requirements of this UDC, a licensee shall have sufficient parking on the premises so as to provide parking for his customers and so as to prevent parking on the streets or adjoining property;
 - 5. Whether there is evidence that alcoholic beverages have been sold to intoxicated persons or to a minor; and

6. Whether there is evidence that the conduct of the business has violated the law or this section, will create a disturbance, congregation of intoxicated or unruly persons, alcoholic beverages illegally on the premises, or that illegal activities have occurred on or in connection with the premises or business.

Sec. 3-104. Aircraft landing area.

- (a) **Authority.** In addition to other sources of authority, local governments in Georgia are specifically authorized by O.C.G.A. § 6-3-20 to regulate airports and landing fields.
- (b) **Reference to federal rules.** Aircraft landing areas shall be developed in accordance with any applicable regulations and guidelines of the Federal Aviation Administration (FAA) and any other agency of the federal government with jurisdiction, including but not limited to specifications for takeoff and landing area, approach zones, and safety barriers.
- (c) **Environmental impact report.** An environmental impact report shall be submitted with an application for conditional use, addressing whether the facility is consistent with the comprehensive plan, whether the use will have an adverse impact on the surrounding area, and whether the noise level will impact the surrounding area.
- (d) **Noise abatement.** If sound levels are anticipated to exceed acceptable thresholds at residential zoning boundaries, noise abatement plans may be required as part of an application for conditional use and shall be subject to the approval of the county during the conditional use application process.
- (e) **Additional conditions.** In approving an aircraft landing area, the Franklin County Board of Commissioners may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use.

Sec. 3-105. Animal shelter.

- (a) **State license.** No animal shelter shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning administrator prior to commencement of operations.
- (b) **State rules.** Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Article, Chapter 40-13-13 Animal Protection).

Sec. 3-106. Asphalt or concrete plant.

Asphalt plants (petroleum-based manufacturing) or concrete plants (concrete manufacturing) shall comply with the following standards:

- (a) **Minimum site area.** The minimum site area for establishment of an asphalt or concrete plant shall be five (5) acres.
- (b) **Federal and state law.** The use shall comply with all applicable federal and state laws, and a copy of any required federal or state permits shall be submitted to the zoning administrator prior to the commencement of operation.
- (c) **Operation.** Hours of operation shall be limited to daylight hours.
- (d) **Setback.** A minimum one-thousand (1,000) foot setback from any residential zoning district boundary or public school or park shall be required.

Sec. 3-107. Attendant's shelter.

- (a) **Authorized.** Notwithstanding the requirement that accessory structures are prohibited in front yards of a lot, when a subdivision or establishment provides perimeter security via a fence or wall with a manned or automated/code controlled access gate, an attendant's shelter may be authorized to be constructed in a front yard by the zoning administrator, for good cause shown.
- (b) **Setback.** If authorized the attendant's shelter shall be placed no closer than twenty (20) feet to the front property line.

Sec. 3-108. Automated teller machine.

- (a) **Procedures for safety.** Operators of remote service terminals are required to adopt procedures for evaluating the safety of such terminals, including lighting, landscaping or obstructions, and incidence of crimes of violence (O.C.G.A. 7-8-2).
- (b) **Lighting.** Such facilities must meet lighting requirements including minimum ten (10) candlefoot power at the face of the terminal and two (2) candlefoot power within certain distances from the face of the remote service terminal as specified by O.C.G.A. 7-8-3.

Sec. 3-109. Automobile or other vehicle sales, rental, or lease.

- (a) **Storage and inoperable vehicles.** No outside storage of parts or parking of non-operable vehicles or vehicles with body damage shall be permitted.
- (b) **Unloading zone.** The establishment shall provide space on the lot devoted specifically and exclusively for automobile or other vehicle loading and unloading, as approved by the zoning administrator. It shall be unlawful to load or unload automobiles or other vehicles intended for sale, lease, rental, service, or repair at the facility within the right-of-way of any public street. It shall be unlawful to park cars within or otherwise encroach upon the designated and approved loading or unloading zone except for loading and unloading operations.

- (c) **Display of vehicles.** Automobiles or other vehicles for sale, rental or lease shall not be parked in landscaped areas of the lot.

Sec. 3-110. [Reserved].

Sec. 3-111. Bed and breakfast inn.

Bed and breakfast inns shall meet the following requirements:

- (a) **Owner resident occupancy.** The owner of the inn must reside on the property.
- (b) **Duration of stay.** The length of stay of any guest in the inn shall not exceed fourteen (14) consecutive days.
- (c) **Exterior appearance.** If the use is established within a building originally designed as a single-family residence, the exterior appearance of the building shall not be altered from its single-family character unless the changes are approved via a conditional use permit.
- (d) **Food service.** Food service shall be limited to breakfast only, which shall be served only to guests taking lodging at the inn. Individual rooms that are rented shall not contain cooking facilities, and no food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- (e) **Employment.** Employment related to the inn shall be limited to members of the owner's household occupying the inn, plus either one full-time employee or not more than two part-time employees.
- (f) **Codes.** The inn must meet all applicable building, occupancy, health, safety and food service codes, rules and regulations.

Sec. 3-112. Boarding or breeding of animals.

- (a) No animal breeding or boarding facility shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning administrator prior to commencement of operations. Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Article, Chapter 40-13-13 Animal Protection).
- (b) There shall be no restrictions on hobby breeding of pets (2 or fewer litters per year). There shall be no restrictions on breeding of livestock for FFA and or 4-H or other show/competition purposes in agricultural, SR, RR, and LR zoning districts

Sec. 3-113. Caretaker or nightwatchman residence.

A residence for a caretaker or night watchman may be permitted as a use accessory to a business or industrial establishment, subject to compliance with the following regulations:

- (a) **Evidence of need.** Evidence of need for full-time security or on-site management after operation hours must be submitted to and accepted by the zoning administrator .
- (b) **Specifications.** The caretaker's residence shall contain a minimum of six-hundred (600) square feet of heated floor area, which may be included inside a principal building on the lot or as a detached residential structure separate from the principal building(s) on the lot.

Sec. 3-114. Child care learning center, group day care home, adult day services.

- (a) **Child care learning centers.** Child care learning centers, as defined herein (19 or more children), shall meet Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.
- (b) **Group day care home.** Group day care homes, as defined herein (7 to 18 children) shall meet Rules and Regulations for Group Day Care Homes, Chapter 290-2-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area.
- (c) **Family day care home.** Family day care homes, as defined (3 to 6 children), are permitted as home occupations, subject to compliance with Rules and Regulations for Family Day Care Homes, Chapter 290-2-3, Georgia Department of Early Care and Learning, updated March 26, 2014, as may be amended from time to time. For purposes of this paragraph only, children who are related by blood, marriage or adoption to the care provider shall not be included in the calculation of the six (6) children limitation.
- (d) **Adult day services.** Adult day services, as defined, herein, shall meet any applicable rules of the Georgia Department of Human Resources Article of Aging Services.
- (e) **Indoor and outdoor area.** Child care learning centers, group day care homes, and adult day services shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet.

Sec. 3-115. Church or place of worship.

- (a) **Parsonage.** A church or place of worship that constitutes the only principal use on the lot shall be permitted one residence as an accessory use, with its customary accessory uses, for the housing of the pastor, priest, minister, rabbi, etc.; provided that if the residence is a stand-alone unit it shall be separated by a minimum of fifteen (15) feet from other buildings on the lot.
- (b) **School or day care.** A church or place of worship shall be permitted a school or day care center as an accessory use.
- (c) **Cemetery.** A church or place of worship that constitutes the only principal use on the lot shall be permitted to have a cemetery as an accessory use.
- (d) **Community food or housing shelter.** One community food or housing shelter is an authorized accessory use to a church or place of worship, subject to the requirements of this UDC.
- (e) **Community donation center.** A church or place of worship may operate a community donation center, subject to compliance with the requirements of this UDC.
- (f) **Recreational fields.** A church or place of worship that constitutes the only principal use on the lot shall be permitted to have unlighted recreational fields; lighted recreational fields accessory to a church or place of worship shall require conditional use approval.
- (g) **Other.** Gymnasiums and/or sports-related uses and storage buildings shall be permitted accessory uses.

Sec. 3-116. Commercial recreation facility, outdoor.

Outdoor commercial recreational facilities, as defined, are typically accompanied by substantial off-site impacts. Accordingly, the following regulations are imposed and shall be met:

- (a) **Minimum area.** Such uses require a minimum lot area of five (5) acres.
- (b) **Hours of operation.** Unless otherwise specifically provided for in conditional use approval, the hours of operation of an outdoor commercial recreation facility shall be limited to time between 8:00 a.m. and 10:00 p.m.
- (c) **Setback and buffer.** A minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines, shall be required. Greater setbacks and larger buffers may be imposed during conditional use approval.

- (d) **Outdoor lighting.** Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination.
- (e) **Noise and air pollution abatement.** Noise abatement and air pollution abatement plans may be required as part of an application for conditional use and shall be subject to the approval of the county during the conditional use application process. Such projects may be required to construct noise attenuation walls or otherwise address off-site noise or air pollution impacts.
- (f) **Traffic impact study.** A traffic impact study shall be required as part of the conditional use application.

Sec. 3-117. Community donation center.

Community donation centers shall meet the following requirements:

- (a) **Indoor storage.** All collected items shall be stored inside an enclosed building.
- (b) **Loading and unloading.** Loading/ unloading space shall be provided on the site as approved by the zoning administrator.
- (c) **Limits on materials collected.** The center shall not accept hazardous materials, motor vehicles or motor vehicle parts, bathroom or kitchen fixtures, guns, ammunition, weapons, carpet, or construction materials.
- (d) **Duration of operation.** Hours of operation, and any associated loading or unloading operations, shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

Sec. 3-118. Community food or housing shelter or crisis center.

Community food and housing shelters or crisis centers as defined shall comply with the following:

- (a) **Required facilities.** Housing shelters shall have adequate beds, showers, and restroom facilities provided at the location to meet the needs of the overnight guests, all maintained a clean, safe, and sanitary fashion.
- (b) **Distance separation.** No such use shall be located closer than five hundred (500) feet, measured as the crow flies, to a residential zoning district boundary or an existing detached single-family dwelling.
- (c) **Accessory to church.** In zoning districts where permitted, a community food or housing shelter may be operated as a use accessory to a church or other place of worship, provided it meets the requirements of this section.

Sec. 3-119. Condominium.

If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the zoning administrator with the application for development approval. In addition, condominium site plans or plats or maps shall be submitted to the zoning administrator for approval if required.

Sec. 3-120. Construction field office, temporary.

Industrialized or other temporary buildings or structures may be used for a temporary construction field office, subject to compliance with the following regulations:

- (a) **Approval and permit.** Approval by the zoning administrator and issuance of a permit by the building official shall be required. Said permit shall be temporary but renewable once after a period of six (6) months.
- (b) **Development approval.** A construction field office shall not be erected or established until plans and permit(s) have been approved for one or more permanent buildings on the subject property.
- (c) **Water and sewer.** Adequate water and sewage disposal for the structure(s) shall be approved by the Franklin County Environmental Health Department.
- (d) **Removal.** Said industrialized or temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

Sec. 3-121. Continuing care retirement community.

- (a) **Reference to state rules.** A continuing care retirement facility shall meet any applicable rules of the Georgia Department of Community Health and shall demonstrate compliance with all appropriate licensure requirements and operational procedures required by the Office of Regulatory Services of the Georgia Department of Human Resources.
- (b) **Accessory uses.** The facility may have on site as a part of its development the following accessory uses for use of residents and their guests and employees of the facility only: full-service kitchen for meals, exercise facilities, swimming pools, tubs and spas, administrative offices, hospital-width corridors and doors, nursing stations, treatment rooms, emergency paging systems, indoor recreational facilities, handicap-assisted restrooms, hair salons, computer facilities, game and card rooms, chapel, movie theaters, wellness centers, billiard rooms, restaurant facilities, common areas, libraries, dining rooms, mail rooms, housekeeping and storage areas, laundry facilities, and gift shops.

Sec. 3-122. Crematory.

- (a) **Minimum area.** The minimum lot size for a crematory shall be five (5) acres.
- (b) **Reference to state law.** A crematory shall meet the requirements of O.C.G.A. Section 43-18-72, including but not limited to a prohibition within 1,000 feet of a residential subdivision platted and recorded in the office of the superior court of Franklin County.
- (c) **License.** A copy of the license required by O.C.G.A. Section 43-18-72 issued by the Georgia Board of Funeral Service shall be submitted to the zoning administrator prior to commencing operation.

Sec. 3-123. Dam.

- (a) **Reference to state law.** Dams shall comply as applicable with the Georgia Safe Dams Act of 1978 (O.C.G.A. 12-5-370 et seq.), including inspection and permitting to reduce the risk of dam failure. [Reference: O.C.G.A. 12-5-371].
- (b) **Reference to state rules.** No dam shall be established unless it meets applicable Rules of the Georgia Board of Natural Resources governing the construction and maintenance of dams or artificial barriers. [Reference: O.C.G.A. 12-5-374; Additional Reference: Rules of Georgia Department of Natural Resources, Environmental Protection Article, Chapter 391-3-8 Rules for Dam Safety].
- (c) **Permit.** No dam shall be constructed in the county unless a copy of the state permit required per O.C.G.A. 12-5-376 to construct a dam is submitted to the zoning administrator prior to construction.
- (d) **Removal of dam.** No dam shall be removed in the county unless a copy of the permission to remove a dam granted by the state per O.C.G.A. 12-5-377 is submitted to the zoning administrator prior to removal.

Sec. 3-124. Drive-through.

In zoning districts where permitted, drive-through facilities shall meet the following requirements:

- (a) **Drive-through lanes.** A drive-through lane shall be clearly marked on site plans and on the lot with adequate stacking space on site for vehicles. No drive through lane shall cross an access easement on the lot.
- (b) **Drive-through window locations.** No drive-through window shall be permitted on the front façade of a building.

Sec. 3-125. Dwelling, fee simple townhouse.

In zoning districts where permitted, single-family attached, fee simple dwellings (townhouses) shall meet the following requirements:

- (a) **Minimum lot width and lot size.** The minimum lot width shall be 24 feet and the minimum lot size shall be 2,400 square feet.
- (b) **Minimum heated floor area.** The minimum heated floor area per dwelling unit shall be 1,200 square feet.
- (c) **Setback.** Zero lot line between fee-simple units within the same building shall be permitted, subject to applicable fire and building codes. The end units of a townhouse building may also be zero lot line.
- (d) **Units in building.** There shall be no less than three (3) dwelling units in a building, and no more than eight (8) units in a building.
- (e) **Staggered rooflines.** Any building containing more than 3 units with common walls must have the roof of each attached unit distinct from the other through offsets of three feet or more in roof design.
- (f) **Building separation.** Buildings in townhouse developments shall be separated by a distance of at least ten (10) feet.
- (g) **Plat approval.** See chapter 7, “Subdivision,” of this UDC for platting requirements.

Sec. 3-126. Dwelling, multiple family.

- (a) **Dwelling units per floor and floor limit.** No more than six (6) dwelling units per floor may be included within a building used exclusively as a multi-family dwelling, and there shall be no more than four floors in any dwelling.
- (b) **Building separation.** Multi-family buildings shall be separated from each other by a distance of at least forty (40) feet.
- (c) **Community recreation.** Multi-family residential developments consisting of fifty (50) or more dwelling units shall provide a minimum of twenty percent (20%) of the total land area for community recreation, and ten percent (10%) of the total land area (i.e., no less than one-half of the community recreation minimum requirement) shall consist of active recreation as approved by the zoning administrator.

Sec. 3-127. Dwelling, manufactured home.

- (a) **Construction.** Manufactured homes shall be constructed in accordance with standards established pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et sq.) for manufactured homes and O.C.G.A. 8-2-160, et seq.
- (b) **Permit required.** A permit shall be required to be issued by the building official for the movement of a new or preowned manufactured home into or within the county. No permit shall be issued unless a complete application is received as required by this section. Prior to issuance, the zoning administrator or building official shall confirm with the appropriate county tax officer that all state and county taxes theretofore accruing with respect to the manufactured home have been paid, and that the manufactured home is properly titled in the name of the applicant, or else the permit application will be denied and the permit shall not be issued.
- (c) **Permit application requirements.** The permit required for installation of a manufactured home shall include the following:
 - 1. A permit application form as required by the zoning administrator, and a permit application fee as specified by resolution of the Franklin County Board of Commissioners.
 - 2. Inspection report for preowned homes. If the manufactured home is previously owned, and the home is to be moved into Franklin County from a location outside of Franklin County, a relocation permit from the zoning administrator is required, and the home must be inspected to show it meets applicable standards prior to obtaining a permit. An inspection report from a qualified inspector as defined in O.C.G.A. 8-2-26 stating that the home meets the minimum health and safety standards of Georgia Rule 120-3-7 shall be required. The applicant shall be solely responsible for the payment of any charges for the services of the qualified inspector, and any such fees shall be in addition to the permit application fee required to be paid to the County.
 - 3. Recorded plat, deed, and physical/911 address for the property.
 - 4. Septic tank permit or confirmation from the Franklin County Environmental Health Department showing an existing septic tank meets requirements for installing the manufactured home.
 - 5. A copy of the manufactured home installer's license issued by Manufactured Housing Section of the Safety Fire Division of the State of Georgia and local business registration.
 - 6. Completed subcontractor trade permit applications and subcontractor trade licenses issued by the state of Georgia or a state Georgia has a reciprocity agreement, for

electrical, plumbing, and HVAC as applicable. If the applicant is the owner and wishes to complete the electrical work or any other trade work needed themselves, the applicant shall complete and submit a homeowner's affidavit. In such cases the homeowner's affidavit shall be accepted in lieu of one or more subcontractor affidavits, as applicable.

7. If the site for the manufactured home requires grading of more than one acre, a copy of a Notice of Intent from the Georgia Environmental Protection Division is required. Further, a copy of the Georgia Soil and Water Conservation Commission Level 1A certification (Blue Card) of the grading contractor shall be submitted. If the applicant is grading less than one acre and completing the grading themselves and doing so for their own primary residence, the owner/applicant may check "other" on the county's homeowner affidavit form.
- (d) **Lot requirements and setbacks.** Manufactured homes shall be established in accordance with the applicable dimensional requirements for the zoning district in which the use is located, including minimum lot size, minimum lot width, and principal building setbacks. See chapter 2 of this UDC.
 - (e) **Installation generally.** Installation of manufactured homes shall be in accordance with Georgia Rules and Regulations, Subject 120-3-7, "Rules and Regulations for Manufactured Homes," adopted by the Georgia Safety Fire Commissioner. For purposes of this section and said rules, "installation" means the construction of a foundation system and the placement or erection of a manufactured home on the foundation system. "Installation" includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.
 - (f) **State-licensed installer required.** Any new or previously owned manufactured home shall be installed only by an installer who has a license from the Manufactured Housing Section of the Safety Fire Division of the State of Georgia. An individual who transports a manufactured home to a site of installation shall be excluded from state licensure as an installer, provided he or she performs only such temporary blocking as is necessary to stabilize the home pending installation.
 - (g) **Installer permit from state.** Any licensed installer performing any installation of any new or used manufactured home shall first purchase an installation permit from the Georgia Safety Fire Commissioner. The installation permit shall be attached by the installer to the panel box of each manufactured home upon completion of the installation.
 - (h) **Stabilizing devices and foundation.** Each new or previously owned manufactured home being installed shall have stabilizing devices and shall be installed on a foundation constructed in accordance with the manufacturer's installation instructions for new manufactured homes or standards included within Georgia Rule 120-3-7 for previously occupied manufactured homes.

- (i) **Installation instructions.** Installation instructions provided with manufactured homes must be followed for installation. Installation shall be consistent with the manufacturers installation instruction manual and Georgia Rule 120-3-7-.21. Whenever the manufacturer's instructions do not stipulate certain installation requirements, or when clarification is needed, or when the manufacturer's instructions state that the issue is left to the regulatory authority having jurisdiction, then the installation instructions incorporated in Georgia Rule 120-3-7.21 shall be followed.
- (j) **Skirting.** Skirting of the manufactured home is required. Skirting shall be installed in accordance with the skirting manufacturer's instructions or Georgia Rule 120-3-7-.21(13)(d). Unless inconsistent with these instructions or rules, skirting material may be composed of vinyl or metal sheeting.
- (k) **Masonry curtain walls.** Load bearing masonry curtain walls shall not be required for manufactured homes. Non-load bearing masonry curtain walls are not required but may be provided by contractual agreement between the homeowner, the dealer/retailer, and/or installer and if provided shall be constructed in accordance with drawings and/or instructions provided in the manufacturer's installation manual, or instructions and other drawings or procedures approved by the Board of Commissioners. Non-load bearing walls, if provided, shall have no contact with the manufactured home or any portion thereof for the purpose of structural support.
- (l) **Stairs and landings.** Stairs and landings are required and shall be constructed in accordance with the provisions of the State Minimum Standard Building Codes which are enforced by Franklin County. For any door elevated above the ground, there must be a landing that is a minimum of thirty-six (36) inches by thirty-six (36) inches.
- (m) **Inspections.** Franklin County is authorized to make inspections of manufactured home installations to ensure compliance with O.C.G.A. § 8-2-160 *et seq.* and Georgia Rules and Regulations, Subject 120-3-7, "Rules and Regulations for Manufactured Homes," adopted by the Georgia Safety Fire Commissioner.
- (n) **Final inspection and permanent power.** Upon completion of the installation, a final inspection shall be required. Franklin County shall not approve permanent power for an installed manufactured home until a final inspection by the building official has been completed and installation of the home has been approved. It shall be unlawful for the power company to authorize power, or for an individual to connect a manufactured home to a permanent power supply without prior confirmation from the building official that the home has passed final inspection and is authorized to be connected to permanent power.

(Amended 03/06/2023)

Sec. 3-128. Family burial plot.

- (a) The minimum size of the tract or parcel of contiguous land used for a family burial plot shall be five (5) acres.
- (b) The maximum size of the family burial plot shall be 1600 square feet and have forty (40) feet of width and forty (40) feet of length.
- (c) Burial sites must be setback a minimum of 100 feet from any property line, building, structure, water source or surface water.
- (d) Burial sites must be recorded on the property deed within 60 days of internment.
- (e) Solicitation or sale of any burial space or grave within the family burial plot is prohibited.
- (f) In order for a family burial plot to be moved to an exempt status in the tax digest, the property owner must provide a survey by a registered surveyor containing a registration point and the boundaries of the family burial plot.

Sec. 3-129. Fence or wall.

(a) Definitions.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth. This does not include barbed wire and chain-link, which are separately defined.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately one and one-half (1.5) inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

(b) Location limits.

1. **Setback.** Fences and walls are not subject to setbacks for buildings or accessory structures.
2. **Rights of ways.** Fences and walls shall not be located within any public right of way.

3. **Easements.** Fences and walls shall not be constructed over utility easements without the specific permission of the utility provider and the approval of the zoning administrator.
4. **Gates.** When gates for vehicular access are required or proposed, said gates shall not be located closer than twenty-five (25) feet of a public street or road right-of-way.
5. **Sight visibility triangle.** Fences and walls shall not be permitted to obstruct vision within sight visibility triangles at the intersections of public rights of ways and streets with driveways.

(c) **Height limits.**

No fence or wall (except for retaining walls and safety barriers) shall exceed ten (10) feet in a commercial or industrial zoning district, or eight (8) feet in height in any other zoning district, unless specifically approved by the zoning administrator for a tennis court or other recreation facility, subdivision entrance monument, utility installation, public use, or where required to meet screening or safety requirements imposed by this UDC.

(d) **Composition.**

1. **Approved materials.** Fences and walls shall be composed of permanent materials approved by the zoning administrator. Brick, stone, rock, wood, and decorative concrete block shall be permitted unless otherwise specified in this UDC. Vinyl and certain types of metal (e.g., wrought iron, aluminum, chain-link, and wire) may be authorized. Walls may be comprised of unfinished concrete block but shall be finished with brick, stone, stucco, or other material approved by the zoning administrator.
2. **Materials prohibited.** Fences or walls shall not be composed of plywood, particle board, paper, plastic, plastic tarp, tires, and pallets.
3. **Razor wire.** Razor wire shall not be used unless specifically approved by the zoning administrator based on documented security needs and shall be limited to the Light Industrial (LI) and Heavy Industrial (HI) zoning districts unless for a public use.
4. **Barbed wire fences.** Fences comprised of three or more strands of barbed wire are authorized within all agricultural zoning districts. Barbed wire top strands are permitted above chain-link fencing in commercial and industrial zoning districts.
5. **Chain-link.** When chain-link fencing for an institutional, commercial, or industrial establishment is authorized to be placed in a front yard or is placed in a side yard visible from the public right of way, the chain-link fence shall be vinyl coated. Chain-link fences with interwoven vinyl or metal inserts shall not be an acceptable form of screening and shall not be used without specific approval of the zoning administrator.

6. **Screen fences.** When a fence is required by this UDC for screening, the decorative side of the fence shall face the exterior property line.

(e) **Specific fencing or wall requirements.**

1. **Trash or dumpster enclosures.** Trash enclosures shall have a wall and fence eight (8) feet in height and constructed of sturdy, durable, opaque materials (with trash receptacles screened from view) which are similar to or designed to be compatible with architectural materials used for the principal building on the site it serves.
 2. **Retaining walls visible from public right of way.** When retaining walls are required and will be visible from a public right-of-way, the zoning administrator may limit the height of said retaining wall during the process of reviewing and approving development and grading plans. In addition, the zoning administrator may require that any retaining wall of one hundred (100) feet or longer to minimize visual monotony through changes in plane, height, material, or material texture, or through significant landscape massing.
 3. **Subdivision or project entrance monuments.** All fences or walls comprising a subdivision or project entrance monument are subject to the approval of the zoning administrator. During the approval process, the county may require fences or walls to incorporate columns or pillars extending at least six (6) inches horizontally and a height at least as high as the height of the fence or wall, every fifty (50) feet of fence or wall length, or to articulate the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance of at least three (3) feet and less than twenty (20) feet. This articulation requirement shall not apply to a fence or wall constructed of brick, masonry, or metal fencing that consists of at least fifty percent (50%) open voids.
- (f) **Exemption for temporary fencing.** The requirements of this section shall not apply to temporary fencing erected around or within a lot or development site during construction, such as silt fences, and tree protection fences, and other erected under order of the building official or zoning administrator; provided, however, that all such temporary fencing shall be removed upon completion of construction.
- (g) **Foundation approval and permit.** A fence or wall that requires an engineered foundation according to the building code shall require a permit to be approved and issued by the building official prior to erection of the fence or wall.
- (h) **Maintenance.** Fences and walls shall be maintained, repaired if damaged, and replaced if severely damaged or destroyed.

Sec. 3-130. Food truck or mobile food vendor.

- (a) **Motor vehicle tag.** A food truck must have a valid tag from the state's Article of Motor Vehicles.
- (b) **Food service rules.** Food trucks, and mobile food vendors as may be applicable, shall operate in accordance with the State of Georgia's Rules and Regulations Food Service – Chapter 290-5-14, Manual for Design, Installation and Construction, Section U - Special Food Service Operations.
- (c) **Health department license, permit or approval.** The operator of a food truck or mobile food vendor shall make application for a license or permit as may be required to the Franklin County Health Department, and the applicant shall submit evidence of health department approval prior to authorization by the zoning administrator. No food truck shall operate without health department permit or approval.
- (d) **Owner authorization.** Food truck operators and mobile food vendors shall obtain the signed approval of the property owner for each location at which the food truck or mobile food vendor operates. Such approval must be made available for inspection upon request.
- (e) **Hours of operation.** Food trucks and mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Food trucks shall not be parked in an approved operating location overnight.
- (f) **Additional operational constraints.** No food truck or mobile food vendor shall be permitted to have a vehicular drive-through facility or drive-up window. No amplified microphones or bullhorns shall be permitted as part of the food truck or mobile food vendor operation.
- (g) **Sanitation.** Food truck operators and mobile food vendors shall be responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.

Sec. 3-131. Fuel pump.

- (a) **Residential setback.** Fuel pumps must be located at least one-hundred (100) feet from any residential zoning district boundary.
- (b) **Setback and requirements for canopies.** Canopies covering gasoline dispensers and all gasoline or other fuel pumps shall be set back not less than twenty-five (25) feet from any public right-of-way and all other property lines. The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (24) feet in height. Columns supporting the fuel canopy shall be faced with brick or stone. Lighting fixtures

underneath the canopy structure shall recessed into the canopy so that they do not extend beyond the area beneath the canopy.

Sec. 3-132. Gasoline service station.

- (a) **Applicability.** This section shall apply to uses that dispense gasoline or diesel for automotive uses and which may involve automobile services. A convenience store with gasoline pumps but that does not provide automotive services shall be subject to applicable provisions of this section.
- (b) **Minimum site area.** The minimum area to establish or operate a gasoline service station shall be one and one-half (1.5) acre.
- (c) **Minimum road frontage.** The site shall front at least one-hundred and twenty (120) feet on road with a functional classification of at least a major collector as determined by the zoning administrator.
- (d) **Driveway restrictions.** Driveways shall be not more than forty (40) feet wide, shall not be located closer than ten (10) feet to an adjoining property (unless common access at a property line is authorized by the zoning administrator, and shall not be closer than forty (40) feet to a street intersection. There shall not be more than two (2) driveways along any single road, which must be separated by at least one-hundred (100) feet.
- (e) **Fuel pumps.** See Sec. 3-131 for location restrictions applicable to fuel pumps and fuel canopies.
- (f) **Accessory structures.** Accessory structures, such as a car or truck wash or vehicle emissions inspection facilities on the property shall be located at least fifty (50) feet from all property lines.
- (g) **Storage of equipment and parts.** All equipment and vehicle parts involved in vehicle service shall be stored within a fully enclosed building or structure.
- (h) **Rentals.** Rental of vehicles, trailers, moving vans etc. shall not be permitted in association with this use.
- (i) **Operation.** All automotive repair work shall be conducted within a fully enclosed building or structure.

Sec. 3-133. Golf course.

In zoning districts where permitted, the following accessory uses are permitted in association with a golf course:

- (a) Buildings used to house equipment solely for the maintenance and operation of the golf course.

- (b) Cart rental and staging area.
- (c) Food service and restaurant, whether open to members only or to the general public.
- (d) Country club or clubhouse, which may include tennis courts and other recreational courts and swimming pool, not to exceed 40,000 square foot of building floor area, including food service and restaurant.
- (e) Putting green.
- (f) Pro shop, not to exceed 2,000 square feet of floor area, included within the total 40,000 square foot maximum building floor area.
- (g) A driving range is allowed as an accessory use.

Sec. 3-134. Group home, or rooming or boarding house.

- (a) **Occupancy limitations.** No basement, attic, or accessory building shall be used for rooming house, boarding house or group home purposes. No registration required by this Section shall be issued to any person proposing to use a basement, attic, or accessory building or any part thereof as habitable rooms for rooming house purposes.
- (b) **Bedroom requirements and limitations.** No room in any rooming house, boarding house, or group home shall be occupied as a sleeping room by any person unless there are at least one-hundred twenty (120) square feet of bedroom space, exclusive of wardrobe and closet space, for each and every person occupying any such room. All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant. Bedrooms shall not contain cooking facilities, and no food preparation or cooking for guests shall be conducted within any bedrooms.
- (c) **Minimum basic facilities.** At least one (1) flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house, boarding house, or group home. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (d) **Food preparation and meals.** Any rooming house, boarding house, or group home where food is served shall comply with all requirements of the Franklin County Environmental Health Department.

Sec. 3-135. Guest house.

All guest houses, as defined, shall comply with the following requirements.

- (a) **Reference to other requirements.** Guest houses must meet building code requirements and the standards for a dwelling unit as specified in this UDC, except for the minimum building floor area.
- (b) **Water and sewer.** The water supply and sanitary sewage disposal system for the lot must be certified by the Franklin County Environmental Health Department as adequate to support the guest house in combination with the principal dwelling.
- (c) **Number.** No more than one guest house shall be permitted on any lot.
- (d) **Location.** The guest house shall be erected only in the rear yard of the lot.
- (e) **Maximum floor area.** The heated floor area of the guest house shall not exceed fifty percent (50%) of the heated floor area of the principal dwelling.
- (f) **Use and occupancy.** A guest house shall be used only by the occupants of the principal dwelling on the lot, their non-paying guests, or live-in domestic employees. A guest house shall not be rented.
- (g) **No manufactured home.** A manufactured home shall not be permissible as a guest house.
- (h) **Additional restriction.** A guest house shall not be authorized as an accessory use to a manufactured home.

Sec. 3-136. Helicopter landing pad.

- (a) In zoning districts where permitted, and subject to conditional use approval, helicopter landing pads may be at ground level, on an elevated structure, or at rooftop level.
- (b) Helicopter landing pads shall be subject to the requirements of this chapter for aircraft landing areas.

Sec. 3-137. Home occupation.

- (a) **Generally.** In zoning districts where permitted, a home occupation may be established in a dwelling in accordance with the requirements of this Section. No more than two home occupations may be established in a single dwelling.
- (b) **Maximum floor area.** The gross floor area of a dwelling unit devoted to a home occupation shall not exceed 1,000 square feet, or 40 percent of the gross floor area of the

dwelling, whichever is greater. This building floor area applies to the aggregate floor area of all areas devoted to the home occupation, whether located within the dwelling or where authorized in an accessory building.

- (c) **Accessory building.** An accessory building may be used for, or in connection with, a home occupation, except in SR and MFR residential zoning districts.
- (d) **External alterations.** No external alterations inconsistent with the residential use of the building shall be permitted.
- (e) **Display, stock-in-trade, sales, and storage.** There shall be no display of goods or stock in connection with a home occupation. There shall be no merchandise, stock-in-trade, or commodity sold, exchanged or stored on the premises.
- (f) **Receipt and shipping of goods.** Except by U.S. mail and commercial parcel service, the transporting of goods by truck in connection with a home occupation is prohibited. There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service. There shall be no more than ten (10) deliveries or shipping out by commercial carrier per month of items produced or received by the occupant in connection with the home occupation.
- (g) **Vehicles and parking.** Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation; this specifically excludes a wrecker, dump truck, flat-bed truck, tow truck, or any truck with more than six (6) wheels or more than two (2) axles. Vehicles kept on site in association with the home occupation shall be used by residents only, except for the parking of employees as may be permitted by this section. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking.
- (h) **Equipment, off-site impacts, and nuisances.** No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emit sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.
- (i) **Signage.** Signage permitted in conjunction with a home occupation shall be limited to six (6) square feet, although this shall not preclude the property owner from erecting signs otherwise permitted on the lot pursuant to chapter 15 of this UDC.
- (j) **Employees.** Only occupants of the dwelling and one (1) additional full-time employee or two (2) part-time employees shall be authorized to work on the premises in connection with a home occupation.

- (k) **Uses specifically prohibited.** The following uses are specifically prohibited as home occupations: auto sales or auto repair; restaurants; animal hospitals, veterinary clinics; funeral homes; retail or wholesale shops; machine shops; special event facilities; and lodging services.
- (l) **Approval.** All home occupations shall be required to file an application which is subject to the zoning administrator's approval. A site plan of the lot on which a home occupation is proposed may be required by the zoning administrator, along with information describing the nature of the home occupation. Except for uses specifically prohibited, applications for home occupation approval that demonstrate compliance with all requirements of this section shall be approved by the zoning administrator, who may impose conditions on any application for home occupation approval.
- (m) **License.** Any occupational tax license required by the county must be obtained. No occupational tax license shall be issued by the county for a home occupation unless authorized by the zoning administrator.
- (n) **Modifications by conditional use permit.** The provisions of this section may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in chapter 12, article 12-3 of this UDC.

Sec. 3-138. Incinerator.

Incinerators are subject to applicable rules and regulations of the U.S. Environmental Protection Agency and the State of Georgia Department of Natural Resources, Environmental Protection Article, Air Quality Branch.

Sec. 3-139. Institutional residential living and care facility.

- (a) **Accessory uses.** Institutional residential living and care facilities may have one or more of the following accessory uses:
 - 1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
 - 2. Central kitchen and dining facility.
 - 3. Recreation and amenities.
 - 4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
 - 5. Adult day care.
- (b) **State permit.** Each institutional residential living and care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate, and which shall be displayed in a prominent place in the facility.

Sec. 3-140. [Reserved].

Sec. 3-141. Junked vehicle, junk, or recovered material.

It shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles (in whole or part), power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material, except in compliance with the provisions of this Section.

- (a) **Salvage yard, junkyard, or materials recovery processing facility.** Junked vehicles and recovered materials are permitted to be stored outdoors within the boundaries of a salvage yard, junk yard, or materials recovery processing facility, in zoning districts where such uses are permitted, provided that the facility meets requirements for screening of such vehicles from public view and adjoining lots.
- (b) **Wrecked motor vehicle compound.** Wrecked and inoperable vehicles may be stored on the site of a wrecked motor vehicle compound, provided that the lot meets applicable requirements of this UDC for screening of such vehicles from public view and adjoining lots.
- (c) **Tow service.** Wrecked and inoperable vehicles may be stored on the site of a tow service, provided that the lot meets applicable requirements of this UDC for screening of such vehicles from public view and adjoining lots.
- (d) **Enclosure exemption.** This section shall not be construed to prevent the storage of junked vehicles or recovered materials within an enclosed building, in districts where permitted.
- (e) **Open-air businesses.** This section shall not be construed to prevent outdoor storage or display of lumber or other non-recovered materials for retail sale on lots authorized as open air businesses.
- (f) **Reference to additional regulations.** In addition to the requirements of this section, junkyards are subject to compliance with Article 8 of Title 32, O.C.G.A., including location restrictions provided in O.C.G.A. 32-6-241 (Reference: O.C.G.A. 32-6-240 et seq.). (Additional Reference: Rules of the Georgia Department of Transportation, 672-8 Rules and Regulations Governing the Control of Junkyards).

Sec. 3-142. Kennel or pet boarding facility.

- (a) Any kennel or pet boarding facility shall be located no closer than one-hundred (100) feet to any property line.
- (b) No kennel shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning administrator prior to commencement of operations. Such use shall also

comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Article, Chapter 40-13-13 Animal Protection).

Sec. 3-143. Landfill, other than sanitary.

- (a) **Applicability.** This section shall regulate landfills other than sanitary landfills, commonly referred to as “inert waste” and “construction and demolition” landfills. that accept waste materials that will not or are not likely to cause production of leachate of environmental concern and therefore have a low potential for groundwater contamination, including but not limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, wood, metal, wall board, paper, cardboard, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial, hazardous, and municipal solid wastes.
- (b) **Minimum site area.** The minimum site area shall be one hundred (100) acres.
- (c) **Buffer.** A natural, undisturbed buffer meeting screening requirements of these zoning regulations and replanted where sparsely vegetated, shall be maintained for a minimum width of 200 feet along all side and rear property lines not abutting a state or federal highway.
- (d) **Access.** Access must be provided from a paved road or highway with a functional classification of minor arterial or higher as determined by the zoning administrator. Access shall not be allowed through any residential subdivision or residential development.
- (e) **Traffic impact study.** As a part of the special use application or if a special use is not required then prior to issuance of a development permit, a traffic study shall be submitted to the zoning administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility. Specifically, the study shall identify any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
- (f) **Road surfacing and dust control.** Permanent roads within the landfill site shall be surfaced with a dust-free material. Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- (g) **Lighting.** As a part of the conditional use application, the applicant shall submit information regarding proposed night lighting, which may be limited by the Board of Commissioners via conditions of conditional use approval.

- (h) **Fencing.** Landfills shall be enclosed by a six (6) foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the conditional use application process or as approved by the zoning administrator if not subject to the conditional use application process. Gates must be provided at all points of vehicular ingress and egress and shall be closed and locked when not in regular use. Along such perimeter fence, notice signs shall be posed at regular intervals which shall warn against trespassing.
- (i) **Operational setback.** Landfilling activities shall not occur within 2000 feet of any perimeter property line.
- (j) **On-site operator.** All landfills regulated by this section shall have an operator in attendance at all times when the landfill is in use.
- (k) **Covered loads.** Vehicles shall be allowed into a landfill site only if waste is covered, to prevent blowing of material from the vehicle.
- (l) **Hours of operation.** Unless otherwise approved by the Board of Commissioners via conditions of conditional use approval, the landfill operations (excluding routine maintenance of equipment) shall be limited to the following: No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day.
- (m) **State permit.** The owner shall provide the Public Development Department with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a development permit.

Sec. 3-144. Landfill, sanitary, and solid waste transfer facility.

- (a) **General siting restriction.** No sanitary landfill shall be sited in a manner inconsistent with the location provisions of the local or regional Comprehensive Solid Waste Management Plan adopted by the Franklin County Board of Commissioners.
- (b) **Minimum site area.** The minimum site area shall be one-hundred (100) acres.
- (c) **Access.** Access must be provided from a paved road or highway with a functional classification of minor arterial or higher as determined by the zoning administrator. Access shall not be allowed through any residential subdivision or residential development.
- (d) **Traffic impact study.** As a part of the special use application, a traffic study shall be submitted to the zoning administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility. Specifically, the study

shall identify any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

- (e) **Road surfacing and dust control.** Permanent roads within the site shall be surfaced with a dust-free material. Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- (f) **Well impact study.** An analysis of existing wells within one (1) mile of the proposed operations and the potential impacts of sanitary landfilling on said wells, along with recommendation to mitigate impacts on said wells shall be submitted with the application. No sanitary landfilling shall be allowed to adversely affect any wells within one (1) mile of the proposed operations.
- (g) **Fencing.** Facilities shall be enclosed by a six (6) foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the special use application process. Gates must be provided at all points of vehicular ingress and egress and shall be closed and locked when not in regular use. Along such perimeter fence, notice signs shall be posed at regular intervals which shall warn against trespassing.
- (h) **Lighting.** As a part of the conditional use application, the applicant shall submit information regarding proposed night lighting, which may be limited by the Board of Commissioners via conditions of conditional use approval.
- (i) **Operational setback.** Sanitary landfilling activities shall not occur within 2,000 feet from any perimeter property line.
- (j) **On-site operator.** All facilities shall have an operator in attendance at all times when the landfill is in use.
- (k) **Covered loads.** Vehicles shall be allowed into a facility site only if waste is covered, to prevent blowing of material from the vehicle.
- (l) **Hours of operation.** Hours of operation may be limited by the Board of Commissioners via conditions of special use approval. Unless otherwise approved, facilities operations (excluding routine maintenance of equipment) shall be limited to the following: No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day.

- (m) **State permit.** The owner shall provide the Public Development Department with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a development permit.

Sec. 3-145. Live-work unit.

Live-work units, as defined and in zoning districts where permitted, are subject to the following requirements:

- (a) **Commercial uses authorized.** Any commercial use permitted in the zoning district in which the live-work unit is located is allowable in the live-work unit.
- (b) **Residency.** A business operated from a live-work unit must be owned and operated by a person living in the live-work unit.
- (c) **Minimum nonresidential floor area.** At least fifty percent (50%) of each live-work unit shall be devoted to work purposes (nonresidential use) distinct from living places.
- (d) **Ground-level commercial.** At least fifty percent (50%) of the live-work unit's ground floor area shall be occupied by work purposes (nonresidential use).

Sec. 3-146. Lodging, extended stay.

Extended-stay lodging facilities shall meet the following requirements:

- (a) **Density.** No more than twenty-five (25) guest rooms per acre shall be permitted.
- (b) **Minimum floor area per guest room.** Each guest room must have a minimum area of two-hundred forty (240) square feet.
- (c) **Maximum height.** Buildings shall not be more than four (4) stories in height.
- (d) **Laundry space.** The facility must contain an enclosed, heated and air conditioned laundry space containing a minimum of one (1) clothes washer and one (1) clothes dryer for each ten (10) guest rooms.
- (e) **Recreation space.** The facility must provide a minimum of one thousand (1,000) square feet of building floor area for recreational use by guests.
- (f) **Management.** Management must be on the property twenty-four (24) hours a day, seven (7) days a week.
- (g) **Service.** Daily maid service must be included in the standard room rate.

Sec. 3-147. Manufactured home park.

In zoning districts where permitted, manufactured home parks shall comply with the following requirements:

- (a) **Water and sanitary sewer.** Manufactured home parks shall be connected to a public water supply and a public sanitary sewer system.
- (b) **Minimum development area.** The minimum lot area for the development shall be ten (10) acres.
- (c) **Minimum development frontage.** The minimum road frontage for the lot shall be 60 feet.
- (d) **Buffer.** A buffer with a minimum width of twenty-five (25) feet shall be required along all external property lines.
- (e) **Maximum number of units.** The maximum number of units in any manufactured home park shall be fifty (50).
- (f) **Maximum development area.** The maximum amount of acreage devoted to any individual manufactured home park shall be six (6) acres, including buffers and open space.
- (g) **Minimum space size.** The minimum space size shall be 2,500 square feet.
- (h) **Access roads.** All access roads within the development shall be private with a minimum easement width of 40 feet and paved with a minimum pavement width of 20 feet, and lighted with a minimum spacing of 200 feet each between street lights.
- (i) **Parking and driveways.** All off-street parking areas or spaces and driveways shall be paved and shall have direct access to an interior access road. Driveways serving individual manufactured home spaces shall be no less than 10 feet in width. No driveway serving an individual manufactured home shall be permitted to access a road exterior to the development, except via an approved internal access road.
- (j) **Minimum open space.** At least twenty percent (20%) of the development must be set aside as open space or for recreation purposes.
- (k) **Occupancy.** No manufactured home space or manufactured home shall be rented for a period of less than thirty (30) days.
- (l) **Accessory building.** A manufactured home shall not be used as an accessory building in the manufactured home park.

- (m) **Rules and regulations.** A copy of the park management rules and regulations must be submitted to the zoning administrator for approval. The park operator will be responsible for ensuring that tenants comply with the rules and regulations.

Sec. 3-148. Manufacturing, fabrication or assembly as accessory use.

Manufacturing or fabrication activities associated with a permitted retail use, such as but not limited to a jewelry store or pottery, shall be permitted, provided that the area devoted to such manufacturing or fabrication shall not twenty-five percent (25%) of the building floor area of the principal building in which such manufacturing or fabrication is conducted or one-thousand (1,000) square feet, whichever is less. All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

Sec. 3-149. Mining, quarrying or resource extraction.

- (a) **Minimum site area.** The minimum site area shall be one hundred (100) acres.
- (b) **Buffer.** A natural, undisturbed buffer meeting screening requirements of these zoning regulations and replanted where sparsely vegetated, shall be maintained for a minimum width of 200 feet along all side and rear property lines not abutting a state or federal highway.
- (c) **Fencing.** Such facilities shall be enclosed by a six (6) foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the conditional use application process. Gates must be provided at all points of vehicular ingress and egress and shall be closed and locked when not in regular use. Along such perimeter fence, notice signs shall be posed at regular intervals which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.
- (d) **Buffer.** A natural, undisturbed buffer meeting screening requirements of these zoning regulations and replanted where sparsely vegetated, shall be maintained for a minimum width of 200 feet along all side and rear property lines not abutting a state or federal highway.
- (e) **Operational setbacks.** Mining, quarrying and excavation operations shall not take place any closer than 4,000 feet to any perimeter property line.
- (f) **Operations plan.** An operation plan containing the following information shall be submitted as part of the application for special use approval:
 - 1. Date of commencement of the operation and its expected duration.
 - 2. Proposed hours and days of operation, which shall not be inconsistent with this Section unless approved otherwise by the Franklin County Board of Commissioners as a part of conditional use application approval.

3. A description of the method of operation, including the disposition of topsoil, overburden and by-products
 4. A description of the equipment to be used in the extraction process.
 5. A statement regarding the intended use of explosives, if any, or other hazardous materials, if any, and the methods and procedures proposed for handling, use, storage and disposal of the materials.
 6. A plan for reclamation of the land upon completion of mining, quarrying, or other excavation.
- (g) **Traffic impact study.** As a part of the special use application, a traffic study shall be submitted to the zoning administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility. Specifically, the study shall identify any state or county maintained road within or adjacent to the property, and shall state any repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
- (h) **Air quality study.** As a part of the special use application, an air quality study shall be submitted to the zoning administrator. The applicant shall address recommendations of the air quality study to mitigate fugitive dust and any other air quality impacts of the proposed facility.
- (i) **Noise study.** As a part of the conditional use application, a noise impact study shall be submitted to the zoning administrator. The applicant shall address recommendations of the noise study to mitigate noise and lighting impacts of the proposed facility.
- (j) **Lighting.** As a part of the conditional use application, the applicant shall submit information regarding proposed night lighting, which may be limited by the Board of Commissioners via conditions of conditional use approval.
- (k) **Blasting and vibrations.** Blasting operations if permitted are subject to the requirements of this UDC. Vibration levels at the boundaries of the extraction site shall not exceed a minimum peak velocity of 1.0 inches per second, steady state and 2.0 inches per second impact state.
- (l) **Well impact study.** An analysis shall be required of existing wells within one (1) mile of the proposed operations and the potential impacts of such mining, quarrying, or excavation on said wells, along with recommendation to mitigate impacts on said wells.
- (m) **Reference to state rules and regulations.** A state surface mining permit, and all plans and specifications submitted for such state permit, as required by state law and administrative rules, shall be submitted to the zoning administrator prior to commencement of operations.

- (n) **Days and hours of operation.** Hours of operation may be limited by the Board of Commissioners via conditions of special use approval. Unless otherwise approved, the mining and quarrying operations (excluding routine maintenance of equipment) shall be limited to the following: No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day.

Sec. 3-150. Model home.

A model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved. A building permit may be issued for one model home on a lot shown on approved development plans for a subdivision prior to final plat approval, subject to the following requirements:

- (a) **Zoning district compliance.** Although the location is not yet a lot of record, the model home shall be placed on a lot that meets zoning district requirements for lot area, lot width, and principal building setbacks or will meet such requirements at the time of final plat approval.
- (b) **Water and sewer.** The model home shall be connected to sanitary sewer or an approved on-site sewage management system (e.g., septic tank) approved by the Franklin County Environmental Health Department.

Sec. 3-151. Parking lot, accessory uses within.

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Buildings or structures shall not be erected or established within a parking lot except as may be authorized by the zoning administrator as a temporary use or other use authorized by this UDC.
- (c) Parking and loading areas shall not be used to store or display vehicles or implements for sale, unless otherwise specifically authorized by this UDC.

Sec. 3-152. Poultry house.

In addition to requirements specified in Article 2-1 of this UDC, poultry houses shall be subject to the following requirements: Poultry houses shall be constructed where the exhaust end is at least 1,000 feet (measured perpendicular from the exhaust end of the poultry house) from any building that is regularly used as a government building, school, hospital, church, or other place of worship, senior center, nursing home, retirement home, restaurant, or public community center, and 1,000 feet from the property line of any public park, public recreational area, or

Corps of Engineers Lake Hartwell, provided, however, that this requirement may be waived by the owner of the property (or their authorized agents) on which such establishment is located. If more than one person owns or has any ownership interest of record of the property where such establishment is located, then the consent of all owners shall be required.

Sec. 3-153. Race track.

In addition to the requirements for outdoor commercial recreation facilities as specified in this chapter, a race track for animals or motor-driven vehicles shall meet the following requirements:

- (a) **Setback from residential zoning district.** Race tracks for vehicles shall be located a minimum of 1,000 feet from a residential zoning district.
- (b) **Access.** Vehicular access shall be derived only from a road with a functional classification of at least a minor arterial as determined by the zoning administrator.
- (c) **Security fencing.** Security fencing shall be provided around the entire perimeter of the facility.

Sec. 3-154. Recreation facility, private.

Community recreation, such as a site with a swimming pool and cabana, tennis courts, clubhouse, etc. serving a residential subdivision or multi-family development, shall be authorized by the zoning administrator, subject to the following requirements:

- (a) **Timing of construction.** If proposed as part of a residential subdivision or multi-family development, a community recreation facility must be built during the first phase if the development has phases.
- (b) **Operation.** The facility shall be open only to residents of the residential development which it serves, and their guests, and shall not be open to the general public for a fee.
- (c) **Outside activity duration.** Outdoor activity shall cease by 10:00 p.m.
- (d) **Parking.** Parking shall be provided per the requirements of this UDC.
- (e) **Plan and permits.** A site plan must be approved by the zoning administrator to ensure compliance with all applicable laws and provisions of this UDC, and a development permit and building permit may be required, as appropriate.

Sec. 3-155. Recreational vehicle and equipment.

- (a) **Storage.** Except in agricultural, LR and RR zoning districts, recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles shall be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided

however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. No recreational vehicle or recreational equipment shall be stored or maintained on a vacant lot.

- (b) **Occupancy.** A recreational vehicle shall not be occupied as a permanent residence. Use of a recreational vehicle is only authorized within a designated recreational vehicle park; provided, however, that a recreational vehicle may be occupied by a lot owner on a temporary basis, not to exceed nine (9) months, on the lot where the owner has obtained a building permit to construct a permanent dwelling. The zoning administrator may extend or renew such allowance one time.

Sec. 3-156. Recreational vehicle park.

In zoning districts where permitted, recreational vehicle parks shall comply with the following requirements:

- (a) **Water and sanitary sewer.** Manufactured home parks shall be connected to a public water supply and a public sanitary sewer system or an on-site sewage management system approved by the Franklin County Environmental Health Department.
- (b) **Minimum development area.** The minimum lot area for the development shall be five (5) acres.
- (c) **Minimum development frontage.** The minimum road frontage for the lot shall be one-hundred (100) feet.
- (d) **Space setback.** No recreational vehicle space shall be located within fifty (50) feet of a county road or state or federal highway right of way.
- (e) **Access.** Direct access to a county, state or federal highway shall be required. No entrance shall be through a residential district, nor shall movement of traffic from the park through a residential district be permitted.
- (f) **Internal access roads.** All access roads within the development shall be private with a minimum easement width of forty (40) feet and paved with a minimum pavement width of twenty (20) feet, and lighted with a minimum spacing of two hundred (200) feet each between street lights.
- (g) **Parking and driveways.** All off-street parking areas or spaces and driveways have direct access to an interior access road. No driveway serving an individual recreational vehicle space shall be permitted to access a road exterior to the development, except via an approved internal access road.
- (h) **Minimum open space.** At least twenty percent (20%) of the park must be set aside as open space or for recreation purposes.

- (i) **Occupancy.** No recreational vehicle shall occupy the same space for a period of more than thirty (30) days.
- (j) **Accessory uses.** Management offices, active indoor or passive outdoor recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided use is restricted to the occupants of the park.
- (k) **Rules and regulations.** A copy of the park management rules and regulations must be submitted to the zoning administrator for approval. The park operator will be responsible for ensuring that visitors comply with the rules and regulations.

Sec. 3-157. Relocated residential structure.

A site-built single-family dwelling or manufactured home may be relocated onto a lot in unincorporated Franklin County, subject to compliance with the following requirements:

- (a) **Permit.** A building permit shall be required to establish the dwelling in its proposed location. The permit application shall include the address and tax parcel number where the structure is now located and a photograph of the dwelling in its current location.
- (b) **Water and sewer or septic tank.** The lot on which the dwelling is to be located must have adequate water and sanitary sewer or on-site sewage management system (e.g., septic tank) approved by the Franklin County Environmental Health Department prior to occupancy.
- (c) **Standards.** The dwelling shall meet all applicable requirements of this chapter, no later than six (6) months of issuance of a permit to relocate the dwelling in unincorporated Franklin County and prior to occupancy.

Sec. 3-158. Retail or service as an accessory use.

Retail sales and services such as but not necessarily limited to a barber shop, personal service establishment; drugstore, book store, florist, convenience food stores, gift shops, snack bar or cafeteria, and/or news stand, may be authorized by the zoning administrator as accessory to the operation of a hotel, or an office or institutional development containing twenty-five thousand (25,000) square feet or more building floor area, subject to the following requirements:

- (a) Such activities shall be conducted wholly within the principal building, and every public entrance to such activities shall be from a lobby, hallway, or other interior portion of the principal building.
- (b) The building floor space used or to be used for such accessory uses shall be limited to a total of ten percent (10%) of the gross building floor area of the hotel, or office or institutional principal building in which it is located.

- (c) No show window or display that is visible from the exterior of the principal building shall be permitted.

Sec. 3-159. Riding academy or equestrian center.

Any stable, whether public or private, containing more than four (4) stalls, and any corral, pen, open air arena, dressage ring, or other similar or improved or constructed riding area or facility (except for pasture) shall be located no closer than one-hundred 100 feet of any residential district boundary.

Sec. 3-160. [Reserved.]

Sec. 3-161. Salvage yard or materials recovery facility.

Wrecked or inoperable vehicles or any other recovered materials within the bounds of a salvage yard or materials recovery facility shall be authorized to be stored outdoors only in a rear yard that is fully screened from view of all public roads and nearby properties via buildings, a solid, opaque wooden fence or masonry wall at least six (6) feet in height, or a vegetated buffer that meets the screening requirements of this UDC as approved by the zoning administrator.

Sec. 3-162. Self-service storage facility.

- (a) **Minimum and maximum development size.** The minimum lot size for a self-service storage facility (mini-warehouse development) shall be two (2) acres.
- (b) **Minimum building separation.** There shall be a minimum separation of ten (10) feet between buildings.
- (c) **Minimum width of aisle ways.** The minimum width of an aisle way shall be 20 feet if one-way traffic and 24 feet for two-way traffic. Traffic flow patterns in the aisle ways shall be clearly marked with directional signage and painted lane markings with arrows as may be approved.
- (d) **Turning radii.** To assure appropriate access and circulation by emergency vehicles and equipment, a minimum turning radius for all aisle ways and access roads within the development may be required.
- (e) **Fencing.** The facility shall be fenced along the entire perimeter boundary. Fencing adjacent to a street frontage and abutting a residential zoning district shall be an architecturally finished wall or solid, opaque wooden fence with a minimum height of six (6) feet, placed interior to any required landscape strip.
- (f) **Size of storage units.** Individual storage units shall not exceed four hundred and fifty (450) square feet in area.

- (g) **Use of storage units.** Individual storage units shall not be used for living, wholesale or retail sales, or hobbies. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain mail delivery, an occupational license, or any other governmental permit or licenses to do business.
- (h) **Materials stored.** Individual units or the premises more generally shall not be used for the storage of hazardous materials, toxic substances, flammable liquids, or highly combustible or explosive materials.
- (i) **Open storage.** Open storage of recreational vehicles, boats, trailers, recreational equipment and similar vehicles of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility subject to the following requirements:
1. The total area devoted to open storage shall not exceed twenty-five (25) percent of the total developed area of the facility.
 2. The open storage area shall observe the required minimum front, side, and rear yard setbacks for the zoning district in which it is located.
 3. The open storage area shall be entirely screened from view from adjacent residential properties and public streets (see definition of screening in Chapter 1 of this UDC).
 4. If structures are utilized for open storage, the roof of any such structure shall not be less than a 2:12 roof pitch.
- (j) **Office.** A leasing, management, and/or security office shall be permitted in conjunction with a self-service storage facility. Within such office, the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks shall be permitted.
- (k) **Dwelling.** A caretaker or nightwatchman residence shall only be permitted if it complies with this chapter.
- (l) **Accessory rental of vehicles.** A self-service storage facility may rent or lease moving trucks and trailers, provided that all such trucks or trailers are stored in the open storage area authorized by this section.
- (m) **Parking.** Designated customer parking is not required; however, a minimum of four (4) parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

- (n) **Hours of operation.** Self-service storage facilities shall not be accessible to the general public (excluding on-site managers or security agents) between the hours of midnight and 5:00 a.m.

Sec. 3-163. Semi-trailer.

The parking or storage of a semi-trailer, as defined, is prohibited in SR and LR zoning districts. Such parking shall not be authorized in any other zoning district except where such use is permitted as a principal or accessory use as determined by the zoning administrator.

Sec. 3-164. Shooting range, outdoor.

In addition to the requirements for outdoor commercial recreation facilities as specified in this chapter, an outdoor shooting range shall meet the following requirements:

- (a) **Minimum area.** The minimum site size for a skeet or trap shooting range shall be fifteen (15) acres. The minimum site size for a rifle range shall be twenty (20) acres.
- (b) **Back stop.** Ranges shall have an earth embankment not less than twenty five (25) feet in height and not less than ten (10) feet in depth at the end of the range to serve as a back stop.
- (c) **Setback.** A minimum one-thousand (1,000) foot setback from any residential zoning district boundary or public school or park shall be required.
- (d) **Operation.** Hours of operation shall be limited to daylight hours.

Sec. 3-165. Solar energy system, building mounted.

A building-mounted solar energy system shall be subject to the following regulations:

- (a) **Placement.**
 - 1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.
 - 2. Panels and building mounts shall be installed per manufacturer's specifications.
 - 3. In residential zoning districts, a solar energy system for aesthetic reasons shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The county may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.
- (b) **Height.** Building-mounted solar panels or systems shall not exceed four (4) feet above the height of any principal building on the site.

- (c) **Permits and Code Compliance.** A building permit shall be required for installation of all building-mounted solar energy systems, except for flush-mounted panels.

Sec. 3-166. Solar energy system, ground mounted.

In zoning districts where permitted, a ground mounted solar energy system shall be subject to the following regulations:

(a) **Placement.**

1. A ground-mounted solar energy system shall not be located within the required front yard of a lot.
2. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Franklin County Environmental Health Department.
3. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
4. Panels and ground mounts shall be installed per manufacturer's specifications.

- (b) **Maximum area coverage.** For residential properties, a ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed fifty percent (50%) of the footprint of the principal building served.

- (c) **Height.** The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located, or twenty (20) feet, whichever is less.

- (d) **Permitting.** A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Sec. 3-167. Solar farm.

In districts where permitted, a solar energy facility or solar farm shall be subject to the following regulations:

(a) **Mounting.**

1. Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall

- be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.
2. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- (b) **Setbacks.** A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.
- (c) **Placement.**
1. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.
 2. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Franklin County Environmental Health Department.
- (d) **Height.**
1. Freestanding solar panels or solar arrays shall not exceed twenty-five (25) feet in height as measured from the grade at the base of the structure to the highest point.
 2. Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.
- (e) **Security.**
1. Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than six (6) feet nor greater than eight (8) feet in height.
 2. Access gates and equipment cabinets must be locked when not in use.
- (f) **Glare and lighting.**
1. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

2. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.
- (g) **Maintenance and upkeep.** Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.
- (h) **Site plan review and development permit.** A site plan reviewed and approved by the zoning administrator shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components.
- (i) **Additional submission requirements.** In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:
1. Copy of all lease agreements and solar access easements.
 2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.
 3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.
 4. The county may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.
- (j) **Removal of obsolete or unused systems.** All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of one year shall be considered an obsolete or unused system and decommissioned per the approved decommission plan.

Sec. 3-168. Stadium, sports arena, or amphitheater.

- (a) **Minimum site area.** The minimum site area shall be ten (10) acres.
- (b) **Fencing.** Such facilities shall be enclosed by a six (6) foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the conditional use application process.
- (c) **Traffic impact study.** As a part of the special use application, a traffic study shall be submitted to the zoning administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility.
- (d) **Noise and lighting studies.** As a part of the special use application, a noise impact study and lighting study shall be submitted to the zoning administrator. The applicant shall address recommendations of the noise and lighting studies to mitigate noise and lighting impacts of the proposed facility.
- (e) **Hours of operation.** Hours of operation may be limited by the Board of Commissioners via conditions of conditional use approval.

Sec. 3-169. Timber harvesting.

- (a) **Bona fide agricultural activity.** The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:
 - 1. The tract must be under an approved forestry management plan.
 - 2. The Franklin County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment.
 - 3. There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company.
 - 4. Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission.
 - 5. The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.
- (b) **Permit not required.** No permit from the county shall be required for timber harvesting.
- (c) **Notice required.** All persons or firms harvesting standing timber in the unincorporated portion of Franklin County for delivery as pulpwood, logs, poles, or wood chips to any

woodyard or processing plant located inside or outside the state of Georgia shall provide notice of such harvesting operations to the Board of Commissioners of Franklin County prior to cutting any such timber. Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be in such form as prescribed by state rule or regulation of the Director of the Georgia Department of Natural Resources and shall consist of the following:

1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;
2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. Section 48-5-7.5;
3. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

Such notice may be submitted in person, by transmission of an electronic record via telefacsimile or such other means as approved by the Board of Commissioners of Franklin County, or by mail. [Reference O.C.G.A. 12-6-24]

- (d) **Bond.** A \$5,000 bond is required to be submitted to the zoning administrator prior to engaging in the activity.
- (e) **Restriction on development approval of recently cleared land.** Except for properties with activities consistent with paragraph (a) of this section (bona fide agricultural activity), no development or land disturbance permit will be issued by Franklin County if any portion of the property has been cleared of trees within five (5) years prior to such permit application. This restriction may be waived by the Board of Commissioners upon a finding that: the tree removal occurred as a bona fide agricultural activity; and a minimum basal area of at least fifty (50) square feet per acre, distributed evenly throughout the property, is retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

Sec. 3-170. Tire shop or tire display.

(a) **Definitions.** As used in this section and elsewhere in this UDC as may be applicable, the following terms are defined:

1. *Tire*: A continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment, such motor vehicles including but not limited to, automobiles, trucks, heavy equipment, motor bikes, boat and other trailers, aircraft, and recreational vehicles.
2. *Used tire*: A tire which has a minimum of 2/32" of road tread and which is still suitable for its original purpose.
3. *Scrap tire*: A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) **Display.** Any tire shop, retail tire sales establishment, used tire dealer, and any other establishment lawfully associated with the sale, service or repair of tires or used tires shall be required to limit the display outside of a building of tires and used tires, as defined in this section, to no more than a total of sixty (60) tires and/or used tires. This provision shall not limit the display of tires inside a building. The only acceptable method of tire or used tire display outside of a building is the placement of such tires or used tires on one or more racks in the upright position. No tire or used tire display rack(s) shall be placed in any required driveway, fire lane, landscape strip, frontage buffer, parking space, or within 20 feet of the front property line. It shall be unlawful to display outside a building any scrap tires.

(c) **Storage.** Except for salvage yards, the storage of tires and used tires shall be authorized only within a building or fully enclosed structure.

Sec. 3-171. Tow service.

Wrecked or inoperable vehicles may be stored outdoors in a rear yard if fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque wooden fence or masonry wall at least six (6) feet in height.

Sec. 3-172. Truck stop.

In zoning districts where permitted, establishments that provide refueling of trucks and cater to the needs of truck drivers are subject to the following requirements:

- (a) **Accessory uses and buildings; floor limit.** All uses other than the dispensing of fuel or other accessory vehicle services must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, television viewing

and recreation lounges, restroom facilities, and showers, not to exceed 30,000 square feet of building floor area.

- (b) **Parking area setback and buffer.** Truck parking areas must be at least three-hundred (300) feet from any residential zoning district, within which there shall be a two-hundred (200) foot wide buffer.
- (c) **Vehicle repairs.** No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (d) **Inoperable vehicles and parts.** No outside storage of parts or non-operable vehicles is permitted.

Sec. 3-173. Utility substation or installation.

Utility structures such as electric transformer stations, telephone exchanges, telephone towers, gas regulator stations, water and wastewater pumping stations, and water tanks, may be placed in any zoning district as necessary to serve the public interest, provided such facilities comply with the following requirements:

- (a) **Setback.** Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
- (b) **Security fence.** Unless the installation is a small, incidental structure such as a metal box less than six (6) feet in height, the facility shall be completely surrounded by a security fence at least eight (8) feet high.

Sec. 3-174. Vehicle or implement for sale.

Any property owner may offer and display for sale in a front yard as many as four (4) operable vehicles or operable implements if the operable vehicle or implement offered for sale is owned by the property owner, for a period not to exceed ninety (90) days in any one-year period.

Sec. 3-175. Wireless telecommunication facility.

See Article 3-2 of this chapter.

Sec. 3-176. Wrecked motor vehicle compound.

Wrecked or inoperable vehicles may be stored outdoors in a rear yard if fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque wooden fence or masonry wall at least six (6) feet in height.

Sec. 3-177. Yard or garage sale.

- (a) **Frequency.** No individual lot shall be permitted more than five (5) yard or garage sales annually.
- (b) **Duration.** A yard or garage sale shall not be held for more than seventy-two (72) hours in any seven (7) day period.

ARTICLE 3-2 TOWERS AND WIRELESS TELECOMMUNICATION FACILITIES

- Sec. 3-201. Purposes.
- Sec. 3-202. Applicability.
- Sec. 3-203. Exemptions.
- Sec. 3-204. Definitions.
- Sec. 3-205. Relationship to nonconformities.
- Sec. 3-206. Conditional use approval required.
- Sec. 3-207. Additional conditional use application requirements.
- Sec. 3-208. Additional criteria to consider.
- Sec. 3-209. Application processing.
- Sec. 3-210. Decision based on substantial evidence.
- Sec. 3-211. Collocation requirements.
- Sec. 3-212. Lighting.
- Sec. 3-213. Height limitations.
- Sec. 3-214. Setbacks.
- Sec. 3-215. Fencing and anti-climbing devices.
- Sec. 3-216. Landscaping.
- Sec. 3-217. Signage.
- Sec. 3-218. Compliance with other regulations.
- Sec. 3-219. Limitations on local regulations regarding new facilities.
- Sec. 3-220. Modifications and collocation applications.
- Sec. 3-221. Local review of applications for modification or collocation.
- Sec. 3-221. Limitations on fees charged.

Sec. 3-201. Purposes.

The purpose of this article is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae. The regulations and requirements of this article are adopted for the following specific purposes:

- (a) To provide for the location of communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of communication towers, poles, and antennas by restricting them in accordance with the restrictions of this article.
- (b) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.

- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To implement O.C.G.A. Title 36, “Local Government, Provisions Applicable to Counties and Municipal Corporations,” Chapter 66B, known as the “Mobile Broadband Infrastructure Leads to Development Act,” which facilitates the construction, modification or collocation of wireless facilities on existing wireless support structures including the placement of new or additional wireless facilities on existing wireless support structures. Said act establishes the intent to allow previously approved wireless support structures and wireless facilities to be modified or collocations thereto to be accepted without additional zoning or land use review beyond that which is typically required by the local governing authority for the issuance of building or electrical permits.
- (g) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.
- (h) To limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community while still complying with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S. C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, screening, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Article are reasonably related to the valid public purposes described in this Section.
- (i) It is not the intent of the Board of Commissioners of Franklin County to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless services in the unincorporated portions of the county. It is also the intent of the Board that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

Sec. 3-202. Applicability.

All wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae shall be subject to the requirements of this Article, unless specifically exempted from compliance herein.

Sec. 3-203. Exemptions.

The following shall not be subject to the requirements of this article:

- (a) Wireless communications facilities for which a permit was issued prior to the effective date of this article.
- (b) Wireless communication facilities located on properties owned by Franklin County but outside of county roads and public right of ways.
- (c) Antennae and towers less than 70 feet in height, owned and operated by the holder of an Amateur Radio license issued by the Federal Communications Commission.
- (d) Personal over-the-air devices for audio or video programming and wireless internet services.
- (e) Monopole towers one hundred (100) feet or less in height located within electrical substations. For purposes of this paragraph, an electric substation is a fenced area of at least five hundred (500) square feet of land area. This does not include isolated equipment sites such as boxes.
- (f) Satellite ground relay station facilities.
- (g) A temporary wireless communication facility not to exceed ninety (90) days if applied for and if administratively approved by the zoning administrator based on sufficient explanation of the urgency of need for a temporary facility.

Sec. 3-204. Definitions.

Accessory equipment: Any equipment serving or being used in conjunction with a wireless facility or wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

Application: A formal request submitted to the local governing authority to construct, collocate, or modify a wireless support structure or a wireless facility.

Collocate or collocation: The placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Complete application: An application containing all documents, information, and fees specifically enumerated in or required by the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

Concealed support structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, campaniles, water towers, silos, light poles, flagpoles, and artificial trees.

Equipment compound: An area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

Modification or modify: The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound, provided such improvement, upgrade, expansion, or replacement does not increase the height of the wireless support structure or increase the dimensions of the equipment compound.

Registry: Any official list, record, or register maintained by a local governing authority of wireless facilities, equipment compounds, or wireless support structures.

Temporary wireless communication facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a cell-on-wheels (COW).

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

Utility: Any person, corporation, municipality, county, or other entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications services.

Wireless facility: The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power

supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services.

Wireless support structure: A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable of supporting wireless facilities. Such term shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Sec. 3-205. Relationship to nonconformities.

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

Sec. 3-206. Conditional use approval required.

Except as otherwise authorized by this article for modifications and collocations, as defined, no wireless telecommunications facility or wireless telecommunications equipment shall be constructed unless it has first been approved as a conditional use in accordance with the requirements of this UDC.

Sec. 3-207. Additional conditional use application requirements.

In addition to and in conjunction with the information required for conditional use applications generally, as provided in chapter 12 of this UDC, each application for a conditional use required under this article shall include the following:

- (a) A site plan with topographical information.
- (b) An elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.
- (c) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.
- (d) A determination by the Federal Aviation Administration (FAA) regarding hazards to air navigation. Unless inconsistent with FAA rules, this requirement may be waived by the zoning administrator if the proposed location is remote from any known airport or aircraft landing area.

Sec. 3-208. Additional criteria to consider.

In addition to the standards enumerated for special use approval generally, the following factors shall also be considered when acting on an application for conditional use approval:

- (a) Appropriateness of the height of the proposed tower.
- (b) Whether a monopole or concealed support structure is proposed.
- (c) Proximity of residential uses.
- (d) Topography of the surrounding area.
- (e) Existing tree cover and vegetation.
- (f) The visual obtrusiveness of the proposed use, or whether visual obtrusiveness can be reduced or eliminated with changes in design. This may include the fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (g) Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
 - 1. That existing towers or tall structures are not located within the necessary geographic area.
 - 2. That existing towers or tall structures are not of sufficient height to meet system engineering requirements.
 - 3. That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.
 - 4. That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.
 - 5. That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.
- (h) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

- (i) Whether the tower or wireless facility would be engineered and constructed to accommodate additional communication service providers.
- (j) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (k) Whether the application demonstrates compliance with the regulations established in this Article.

Sec. 3-209. Application processing.

Decisions on applications pursuant to this article shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Commission and Board of Commissioners shall each table an application for conditional use for a wireless service facility no more than once before making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

Sec. 3-210. Decision based on substantial evidence.

- (a) The Board of Commissioners shall make its decision on the conditional use application based on substantial evidence and sufficient to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Board of Commissioners shall rely on findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the zoning administrator, the recommendation of the Franklin County Planning Commission, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and the applicant, and any additional findings of fact the Board of Commissioners may itself determine.
- (b) Generalized community concerns, unaccompanied by supporting documentation, do not constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this article.

Sec. 3-211. Collocation requirements.

- (a) All towers over one hundred (100) feet in height shall have structural capacity and ground or interior space to accommodate multiple users.
- (b) Towers with a height of one hundred and sixty (160) feet or less shall accommodate at least three (3) users.
- (c) Towers with a height of more than one hundred and sixty (160) feet shall accommodate at least five (5) users.
- (d) No antenna added to an existing tower per this section shall be allowed to increase the height of the tower.

Sec. 3-212. Lighting.

Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. Towers shall not be lighted beyond that required by the Federal Aviation Administration (FAA). If lighting is required on a tower located within one (1) mile of a residential use, the owner shall request FAA approval of a dual-lighting system.

Sec. 3-213. Height limitations.

- (a) Self-support (lattice) and guyed towers, if authorized shall not exceed three hundred and fifty (350) feet in height.
- (b) If authorized, towers located in agricultural zoning districts shall not exceed two hundred and fifty (250) feet in height.
- (c) Monopoles located, if authorized, shall not exceed two hundred (200) feet in height in commercial and industrial zoning districts or one hundred and fifty (150) feet in agricultural and residential zoning districts.
- (d) Concealed support structures or towers if authorized shall not exceed seventy (70) feet in height in any agricultural or residential zoning district or one-hundred (100 feet) in height in any other zoning district.

Sec. 3-214. Setbacks.

- (a) All towers shall be located at least a distance equal to the height of the tower from any residential zoning district.
- (b) All towers shall be located at least one-quarter of its height from any public road right-of-way.

- (c) Setbacks shall be measured on the basis of the entire lot on which the tower is located and shall not be applied to any leased area within the host parcel.
- (d) Accessory structures or anchors in conjunction with a tower shall comply with the minimum yard requirements of the zoning district in which they are located.

Sec. 3-215. Fencing and anti-climbing devices.

All towers and related equipment shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and equipped with anti-climbing devices as appropriate to prevent unauthorized access.

Sec. 3-216. Landscaping.

- (a) A minimum ten (10) foot wide area meeting buffer standards shall be planted surrounding towers and related equipment, outside of the area required to be fenced.
- (b) Landscaping and buffer areas must be under the ownership or long-term lease of the tower owner and maintained by said owner.
- (c) The required buffer area may be reduced or waived by the zoning administrator if existing natural vegetation on site provides sufficient screening from adjacent properties and public rights-of-way, or if topography would reduce or eliminate the effectiveness of the buffer.

Sec. 3-217. Signage.

Tower facilities shall have mounted in a conspicuous place, a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency. All other signs and any form of advertising are prohibited in conjunction with a use regulated by this article.

Sec. 3-218. Compliance with other regulations.

All towers, concealed support structures, antennae and related equipment shall comply with all building, electrical and other codes currently in force, and any applicable regulations of the Federal Communications Commission and Federal Aviation Administration.

Sec. 3-219. Limitations on local regulations regarding new facilities.

In the regulation of the placement or construction of any new wireless facility or wireless support structure, Franklin County shall not:

- (a) Condition the approval of any application for a new wireless support structure on a requirement that a modification or collocation to such structure be subject to a review that is inconsistent with the requirements of O.C.G.A. § 36-66B-4;

- (b) Require the removal of existing wireless support structures or wireless facilities as a condition to approval of an application for a new wireless facility or wireless support structure unless such existing wireless support structure or wireless facility is abandoned and owned by the applicant; or
- (c) Require the applicant to place an antenna or other wireless communications equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the applicant.
[Reference: O.C.G.A. § 36-66B-6]

Sec. 3-220. Modifications and collocation applications.

- (a) Applications for collocation or modification of a wireless facility entitled to streamlined processing under O.C.G.A. § 36-66B-4, shall be reviewed for conformance with applicable site plan and building permit requirements, including zoning and land use conformity, but shall not otherwise be subject to the issuance of additional zoning, land use, or conditional use permit approvals beyond the initial zoning, land use, or special permit approvals issued for such wireless support structure or wireless facility.
- (b) Modifications and applications for proposed collocations qualify for permit streamlining if they meet the following requirements:
 - 1. The proposed modification or collocation shall not increase the overall height or width of the wireless support structure to which the wireless facilities are to be attached;
 - 2. The proposed modification or collocation shall not increase the dimensions of the equipment compound initially approved by the local governing authority;
 - 3. The proposed modification or collocation shall comply with applicable conditions of approval, if any, applied to the initial wireless facilities and wireless support structure, as well as any subsequently adopted amendments to such conditions of approval; and
 - 4. The proposed modification or collocation shall not exceed the applicable weight limits for the wireless support structure, as demonstrated by a letter from a structural engineer licensed to practice in this state. [Reference O.C.G.A. § 36-66B-4]

Sec. 3-221. Local review of applications for modification or collocation.

- (a) **Application requirements.** A local governing authority's review of an application to modify or collocate wireless facilities on an existing wireless support structure shall not include an evaluation of the technical, business, or service characteristics of such proposed wireless facilities. A local governing authority shall not require an applicant to submit radio frequency analyses or any other documentation intended to demonstrate the

proposed service characteristics of the proposed wireless facilities, to illustrate the need for such wireless facilities, or to justify the business decision to collocate such wireless facilities; provided, however, that the local governing authority may require the applicant to provide a letter from a radio frequency engineer certifying the applicant's proposed wireless facilities will not interfere with public safety emergency communications.

[Reference O.C.G.A. § 36-66B-4]

- (b) **Determination of application completeness.** Within 30 calendar days of the date an application for modification or collocation is filed with the local governing authority, the zoning administrator shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 90 calendar day review period set forth in this section. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities. [Reference O.C.G.A. § 36-66B-4]

- (c) **Decision.** Within 90 calendar days of the date an application for modification or collocation of wireless facilities is filed with the local governing authority, unless another date is specified in a written agreement between the local governing authority and the applicant, the local governing authority shall make its final decision to approve or disapprove the application and advise the applicant in writing of its final decision. [Reference O.C.G.A. § 36-66B-4]

Sec. 3-222. Limitations on fees charged.

Pursuant to O.C.G.A. § 36-66B-7, a local governing authority shall not:

- (a) Charge an applicant a zoning, permitting, or other fee for review or inspection of a new or existing wireless facility or wireless support structure in an amount greater than the amount authorized by subsection (a) of Code Section 48-13-9;
- (b) Charge an applicant a zoning, permitting, or other fee for review or inspection of a collocation or modification in excess of \$500.00;
- (c) Seek reimbursement from the applicant for any application fees, consultation fees, registry fees, or audit fees with respect to a wireless facility or wireless support structure that are based on a contingency fee arrangement; or
- (d) Charge a wireless service provider or wireless infrastructure provider any rental, license, or other fees in excess of the fair market value for rental or use of similarly situated property to renew or extend the term of a lease or other agreement for a wireless facility

or wireless support structure on such local governing authority's property. [Reference: O.C.G.A. § 36-66B-7]

CHAPTER 4

ENVIRONMENTAL OVERLAY DISTRICTS

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**ARTICLE 4-1
ENVIRONMENTAL OVERLAY DISTRICTS GENERALLY**

- Sec. 4-101. Establishment.
- Sec. 4-102. Boundaries and interpretation.
- Sec. 4-103. Amendment of boundaries.
- Sec. 4-104. Relationship to underlying zoning district.
- Sec. 4-105. Definitions.
- Sec. 4-106. Mitigation of violation.

Sec. 4-101. Establishment.

There is hereby established the following environmental overlay districts in unincorporated Franklin County:

Broad River Protected River Corridor
Hudson River Protected River Corridor
Royston Water Supply Watershed (North Fork Broad River)
Lavonia Crawford Creek Reservoir Water Supply Watershed
Significant Groundwater Recharge Areas
Wetlands (National Wetlands Inventory)

Sec. 4-102. Boundaries and interpretation.

- (a) The boundaries of the environmental overlay districts established in this chapter shall be shown on a separate map or maps included in this chapter. However shown, environmental overlay district boundaries are and shall be considered an integral part of the official zoning map.
- (b) If an environmental overlay district regulation specifically describes the boundaries of an environmental overlay district, then the specific description regarding that environmental overlay district shall apply.
- (c) All applicable provisions regarding the official zoning map provided in chapter 2 of this UDC shall be considered applicable to environmental overlay districts, including but not limited to, provisions regarding determination and interpretation of zoning district boundaries, which may be considered applicable by the zoning administrator in the determination and interpretation of environmental overlay district boundaries.
- (d) If it is determined in writing with supporting maps by a qualified professional that a given property does not lie within an overlay district due to topography, distance, or other characteristics as shown on an environmental overlay district map, or that there is otherwise an error in the map, a development applicant may propose and submit to the zoning administrator, and the zoning administrator may accept, such determination, in which case the applicable overlay district regulations shall be deemed not to apply.

Sec. 43-103. Amendment of boundaries.

The boundaries of any environmental overlay district may be amended from time to time, following the same requirements and procedures of this UDC for an amendment to the official zoning map to change an underlying zoning district (See chapter 12 of this UDC).

Sec. 4-104. Relationship to underlying zoning district and other overlay districts.

- (a) The requirements of any environmental overlay district established by this chapter are in addition to the regulations established for the zoning districts (chapter 2) in which a given property is located.
- (b) In any case where the requirements of an environmental overlay district conflict with requirements of an applicable zoning district, another overlay district where applicable, or any other provision of this UDC, the requirements of the more restrictive section or provision shall apply.

Sec. 4-105. Definitions.

Acre-foot: The volume (as of irrigation water) that would cover one acre to a depth of one foot.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: this is the same definition as in the Georgia Groundwater Use Act).

Buffer: A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas.

DRASTIC: The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluation pollution susceptibility).

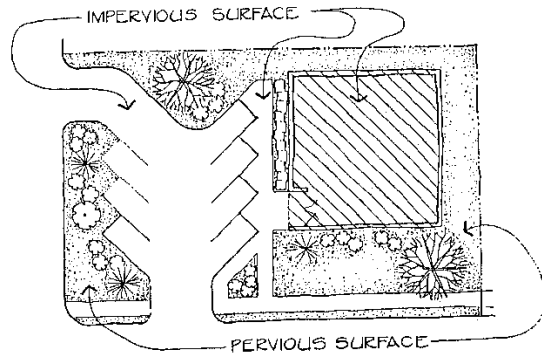
Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is the same definition as used in the Georgia Hazardous Waste Management Act.)

Hydrologic Atlas 18: A map prepared by the Georgia Department of Natural Resources (DNR) and published by the Georgia Geologic Survey in 1989, which identifies the most significant groundwater recharge areas of Georgia as spotted areas labeled as “areas of thick soils.”

Hydrologic Atlas 20: A multicolored map of Georgia at a scale of 1:500,000, prepared by the Georgia Department of Natural Resources using the DRASTIC methodology and published by

the Georgia Geologic Survey in 1992, which shows areas of high, average (or medium), and low susceptibility of groundwater to pollution in Georgia. This map is also commonly known as the Groundwater Pollution Susceptibility Map of Georgia.

Impervious surface: A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, and patios.



Source: Davidson, Michael, and Fay Dolnick. *A Glossary of Zoning, Development, and Planning Terms*. PAS Report No. 491/492 (Chicago, American Planning Association, 1999, p. 126).

Land-disturbing activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Perennial stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey (USGS) quadrangle map (7.5 minute topographic map prepared at a scale of 1:24,000).

Pollution susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a recharge area.

Pollution susceptibility maps: Maps of relative vulnerability to pollution prepared by the Georgia Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential. This mapping has been formalized as Hydrologic Atlas 20.

Protected river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents; and any river identified in this chapter as a protected river.

Recharge area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Reservoir boundary: The edge of a water supply reservoir defined by its normal pool level.

River bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River corridor: All land, inclusive of islands, in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. Because river channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. Also, the area between the top of the bank and the edge of the river shall be considered part of a river corridor, even though it is not measured for purposes of establishing river corridor buffers.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Georgia Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Significant recharge areas: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density or lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces.

Single-family dwelling: A dwelling structure that is designed for the use of one family or one household.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by Franklin County.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area of land upstream of a governmentally owned public drinking water intake. Water supply watersheds are classified as small (less than 100 square miles within the drainage basin above the drinking water intake) and large (100 square miles or more within the drainage basin above the drinking water intake).

Water supply watershed protection plan: A land use and environmental protection plan prepared and adopted by a local government for the protection of the quality of drinking water obtained from the watershed.

Wetlands: Freshwater areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar freshwater areas.

Wetland, protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service. Areas approved by the U.S. Army Corps of Engineers based on studies prepared by a competent professional shall be considered a protected wetland, whether or not such wetland area is shown on the National Wetlands Inventory maps. Any new wetland area constructed as a best management practice for stormwater control shall also be considered a protected wetland once construction is complete, whether or not such wetland area is shown on the National Wetlands Inventory maps.

Sec. 4-106. Mitigation of violation.

When a building or other structure has been constructed in violation of this chapter, the violator shall be required to remove the building or structure. When removal of vegetative cover, or excavation or fill has taken place in violation of this chapter, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

ARTICLE 4-2 RIVER CORRIDORS

- Sec. 4-201. Authority.
- Sec. 4-202. Findings.
- Sec. 4-203. Establishment.
- Sec. 4-204. Applicability.
- Sec. 4-205. Exemptions.
- Sec. 4-206. Natural vegetative buffer required.
- Sec. 4-207. Uses permitted in river corridors.
- Sec. 4-208. Uses prohibited in river corridors.
- Sec. 4-209. Vegetative buffer restoration after disturbance.

Sec. 4-201. Authority.

This article is adopted to implement the requirements of Section 391-3-16-.04, “Criteria for River Corridor Protection” of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, “Rules for Environmental Planning Criteria.” Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 4-202. Findings.

River corridors, or those strips of land that flank major rivers in Georgia, are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters. The method mandated in O.C.G.A. 12-2-8 for the protection of river corridors is the establishment of natural vegetative buffer areas bordering each protected river.

Sec. 4-203. Establishment.

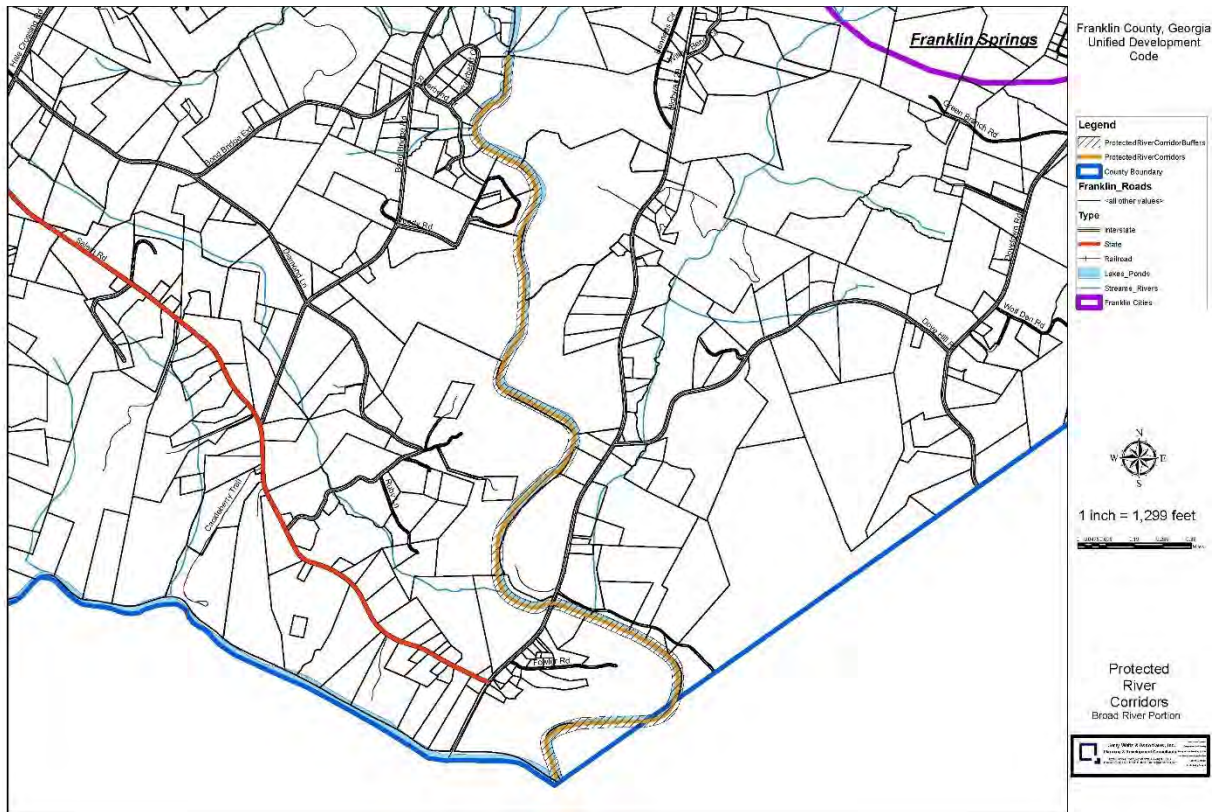
There are hereby established river corridors along both sides of a portion of the Broad River, and a portion of the Hudson River in unincorporated Franklin County, as shown on maps included in this chapter. Each of these river corridors shall be considered a separate environmental overlay district, although the regulations are the same for each river corridor designated per this Article.

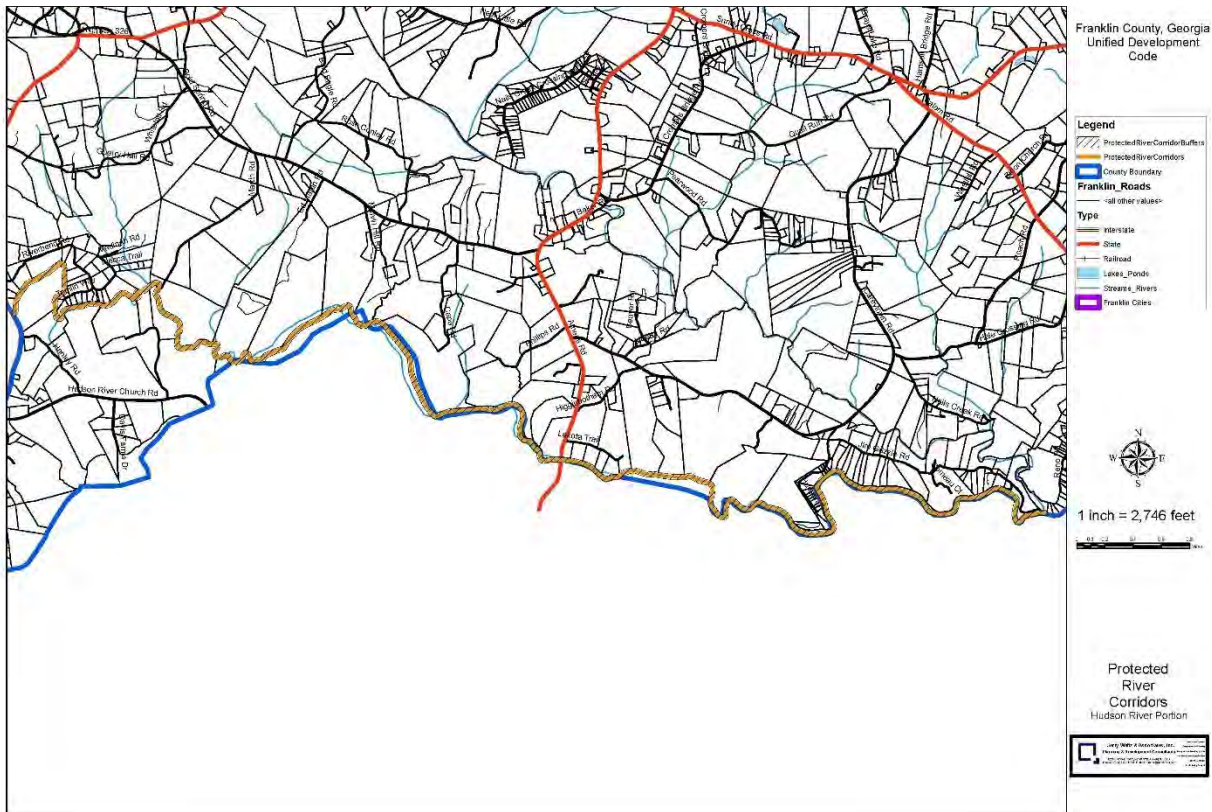
Sec 4-204. Applicability.

- (a) Unless specifically exempted by this chapter, the regulations in this article shall apply to all river corridors, as defined and as established in this chapter, in unincorporated Franklin County.

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- (b) This article shall apply to all private lands and to all state owned or administered land that contains a protected river within its boundaries. All state agencies shall comply with the requirements of this article. Failure by a state agency to comply with such requirements shall be considered an indicator of a governmental action which may significantly adversely affect the quality of the environment under the Environmental Policy Act (O.C.G.A. 12-16-1 et seq.).





Sec. 4-205. Exemptions.

- (a) Land uses existing prior to the initial adoption by Franklin County of river corridor regulations shall be exempt from the requirements of this article; provided, however, that any expansion in land area or building area of such existing land use shall not be exempt from the requirements of this article.
- (b) Although a use may be exempt from this article, any such use shall not impair the drinking quality of the river water and must in compliance with all local, state and federal environmental rules and regulations.

Sec. 4-206. Natural vegetative buffer required.

- (a) Within river corridors established in this article, there shall be maintained a natural vegetative buffer for the entire width of the river corridor, except as otherwise provided in this article. For purposes of this article, the river corridor and the required river buffer are the same width (i.e., 100 feet in width from the river banks).
- (b) For purposes of this article “natural vegetative buffer” or “buffer area” means a river corridor 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 the river corridor in order to maintain those species.

Sec. 4-207. Uses permitted in river corridors.

The following uses shall be permitted in river corridors/river buffers:

- (a) Agricultural production and management, provided that it shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission, all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture and shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- (b) Single-family dwellings, including the usual appurtenances, subject to compliance with the following requirements:
 - 1. The dwelling shall be in compliance with all other requirements of this UDC.
 - 2. The dwelling shall be located on a tract of land containing at least two (2) acres. For the purposes of this subsection, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks cannot be counted towards the two (2) acre minimum size).
 - 3. There shall be only one such dwelling on each two-acre or larger tract of land.
 - 4. Septic tanks and septic tank drainfields shall not be located within the buffer area.
- (c) Timber production and harvesting, subject to the following conditions: Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- (d) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.
- (e) Waste-water treatment.
- (f) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. This includes a boat ramp, paths, and walkways, but excludes hard-surface tennis courts and parking lots.
- (g) Natural water quality treatment or purification.
- (h) Utilities, if such utilities cannot feasibly be located outside the buffer area, provided that: the utilities shall be located as far from the river bank as reasonably possible; and provided the utilities are installed and maintained such as to protect the integrity of the buffer area as well as is reasonably possible and shall not impair the drinking quality of

the river water. Construction of any road or utility crossing a river corridor, is permitted, provided that it shall meet all requirements of the Georgia Erosion and Sedimentation Control Act of 1975, as amended, and any applicable requirements of this UDC including but not limited to soil erosion and sedimentation control.

- (i) Other uses permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act.

Sec. 4-208. Uses prohibited in river corridors.

The following uses shall be prohibited within river corridors:

- (a) Septic tanks and septic tank drain fields, except as specifically authorized by Sec. 517 of this UDC for single-family dwellings.
- (b) Handling areas for the receiving and storage of hazardous waste.
- (c) Hazardous waste or solid waste landfills.
- (d) All construction within the buffer area shall be prohibited unless specifically authorized in this article.

Sec. 4-209. Vegetative buffer restoration after disturbance.

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

ARTICLE 4-3 WATER SUPPLY WATERSHEDS

- Sec. 4-301. Authority.
- Sec. 4-302. Findings.
- Sec. 4-303. Establishment.
- Sec. 4-304. Applicability.
- Sec. 4-305. Exemptions.
- Sec. 4-306. Regulations for large water supply watersheds.
- Sec. 4-307. Regulations for small water supply watersheds.
- Sec. 4-308. Water supply reservoir buffers.

Sec. 4-301. Authority.

This article is adopted to implement the requirements of Section 391-3-16-.01, “Criteria for Water Supply Watersheds” of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, “Rules for Environmental Planning Criteria.” Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 4-302. Findings.

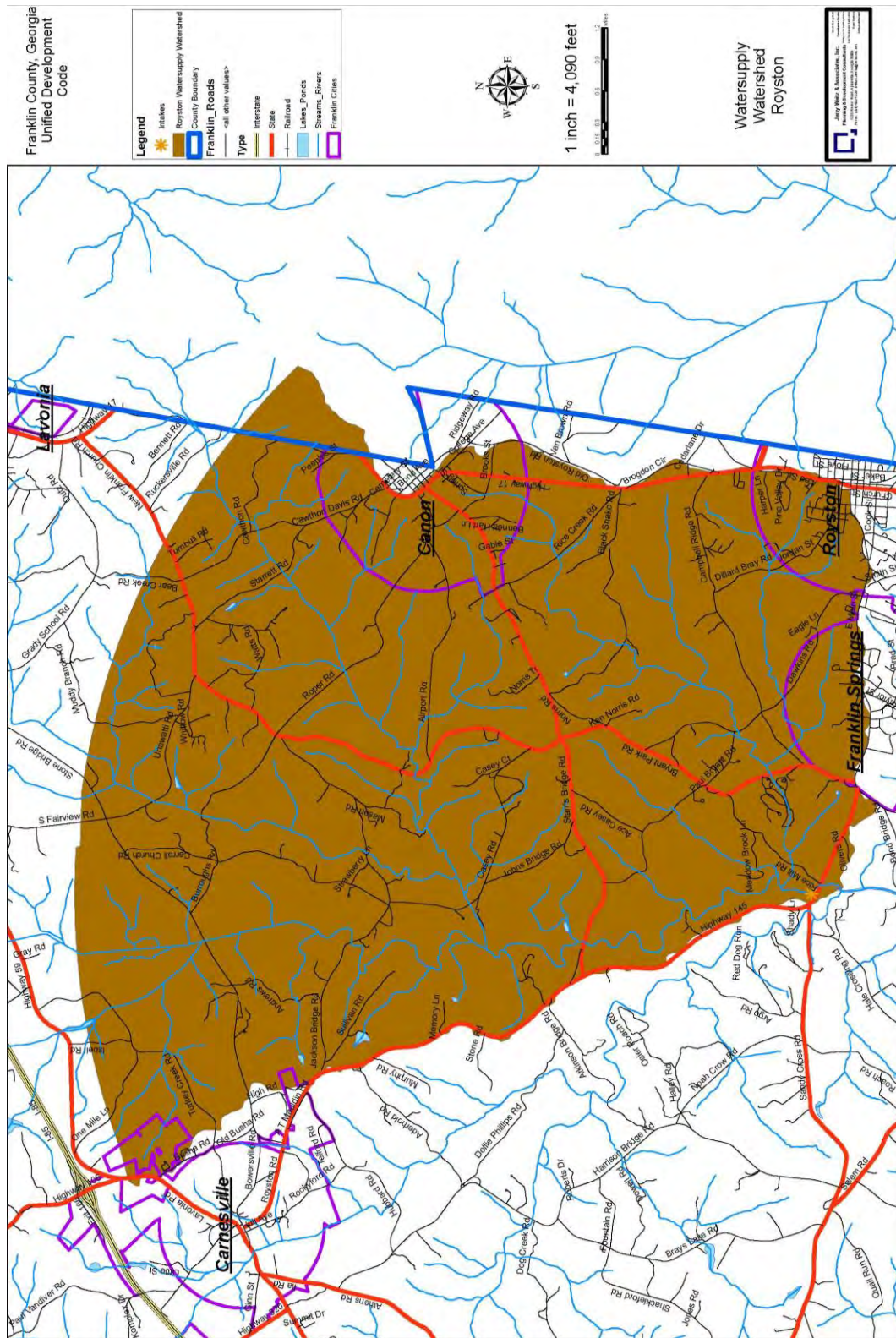
The quality of public drinking water supplies deserves protection. Land-disturbing activities associated with development can increase erosion and sedimentation, which threaten the storage capacity of reservoirs and impair the quality of public drinking water supplies. Stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive, and rendering water resources unusable for recreation and other uses. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in potential risks of contamination of nearby public drinking water supplies. Therefore, land use activities within water supply watersheds require regulation to ensure that public water supplies remain clean. The regulations in this article are intended to minimize the transport of pollutants and sediment to water supplies, to maintain the yield of water supply watersheds, and to ensure water can be treated to meet federal and state drinking water standards.

Sec. 4-303. Establishment.

There are hereby established water supply watershed environmental overlay districts in unincorporated Franklin County, as identified in Section 4-101 of this article, as shown on the maps included in this section. Each of these watersheds shall be considered a separate environmental overlay district.

- (a) Royston Water Supply Watershed (North Fork Broad River) (Large Watershed)
- (b) Lavonia Crawford Creek Reservoir Water Supply Watershed (Small Watershed)

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Sec. 4-304. Applicability.

No land shall be disturbed and no use shall be established unless it is consistent with the requirements of this article, except as otherwise specifically exempted from the requirements of this article.

Sec. 4-305. Exemptions.

- (a) **Existing land uses.** Land uses existing prior to the initial adoption of water supply watershed protection regulations by Franklin County are exempt from the requirements of this article.
- (b) **Utilities.** Utilities are exempt from the stream corridor and impervious surface setback area provisions of this article if the utilities to be located in the buffer or impervious surface setback areas cannot feasibly be located outside these areas, subject to the following requirements:
 - 1. The utilities shall be located as far from the stream bank as reasonably possible.
 - 2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.

3. The utilities shall not impair the quality of the drinking water stream.

- (c) **Forestry and agriculture.** Forestry and agricultural activities are exempt from the stream corridor buffer and impervious surface setback area provisions of this article, provided that such activities shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture and shall not impair the quality of the drinking water stream.

Sec. 4-306. Regulations for large water supply watersheds.

Stream corridors of all perennial streams in all large water supply watersheds tributary to a water supply reservoir within a seven (7) mile radius of a reservoir boundary are protected by criteria specified in this section. Where the requirements of this section are more restrictive than the requirements imposed for river corridors as specified in this chapter, the more restrictive requirements of this section shall apply.

- (a) **Buffer.** A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
- (b) **Impervious surface setback.** No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.
- (c) **Septic tanks and drainfields.** Septic tanks and septic tank drainfields are prohibited in the impervious surface setback area.
- (d) **Hazardous materials.** Facilities which handle hazardous materials of the types and amounts determined by the Georgia Department of Natural Resources, if authorized to be located within seven (7) miles of a water supply intake or water supply reservoir, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Georgia Department of Natural Resources.

Sec. 4-307. Regulations for small water supply watersheds.

Stream corridors of all perennial streams within a small water supply watershed tributary to a water supply reservoir are protected by criteria specified in this Section. Where the requirements of this section are more restrictive than the requirements imposed for river corridors as specified in this chapter, the more restrictive requirements of this section shall apply.

- (a) **Buffers and impervious surface setbacks.** A buffer shall be maintained for a specified distance on both sides of the stream as measured from the stream banks, and no impervious surface shall be constructed within a specified setback area on both sides of the stream as measured from the stream banks, as follows:

Distance Upstream of Public Drinking Water Intake	Minimum Buffer Width Required (feet)	Minimum Impervious Surface Setback Area (feet)
Within Seven (7) mile radius	100	150
Outside Seven (7) mile radius	50	75

- (b) **Septic tanks and drainfields.** Septic tanks and septic tank drainfields are prohibited in the impervious surface setback required by this section.
- (c) **Sanitary landfills.** New sanitary landfills are allowed in a small water supply watershed only if they have synthetic liners and leachate collection systems.
- (d) **Hazardous waste.** New hazardous waste treatment or disposal facilities are prohibited.
- (e) **Hazardous materials.** Facilities which handle hazardous materials of the types and amounts determined by the Georgia Department of Natural Resources, if authorized to be located within seven (7) miles of a water supply intake or water supply reservoir, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Georgia Department of Natural Resources.
- (f) **Maximum impervious surface areas by land use.** The impervious surface area, including all public and private structures, utilities, or facilities, of the entire small water supply watershed shall be limited to twenty-five (25) percent; provided, however, that in lieu of watershed-wide calculations which may negate development on a given tract, development within a small water supply watershed shall not exceed the following maximum impervious surface limitations for the respective land use as determined by the zoning administrator, except as specifically provided otherwise in this subsection.

Land Use	Maximum Impervious Surface (Percent of Total Land Area of the Site Being Developed)
Agricultural	10%
Residential, single-family detached	25%
Residential, two-family or multi-family	30%
Institutional	40%
Commercial	60%
Industrial	60%

1. **Single-family residential subdivisions.** When a residential subdivision for detached, single-family dwellings is proposed on land within a small water supply watershed, the applicant shall demonstrate compliance with the twenty five percent (25%) maximum impervious surface requirement for the land within the entire subdivision. Roads, sidewalks, and other impervious surfaces within public right of ways shall be calculated and the total impervious area shown on the final recorded subdivision plat. A maximum impervious surface for each lot shall be established and shown on the final recorded subdivision plat. Lot development within the subdivision shall not

- exceed the maximum impervious surface as indicated on the final recorded subdivision plat. Compliance with this section may require that conservation areas be set aside or lots be larger in area than required by the zoning district in which the lots are located.
2. **Exceptions for water quality enhancement or low impact development.** Upon application, the public development director may approve increases in the maximum impervious surface area limitations of this subsection, if the land development incorporates and implements water quality enhancement or low impact development techniques approved by the zoning administrator. Such increase authorized shall not exceed one-hundred twenty-five percent (125%) of the maximum impervious surface percentage established in this subsection.
 3. **Pervious pavements.** Pervious pavements, where approved and utilized, shall not count as impervious surfaces for purposes of compliance with this subsection.

Sec. 4-308. Water supply reservoir buffers.

A natural vegetative buffer shall be established and maintained within one-hundred and fifty (150) feet of the banks of Crawford Creek Reservoir in unincorporated Franklin County. Vegetation, land disturbance and land uses shall be controlled by the provisions of the applicable reservoir management plan, as approved by the Georgia Department of Natural Resources.

ARTICLE 4-4 SIGNIFICANT GROUNDWATER RECHARGE AREAS

- Sec. 4-401. Authority.
- Sec. 4-402. Findings.
- Sec. 4-403. Adoption by reference of hydrologic atlases.
- Sec. 4-404. Establishment.
- Sec. 4-405. Applicability.
- Sec. 4-406. Regulations for significant groundwater recharge areas.

Sec. 4-401. Authority.

This article is adopted to implement the requirements of Section 391-3-16-.02, “Criteria for the Protection of Groundwater Recharge Areas” of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, “Rules for Environmental Planning Criteria.” Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 4-402. Findings.

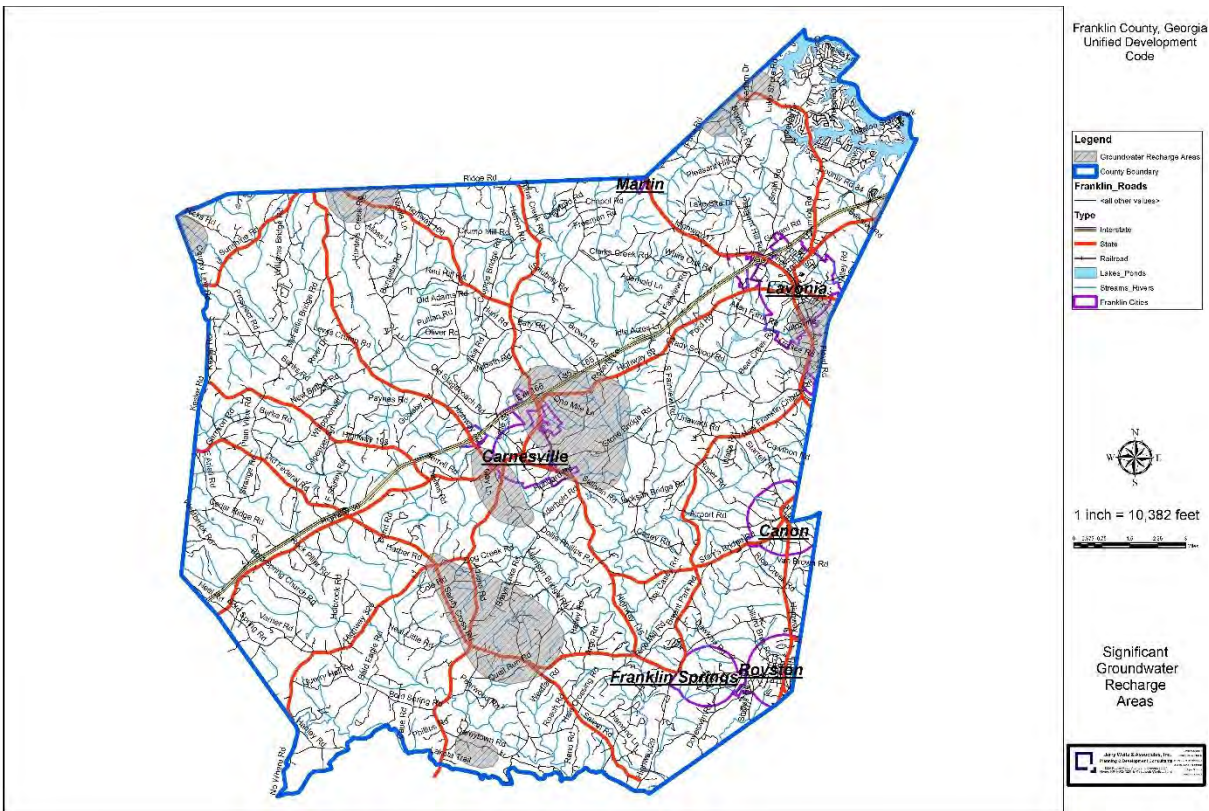
- (a) It is essential to the health, safety, and welfare of the public that the quality of subsurface public drinking water be maintained. Groundwater resources exist in underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth’s surface that are capable of providing water for a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface, known as groundwater recharge areas. Groundwater is susceptible to contamination when development occurs within groundwater recharge areas.
- (b) Certain land use activities, such as septic tanks, underground tanks, and chemical spills, pose a significant threat to the quality of groundwater supplies. Therefore, it is necessary to manage land uses within groundwater recharge areas in order to ensure that pollution threats and development impacts are minimized. To this end, this article establishes minimum lot sizes to provide for the orderly and safe development of property utilizing on-site sewage management systems.
- (c) Recharge area protection criteria of the state are based on the state’s hydrogeology. Recharge area protection within significant recharge areas has been refined by the state based on high, medium, and low susceptibility or vulnerability to human induced pollution.
- (d) Each significant groundwater recharge area mapped by the state within the boundaries of Franklin County, Georgia, as shown on Hydrologic Atlas 18, are within lower pollution susceptibility areas as shown on Hydrologic Atlas 20. This makes state criteria regarding medium and higher pollution susceptibility inapplicable in Franklin County and such criteria are properly excluded from this article.

Sec. 4-403. Adoption by reference of hydrologic atlases.

Hydrologic Atlas 18 and Hydrologic Atlas 20 are hereby adopted for purposes of applying the state's environmental planning criteria for significant groundwater recharge areas.

Sec. 4-404. Establishment.

There are hereby established significant groundwater recharge areas in Franklin County as established by state rule, as shown on the significant groundwater recharge area map included in this article.



Sec. 4-405. Applicability.

- This article shall apply to all unincorporated lands within Franklin County that are mapped as significant recharge areas as defined by this chapter.
- No land shall be disturbed and no use shall be established within an area regulated by this article, unless it is consistent with the requirements of this article.

Sec. 4-406. Regulations for significant groundwater recharge areas.

The following criteria shall apply in significant recharge areas established by this article:

- (a) **New agricultural waste impoundment sites.** New agricultural waste impoundment sites exceeding 50 acre-feet shall be lined. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service.
- (b) **Minimum lot size.** New homes or lot divisions for homes or other uses and served by septic tank/drain field systems shall be on lots having a minimum lot size of at least 110% of the minimum size identified on Table MT-1 of the Georgia Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-1"); provided, however, that any lot of record existing on the date of initial adoption of significant groundwater recharge area regulations by Franklin County shall be exempt from the minimum lot size established by this paragraph. No construction may proceed on a home to be served by a septic tank unless the Franklin County Environmental Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources' Manual for On-Site Sewage Management Systems.
- (c) **Hazardous material handling and hazardous waste.** New facilities permitted or to be permitted to treat, store, or dispose of hazardous waste shall perform such operations on an impermeable pad having a spill and leak collection system. New facilities which handle hazardous materials of types and in amounts determined by the Georgia Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by Georgia Department of Natural Resources. Land disposal of hazardous waste is prohibited in any area regulated by this article.
- (d) **Above-ground storage tanks.** New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1). Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- (e) **Sanitary landfills.** Sanitary landfills are prohibited in any area regulated by this article.

ARTICLE 4-5 WETLANDS

- Sec. 4-501. Authority.
- Sec. 4-502. Findings.
- Sec. 4-503. Establishment.
- Sec. 4-504. Applicability.
- Sec. 4-505. Relationship to federal regulation.
- Sec. 4-506. Permitted uses.
- Sec. 4-507. Wetland statement on plans and plats.

Sec. 4-501. Authority.

This article is adopted to implement the requirements of Section 391-3-16-.03, “Criteria for Wetlands Protection” of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, “Rules for Environmental Planning Criteria.” Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 4-502. Findings.

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities.

Sec. 4-503. Establishment.

There is hereby established a wetlands environmental overlay district in unincorporated Franklin County as shown on the map included in this article.

Sec. 4-504. Applicability.

- (a) This article shall apply to all unincorporated lands within Franklin County that are mapped as wetlands (national wetland inventory) by this article.
- (b) No land shall be disturbed and no use shall be established within an area regulated by this article, unless it is consistent with the requirements of this article.
- (c) No development permit or building permit shall be issued by the zoning administrator for a land use, building, structure, or manufactured home, nor shall any activity commence, unless the land use, building, structure, manufactured home or activity conforms to the requirements of this article. Prior to a development permit or building permit being issued, the zoning administrator shall require a site plan or subdivision plat in sufficient

detail to review the proposed development for compliance with the provisions of this article.

Sec. 4-505. Relationship to federal regulation.

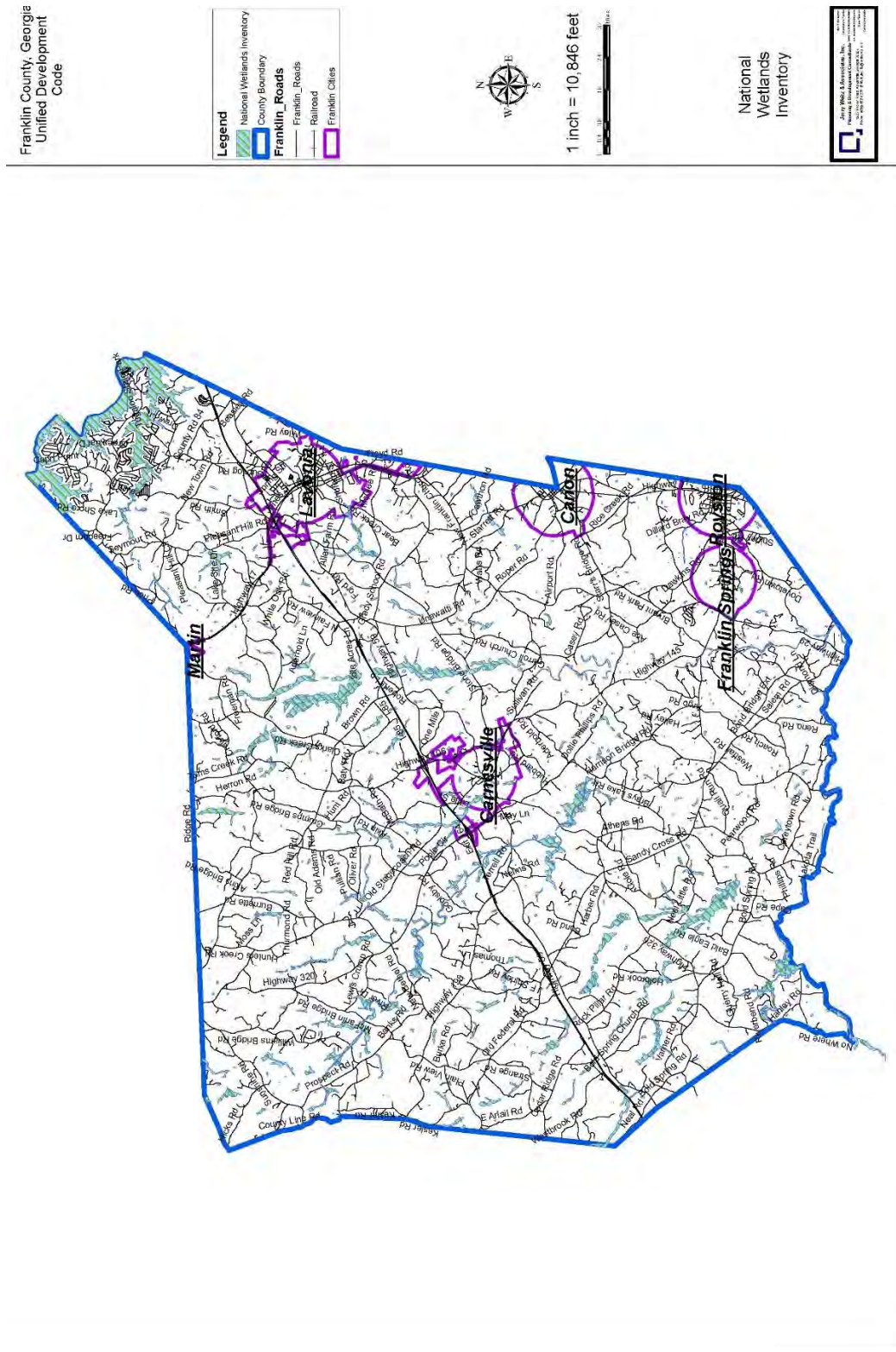
- (a) The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the U.S. Army Corps of Engineers. If wetlands are altered or degraded, mitigation to offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the state for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.
- (b) The provisions of this article shall be in addition to any requirements of federal regulations.

Sec. 4-506. Permitted uses.

Only the following uses shall be permitted within a wetland, to the extent that they are not prohibited by any other ordinance or law, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein. All other uses are prohibited within wetlands.

- (a) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- (b) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (c) 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.
- (d) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (e) 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.
- (f) Education, scientific research, and nature trails.

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Sec. 4-507. Wetland statement on plans and plats.

Design professionals shall indicate wetlands and protected wetlands on all plans required for land disturbance, development, and building, and on any plats required for subdivision. The design professional that prepared the required plan or plat accompanying the permit or plat application shall provide a statement on the plan sheet or plat sheet indicating whether or not a wetland or protected wetland is located on the property.

CHAPTER 5
RESERVED FOR FUTURE USE

CHAPTER 6 DEVELOPMENT PERMITTING

ARTICLE 6-1 GENERAL REQUIREMENTS

- Sec. 6-101. Definitions.
- Sec. 6-102. Requirement to obtain a development permit.
- Sec. 6-103. Exemptions from development permit.

ARTICLE 6-2 APPLICATION REQUIREMENTS AND PROCEDURES

- Sec. 6-201. Pre-application.
- Sec. 6-202. Application for development permit.
- Sec. 6-203. Reserved.
- Sec. 6-204. Development plan specifications.
- Sec. 6-205. Completeness check.
- Sec. 6-206. Development permit application processing.
- Sec. 6-207. Permit issuance and posting.

ARTICLE 6-3 POST-ISSUANCE PROVISIONS AND ENFORCEMENT

- Sec. 6-301. Duration of development permit.
- Sec. 6-302. Authority to investigate and inspect; right of entry.
- Sec. 6-303. Development inspections.
- Sec. 6-304. Field changes.
- Sec. 6-305. No waiver of compliance.
- Sec. 6-306. Development permit modifications.
- Sec. 6-307. Noncompliance and enforcement.
- Sec. 6-308. Completion of development.

ARTICLE 6-4 SOIL EROSION CONTROL

- Sec. 6-401. General requirements.
- Sec. 6-402. Specific requirements/Best management practices.
- Sec. 6-403. State-imposed stream buffer required.

ARTICLE 6-1 GENERAL REQUIREMENTS

- Sec. 6-101. Definitions.
Sec. 6-102. Requirement to obtain a development permit.
Sec. 6-103. Exemptions from development permit.

Sec. 6-101. Definitions.

Certificate of development conformance: A document evidencing final approval issued by the zoning administrator for completion of land disturbance and development activities for a subdivision or project for which a development permit was issued, certifying that all such disturbances and development activities have been completed in accordance with the approved development permit.

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

Development: Any 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; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

Development permit: Written authorization by the zoning administrator to engage in activities associated with the land development process applied for, including clearing, grading, land disturbance and the construction of improvements which may include but are not limited to streets, surface parking areas, water/sewer/stormwater systems and facilities, site planting and landscaping, and the construction of structures requiring the issuance of a building permit.

Development plans: The detailed and professionally prepared plans showing the layout and design, site work and construction activities (other than architectural building plans) proposed for a project.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscaped areas) or equivalent permanent stabilization measures as defined in the Manual for Erosion and Sediment Control in Georgia (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

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

Forestry: An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

Grading: Altering the shape of ground surfaces to a predetermined condition, including stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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

Impervious surface: A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Land disturbance: Any activity that comprises, facilitates or results in land disturbance, and which may result in soil erosion from water or winds and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, clearing and grubbing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

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

NOI: A notice of intent form provided by the Environmental Protection Division for coverage under the state general permit.

NOT: A notice of termination form provided by the Environmental Protection Division to terminate coverage under the State General Permit.

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

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 Commission up until the date of NOI submittal.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

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 General Permit: The National Pollution Discharge Elimination System (NPDES) 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 subsection (f) of Code Section 12-5-30.

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.

Timber harvesting: Harvesting standing timber for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant.

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.

Sec. 6-102. Requirement to obtain a development permit.

- (a) Unless specifically exempted by this article, a development permit shall be required prior to commencing any land development or improvement on private land. A development permit shall be required to be issued to authorize all activities, unless specifically exempted, associated with development activity regulated by this UDC, including, but not limited to, clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and driveways, utilities, storm water drainage facilities, and structures permanently placed on or in the property.
- (b) It shall be unlawful for any person to commence or proceed with land development or land-disturbing activity until development plans are approved and a development permit, if required by this chapter, is issued by the zoning administrator.

Sec. 6-103. Exemption from development permit.

A development permit shall not be required for any of the following activities:

- (a) **Government activities.** Work authorized by or conducted pursuant to the requirements or directives of local, state, and federal departments, agencies and authorities, including but not limited to any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture, including any public water system reservoir. Also specifically exempted are construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority, and any road construction or maintenance project, or both, undertaken by any county or municipality.
- (b) **Public utility projects.** 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. Also exempt are land-disturbing activities necessary for the operation and maintenance (but not the initial installation) of a utility within a utility easement.
- (c) **Emergency work.** Emergency work authorized by the zoning administrator, where a bona fide emergency exists as determined by the zoning administrator.
- (d) **Surface mining.** Activity within a surface mine that has received approval and surfacing mining permit by the state and the zoning administrator.
- (e) **Timber and forestry.** Timber harvesting and forestry activities.

- (f) **Agriculture.** Agricultural activities, which may involve the erection of buildings or structures not exceeding a total of 1,000 square feet. Buildings or structures exceeding 1,000 square feet in the aggregate are not exempt.
- (g) **Dwelling.** Land disturbance and development activities associated with the construction of a single, detached, single-family dwelling unit or manufactured home (where permitted), including accessory structures and uses, if a building permit has been issued.
- (h) **Residential driveway.** The installation of a driveway for a dwelling unit or manufactured home, provided the driveway has been authorized via a building permit for the dwelling or manufactured home, or a separate driveway permit has been obtained.
- (i) **County road right of way.** Development within a county road right of way (other than work within a county road right of way associated with approved development plans) but only if a driveway permit or utility encroachment permit has been issued as required by this development code.
- (j) **Prior permits.** Any subdivision or other land development activity for which a development permit or its equivalent approval was issued and that has lawfully commenced prior to the adoption of this development code.
- (k) **Minor activities.** 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, and any land disturbance or grading that is less than 1 acre in area and not within 200 feet of a perennial stream.
- (l) **Corrective actions.** Activities required by the zoning administrator pursuant to stop work order, citation, or pursuant to some other code enforcement action initiated by Franklin County.
- (m) **Impervious surface.** The addition of 5,000 square feet or less of impervious surface.
- (n) **Demolition.** Demolition and removal of a building or structure, provided that a demolition permit is issued by the zoning administrator.
- (o) **Other.** Other minor land disturbing or development activities where, in the opinion of the zoning administrator, such activities will result in no greater impact on land and water than the impact the other exemptions specified in this section will have on land and water.

The zoning administrator is authorized to prepare administrative forms and to provide evidence, upon application and for a fee if authorized, that a proposed action is exempted from the requirement to obtain a development permit.

ARTICLE 6-2 APPLICATION REQUIREMENTS AND PROCEDURES

- Sec. 6-201. Pre-application.
- Sec. 6-202. Application for development permit.
- Sec. 6-203. Reserved.
- Sec. 6-204. Development plan specifications.
- Sec. 6-205. Completeness check.
- Sec. 6-206. Development permit application processing.
- Sec. 6-207. Permit issuance and posting.

Sec. 6-201. Pre-application.

An applicant for a development permit is strongly encouraged to schedule a pre-application meeting with the zoning administrator, which may also be attended by other review agencies as appropriate. Where other agencies are not represented at the pre-application meeting, a development permit applicant is encouraged to seek advance comments from internal and external agencies with jurisdiction over the development proposal.

Sec. 6-202. Application for development permit.

An application for a development permit shall include the following, as applicable; completed applications shall be submitted to the zoning administrator.

- (a) **Application form.** An application form with information specified by the zoning administrator. Said application form may include but is not limited to name of applicant and contact information, owner and contact information, name of project with location information, proposed source of water service and sewer or septic tank, the name of the professional designer, and the proposed use of the development. The application must be authorized by the property owner.
- (b) **Development name.** The name of each development project must have the approval of the zoning administrator. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Franklin County or any of its cities.
- (c) **Address.** Provide an address for the site, if already assigned.
- (d) **Checklist(s).** A checklist for development permit application submissions, as specified by the zoning administrator.
- (e) **Fees.** Payment of any development permit fee, and any associated fees, as established from time to time by the Franklin County Board of Commissioners.
- (f) **Plan sets and electronic file.** All development plans for a project shall be submitted in hard copy (a number of sets specified by the zoning administrator) and digital form (.pdf

file). The zoning administrator shall determine the number of plan sets to submit based on the nature and scope of review but which shall be four (4) sets unless specifically indicated otherwise. Plan sets will contain sheets for the following, as applicable:

1. **Plat.** A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record or part of a lot of record. If land subdivision is proposed or implied in the development proposal, a proposed subdivision plat may be required to be submitted with the development permit application, or the process of subdivision may be deferred until a later stage of the development process.
2. **Site plan.** A site plan, including at minimum the project location, total project area natural features of the site and proposed development features as required by this development code, including easements.
3. **Phases.** Proposed phasing of the development, if it is proposed to be built in phases or sections.
4. **Grading plan.** Grading plans as required and specified in this article.
5. **Soil erosion plans.** The applicant shall include soil erosion plans submitted to the State Environmental Protection Division (note: Franklin County is not a local issuing authority).
6. **Stormwater management plan.** Stormwater management plans shall show information and plans required by this development code, as may be applicable.
7. **Utilities plan.** Plans for water, sanitary sewer, and other utilities as may be required by the zoning administrator and utility provider.
8. **Street improvement plan.** If the development proposes new streets, whether public or private, or if this development code requires improvement of a county road, the development permit application shall include information demonstrating compliance with the requirements of this development code for the improvement of abutting county roads.
9. **Other agency approvals.** The owner shall be responsible for obtaining approval from all other agencies affected by the project. All agency approvals that are required for the use of the land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted to the zoning administrator prior to issuance of a development permit, including but not limited to the following (Franklin County is not responsible for delays in approval of development plans when a development permit applicant is required to be approved by an external agency but the applicant has not obtained approval from that external agency with jurisdiction over the development proposal):

- (a) **Health department.** Approval or permit from the Franklin County Health Department for on-site sewage management system or community water system, as applicable;
 - (b) **Georgia Department of Transportation.** Approval or permit from the Georgia Department of Transportation for access onto a state route if applicable.
 - (c) **Georgia Environmental Protection Division.** Copy of application for Notice of Intent (NOI) electronically filed, if required, proof of submission of soil erosion plans, and payment of applicable fees to state including NPDES fees.
 - (d) **Utility provider.** Approval or permit and receipt of payment for any water or sanitary sewer connection fees applicable for the project.
 - (e) **Land disturbance bond.** For projects involving land disturbance of 20 acres or more, the zoning administrator shall require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the development permit.
10. **Other.** Other information as may be specified by the zoning administrator, as may be necessary to review the development plan and ensure compliance with this development code and the Franklin County Zoning Ordinance.

Sec. 6-203. Reserved.

Sec. 6-204. Development plan specifications.

Development plans shall contain the following (on one or more sheets), unless otherwise approved by the zoning administrator:

- (a) **Scale.** Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project; provided, however, the zoning administrator may accept a development plan that is not to scale if it adequately represents the nature of the development proposal. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The zoning administrator may approve deviations from these required scales when appropriate.
- (b) **Project boundary.** Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.

- (c) **Adjoining property information.** Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning districts for adjoining properties.
- (d) **Project name and phase.** The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.
- (e) **Zoning and prior approvals.** The existing zoning district and if applicable overlay district of the project site, and reference if applicable to conditions of zoning, variance, conditional use, or other permissions including case numbers and dates of approval.
- (f) **Owner and developer.** Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).
- (g) **Professional contacts.** Name, address, and telephone number of each professional firm associated with the site development plans (engineer, landscape architect, etc.). Specifically include the 24-hour contact.
- (h) **Map requisites.** Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
- (i) **Use.** Proposed use of the site, including gross square footage for each different use type or building.
- (j) **Location references.** Location, district, land lot(s) and parcel(s) acreage or area in square feet.
- (k) **Location sketch.** A location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares, railroads, and rivers. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey quadrangle maps may be used as a reference guide for the location sketch.
- (l) **Buildings, access, and parking.** Size, location, and elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter.
- (m) **Topography and grading.** Existing contour lines based on sea level datum shall be drawn at intervals of not more than two (2) feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours. Grading shall be

performed in accordance with the lines and grades indicated on the approved grading plan.

- (n) **Natural features within the proposed development.** These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or area in square feet within the floodplain shall be indicated. See this development code for additional requirements when development is proposed to be located in a floodplain or flood hazard area.
- (o) **Man-made features.** These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities, water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.
- (p) **Trees, buffers, landscaping.** If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of this development code, as applicable.
- (q) **Utilities and other easements.** Easements for water and sanitary sewer as may be required by the utility provider with jurisdiction.
- (r) **Standard drawings.** The zoning administrator may require that the development plans include standard drawings adopted by the county (see this development code), or a standard drawing of any utility provider with jurisdiction over the development project. Where no standard drawing is available but is needed as determined by the zoning administrator, the applicant's engineer or designer shall provide any such standard drawing requested.
- (s) **Signature blocks.** The zoning administrator may require signature blocks with pertinent information to be signed by the owner/developer, the plan preparer, a utility provider, an external agency, and approval block for signature by the zoning administrator.
- (t) **Additional information.** Other information as may be specified by the zoning administrator, as may be necessary to review the development plan and ensure compliance with this UDC.

Sec. 6-205. Completeness check.

- (a) The application shall be checked for completeness within fifteen (15) business days of submission. Incomplete applications will not be processed.

- (b) If all required documents and plans are not submitted, the development plan application will not be reviewed.
- (c) The zoning administrator will notify the applicant of any deficiencies and will advise the applicant on what is needed to complete the application and initiate review.

Sec. 6-206. Development permit application processing.

- (a) **Administrative procedures.** The zoning administrator is authorized to establish and modify administrative procedures regarding the development plan review administrative process to provide for expeditious decision making and to ensure fairness in the process.
- (b) **Time frame.** Permits shall be issued or denied as soon as practicable but in any event decisions on development permits shall be issued by the zoning administrator within 30 business days of the notice of plan application completeness (or no later than 45 business days total).
- (c) **Criteria for decisions on development permit applications.** The zoning administrator shall review the application for compliance with the following criteria, which shall not be limiting:
 - 1. **Development code and zoning conditions.** Development plans must be consistent with all applicable articles and sections of this development code, and any conditions of zoning, conditional use, or variance approval, if applicable.
 - 2. **Previously approved plats and plans.** When property to be developed is included on an approved final plat, master plan, or other plan approved by the county, development plans shall be in substantial accordance with said plat or plan as determined by the zoning administrator. Significant departures from any such requirements may require the resubmission of plat, master plan, or other plan previously approved, as determined by the zoning administrator.
 - 3. **Usability or variance.** The zoning administrator shall not approve any development permit application or plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
- (d) **Noncompliance.** If the development permit application and plans are found to not comply with the requirements of this development code and/or the Franklin County Zoning Ordinance, the zoning administrator shall indicate on the drawing or in writing all comments related to lack of compliance with applicable regulations. The zoning administrator shall deny or withhold approval of the development permit application in cases where the proposed development does not meet the requirements of this UDC or the comments of any other internal or external agency with jurisdiction to review the development permit application.

- (e) **Revisions.** Development plan applications shall be revised and resubmitted to accommodate the comments by review agencies and those issued to the applicant by the zoning administrator. If revisions are not resubmitted within a time frame specified by the zoning administrator, the application will be denied. Plan drawings that are submitted for revision must specifically identify those areas that are to be considered for review and approval. The revisions shall be noted in tabular form in a revision block on the plan drawings. The zoning administrator may require a written narrative responding to review comments, indicating what and where in the plans that changes have been made
- (f) **Compliance and approval.** When the zoning administrator has determined that the development permit application complies with the requirements of this UDC, it will be approved.

Sec. 6-207. Permit issuance and posting.

- (a) When a development permit is issued, it shall be assigned a number by the zoning administrator.
- (b) To receive the development permit, the applicant shall submit four printed plan sets as approved, and the zoning administrator shall sign all four sets, retain two, and return two to the applicant.
- (c) The applicant may be required to sign a pre-construction memorandum acknowledging receipt of approved development plans and responsibilities of the property owner and applicant, including but not limited to calls for development inspections.
- (d) The applicant shall be supplied a development permit card which must be posted on the development site prior to commencement of any land disturbing activity. The development permit card shall be posted in a conspicuous place so that they will be visible from the roadway providing frontage.

**ARTICLE 6-3
POST-ISSUANCE PROVISIONS AND ENFORCEMENT**

- Sec. 6-301. Duration of development permit.
- Sec. 6-302. Authority to investigate and inspect; right of entry.
- Sec. 6-303. Development inspections.
- Sec. 6-304. Field changes.
- Sec. 6-305. No waiver of compliance.
- Sec. 6-306. Development permit modifications.
- Sec. 6-307. Noncompliance and enforcement.
- Sec. 6-308. Completion of development.

Sec. 6-301. Duration of development permit.

- (a) **Expiration.** A development permit shall remain in effect for a period of six (6) consecutive months after which time the permit and plans will become null and void and a new permit will be required if no development activity has begun and has been diligently pursued.
- (b) **Suspension or revocation.** A development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved plans or that the holder or his successor in title is in violation of this UDC.

Sec. 6-302. Authority to investigate and inspect; right of entry.

- (a) Franklin County personnel including but not limited to the zoning administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, 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 and development activities.
- (b) No person shall refuse entry or access to any authorized representative or agent of Franklin County or the state environmental protection 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.

Sec. 6-303. Development inspections.

Inspections are required for each of the following phases, as applicable to the actual work to be performed under the development permit:

- (a) **Erosion and sedimentation control.** Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and

sedimentation control plan prior to any development activity and as development progresses. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.

- (b) **Stormwater facilities.** Construction of the stormwater system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate. Upon installation of storm drainage pipe, detention, or other storm water facilities, inspection and approval shall be required prior to continuation with subgrade preparation.
- (c) **Grading.** Upon completion of street grading, if applicable, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- (d) **Street curbing and gutter (if provided).** After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor. Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.
- (e) **Sub-grade of streets.** After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the inspector and replaced with suitable, thoroughly compacted material. Prior to placement of the street base, the subgrade shall be compacted to 95% density. Testing for sub-grade compaction will be required, including two tests at each sanitary sewer manhole.
- (f) **Utilities.** Before any street base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto, that will be located under the street base shall be installed completely and provided throughout the length of the street. If a public water system is to be installed, the improvements are to be reviewed, approved and inspected by the water provider.
- (g) **Street base.** The base shall be string-lined for depth and crown. The street base shall be roll-tested with a fully loaded 18-ton tandem dump truck and shall pass to the satisfaction of the Inspector. When testing is required by the Inspector, it is the responsibility of the developer to ensure that all required tests are made and reported to the inspector. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. If deemed necessary by the inspector, additional tests will be required.

- (h) **Paving.** The inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street may be required to be cored after completion to check thickness and density. Satisfactory test results of the cores shall, if required, be delivered to the zoning administrator and utility provider (where utilities are involved) prior to approval of a final subdivision plat if applicable.
- (i) **Tree protection and landscaping.** Inspections for tree protection measures and the installation of landscaping, if required by this development code, shall be as specified by the zoning administrator.
- (j) **Final.** A final inspection of the development, once complete, shall be required.

Sec. 6-304. Field changes.

- (a) After issuance of a development permit, if changes are desired or made necessary as a result of field conditions, the design engineer must contact the zoning administrator to coordinate the review and approval of the requested revision.
- (b) All field changes shall be documented as revisions to the approved development plans and correctly shown on as-built surveys.
- (c) Discrepancies between as-built surveys and approved development plans may result in delays in approving final plats, building permits or certificates of occupancy.

Sec. 6-305. No waiver of compliance.

No development permit issued by the zoning administrator shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this UDC shall be considered to have been null and void upon its issuance.

Sec. 6-306. Development permit modifications.

- (a) If modifications are requested to an approved development permit, the zoning administrator shall determine whether the modification is a major change or a minor change.
- (b) For major changes, the applicant shall be required to submit plans and follow the procedures of this chapter to obtain a new (modified) development permit.
- (c) For changes deemed to be minor, the zoning administrator may charge a fee for minor development permit revisions specified in a fee schedule adopted by the Franklin County Board of Commissioners and is authorized to review and approve such minor changes.

Sec. 6-307. Noncompliance and enforcement.

- (a) **Warning and written notice to comply.** If, through inspection, it is deemed that a person engaged in land-disturbing or development activities has failed to obtain the required development permit, or has failed to comply with the approved plan, with permit conditions, or with the provisions of this development code, a warning and 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 or development activity fails to comply within the time specified, he shall be deemed in violation of this chapter.
- (b) **Stop work orders.** If the violation is not corrected within the time specified in the written notice to comply, the zoning administrator or designee shall issue a stop-work order requiring that land-disturbing or development 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 or development activities are conducted without obtaining the necessary permit, the zoning administrator shall issue an immediate stop-work order in lieu of a warning. All 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 or development activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- (c) **Suspension or revocation of permit.** The zoning administrator may suspend or revoke a development permit if it is deemed that a person engaged in land-disturbing or development activities has failed to comply with the approved plan, with permit conditions, or with the provisions of this UDC.
- (d) **Land disturbance bond forfeiture.** If the person engaged in the land-disturbing or development activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited the land disturbance bond, if required to post one under the provisions of this chapter. Franklin County 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.
- (e) **Monetary penalties.** Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter, or who negligently or intentionally fails or refuses to comply with any stop work order issued by the zoning administrator as provided in this section shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this section, notwithstanding any provisions in any county charter to the contrary, county courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Each day during which a violation, or failure or refusal to comply continues, shall be a separate violation.

Sec. 6-308. Completion of development.

- (a) Upon completion of the project, the applicant or other responsible party may be required to submit a final hydrological study and shall submit all as-built plans of the project that may be required by the zoning administrator in electronic format. All plans must be in the Georgia Coordinate System West Zone NAD 83. If the project is within 1,000 feet of a county geodetic monument the plans must use the monument as a control/tie point. In addition, the applicant shall submit electronic (DWG/DXF and PDF) file copies of information as specified by the zoning administrator which unless otherwise specified shall be limited to water lines, sanitary sewer lines, road centerlines and lot lines for parcels. Building permits may be withheld pending receipt of the electronic files.
- (b) Upon application and for a fee, the zoning administrator may provide a certificate of project compliance.
- (c) Once a development project is complete and the site has been stabilized in the opinion of the zoning administrator, the land disturbance bond (if required) shall be released by the zoning administrator.

**ARTICLE 6-4
SOIL EROSION CONTROL**

- Sec. 6-401. General requirements.
Sec. 6-402. Specific requirements/Best management practices.
Sec. 6-403. State-imposed stream buffer required.

Sec. 6-401. General requirements.

- (a) Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the Manual for Erosion and Sediment Control in Georgia and NPDES General Permit are not met. Therefore, plans for land-disturbing activities which are not exempted by this chapter 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 required by this chapter.
- (b) Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of the Manual for Erosion and Sediment Control in Georgia and the NPDES General Permit. 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.

Sec. 6-402. Specific requirements/Best management practices.

- (a) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion;
- (b) Cut-fill operations must be kept to a minimum;
- (c) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- (d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (f) Disturbed soil shall be stabilized as quickly as practicable;
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

- (h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (i) To the extent necessary, sediment in 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.;
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (k) Cuts and fills may not endanger adjoining property;
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (n) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this article.

Sec. 6-403. State-imposed stream buffer required.

- (a) There is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director of the Georgia Environmental Protection Division 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, 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.
- (b) 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 ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, shall remain in force unless a variance is granted by the Director of the Georgia Environmental Protection Division as provided in this paragraph.

(c) The following requirements shall apply to any such buffer:

1. 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
2. The buffer shall not apply to stream crossings for water lines or sewer lines, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented.

CHAPTER 7 SUBDIVISION OF LAND

ARTICLE 7-1 PURPOSES, AUTHORITY, AND DEFINITIONS

- Sec. 7-101. Purposes.
- Sec. 7-102. Authority of zoning administrator.
- Sec. 7-103. Definitions.
- Sec. 7-104. Exemptions from plat approval.

ARTICLE 7-2 GENERAL PROVISIONS

- Sec. 7-201. Land is one lot until subdivided.
- Sec. 7-202. Subdivision of land.
- Sec. 7-203. Review of subdivisions along state routes.
- Sec. 7-204. Lots must comply with development code requirements.
- Sec. 7-205. Improvements required for final platting.
- Sec. 7-206. Creation of homeowner's association.
- Sec. 7-207. Easements.
- Sec. 7-208. Retracement surveys.
- Sec. 7-209. Surveyor certification box for retracement surveys.
- Sec. 7-210. Easement surveys.
- Sec. 7-211. Limitations on minor subdivisions.

ARTICLE 7-3 PRELIMINARY PLAT

- Sec. 7-301. Preliminary plat – when required.
- Sec. 7-302. Relationship of preliminary plat to development permit.
- Sec. 7-303. Preliminary plat specifications.
- Sec. 7-304. Procedures.
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ARTICLE 7-4 STANDARDS FOR BLOCKS AND LOTS

- Sec. 7-401. Suitability of land.
- Sec. 7-402. Conformance with comprehensive plan and other plans.
- Sec. 7-403. Block length.
- Sec. 7-404. Block width.
- Sec. 7-405. Lot depth.
- Sec. 7-406. Adequate building site.
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ARTICLE 7-5 FINAL PLAT SPECIFICATIONS

- Sec. 7-501. Format for plats and condominium plans.
- Sec. 7-502. Data for plats required per state law.
- Sec. 7-503. Data required for plats per state rules and regulations.
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- Sec. 7-505. Additional requirements for final plats involving private streets.
- Sec. 7-506. Purchaser's acknowledgement for lot served by private street.
- Sec. 7-507. Combination plat.
- Sec. 7-508. Boundary line adjustment.

ARTICLE 7-6 FINAL PLAT PROCEDURES

- Sec. 7-601. Application for final plat.
- Sec. 7-602. Process for review and approval of a final plat.
- Sec. 7-603. Recording of final plat.
- Sec. 7-604. Distribution of approved final plat.
- Sec. 7-605. Revision of final plat.

ARTICLE 7-7 IMPROVEMENT GUARANTEES AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

- Sec. 7-701. Subdivision improvement guarantee.
- Sec. 7-702. Warranty deed and resolution of acceptance.
- Sec. 7-703. Existing situations without improvement guarantees.
- Sec. 7-704. Release of improvement guarantee.

ARTICLE 7-1
PURPOSES, AUTHORITY, AND DEFINITIONS

- Sec. 7-101. Purposes.
Sec. 7-102. Authority of zoning administrator.
Sec. 7-103. Definitions.
Sec. 7-104. Exemptions from plat approval.

Sec. 7-101. Purposes.

This chapter is adopted for the following purposes, among others:

- (a) To assure equitable handling of all subdivision plats by providing uniform procedures and standards for the subdivider;
- (b) To assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the county;
- (c) To assure the accurate description of property, the identification of property boundaries with monuments, and the proper recording of property descriptions in public records;
- (d) To help eliminate the costly maintenance problems which occur when streets and lots are laid out without proper consideration given to various public purposes;
- (e) To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design; and
- (f) To implement the Georgia Plat and Condominium Plan Recording Act of 2017 and other applicable state laws.

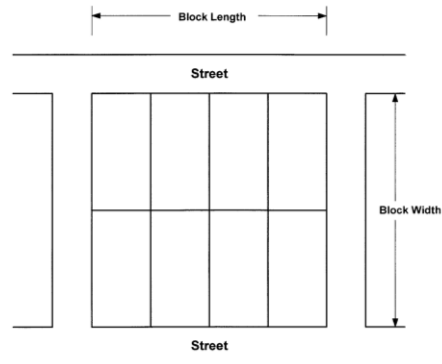
Sec. 7-102. Authority of zoning administrator.

- (a) In accordance with the provisions of this chapter, the zoning administrator shall have authority to review and recommend approval, conditional approval, or disapproval of preliminary plats, and final plats for major subdivisions. The zoning administrator shall have authority to approve final plats for minor subdivisions including lot combination plats and boundary line adjustments, provided, however, the zoning administrator does not have authority to accept any public improvements on behalf of the Franklin County Board of Commissioners. Public streets shall only be accepted by the Franklin County Board of Commissioners, following procedures for public dedications specified in this chapter.
- (b) The zoning administrator shall not sign and approve any final or other plat required by this chapter, nor shall any plat be authorized for recording, unless the plat meets the minimum requirements of this chapter and any other applicable provision of this UDC.

Sec. 7-103. Definitions.

Block: An area of land that is entirely surrounded by streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Condominium plan: A drawing that is required to be recorded prior to the first conveyance of a condominium unit pursuant to subsection (b) of Georgia Code Section 44-3-83, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan.



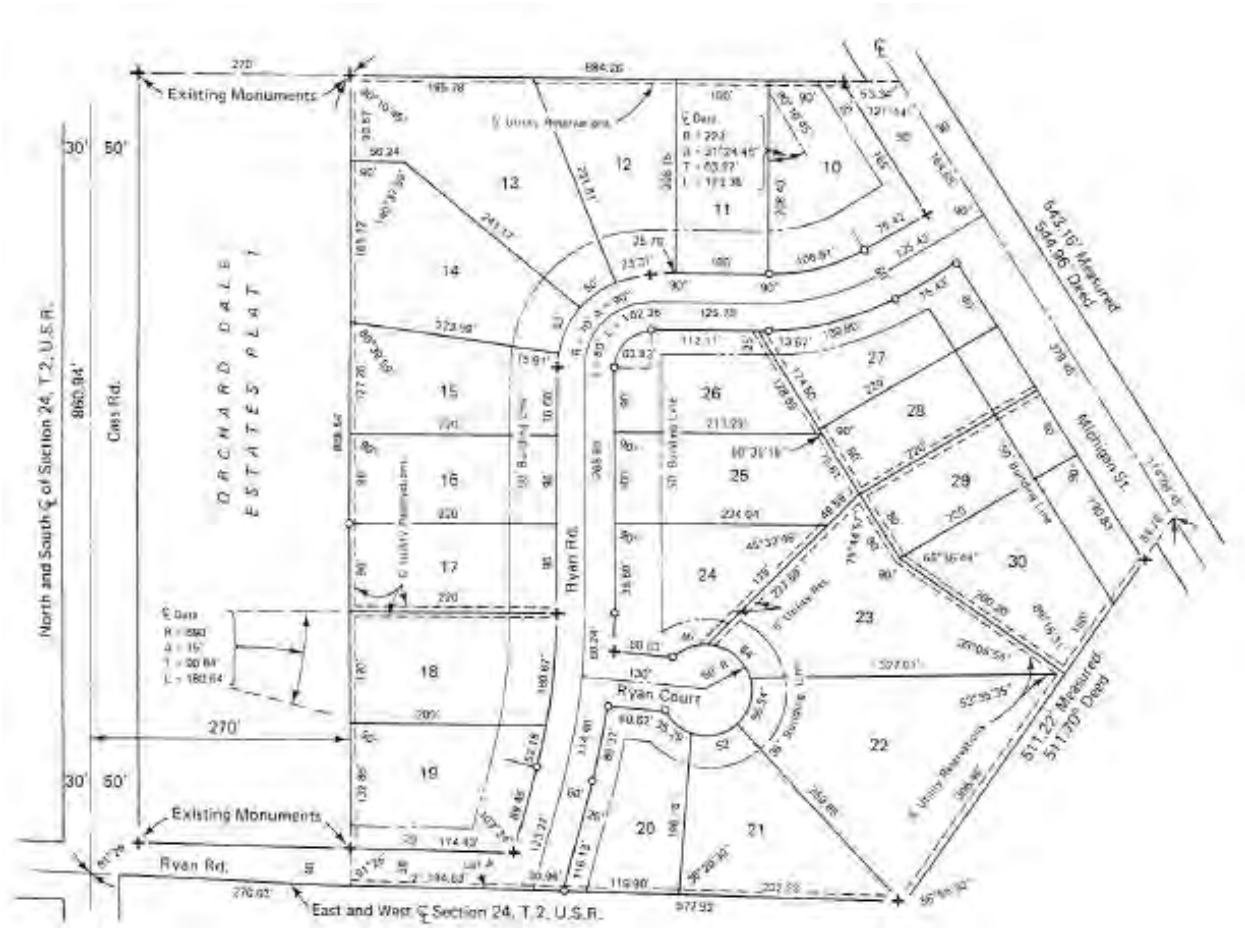
Block, Block Length, and Block Width

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Dedication plat: A plat drawn specifically for the purpose of dedicating public right-of-way or land for public use, drawn to meet final plat specifications and following procedures for final plat approval of this chapter.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of Superior Court of Franklin County, and containing all elements and requirements set forth in this chapter.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Final Plat

Homeowners association: An organization formed for the maintenance and operation of the common areas of a subdivision or development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the subdivision or development.

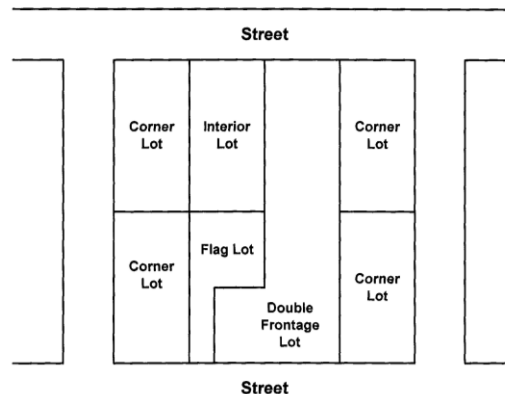
Lot: A parcel or tract of land held in single ownership.

Lot, corner: A lot abutting upon two or more streets at their intersection.

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

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

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.



TYPES OF LOTS

Major subdivision: The division of a tract of land into any number of lots, which requires the construction of a new street or the widening of an existing roadway; or the division of land into more than five lots, regardless of construction of a new street or the widening of an existing roadway are involved.

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to physical monuments.

Minor subdivision: The division of a tract of land into five or less lots which does not require construction of a new street or the widening of an existing roadway.

Preliminary plat: A professional drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its general design. A preliminary plat is prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person professionally familiar with land development and project construction activities. A preliminary plat is not a construction document.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the county or a public utility provider or to a facility already owned by the county, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, other roadway appurtenance, domestic water supply system main, fire hydrant, valve or

other water system appurtenance, or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance. Utility supply lines to a building are not considered public improvements. Construction of a driveway apron connection shall not be considered a public improvement for purposes of triggering the requirement to obtain preliminary plat approval.

Registered Land Surveyor: A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

Retracement: A survey, not required to be reviewed and approved by the local jurisdiction prior to filing or recording in the clerk's office, but drawn to specifications required by this chapter.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Subdivider: Any person who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this development code, or the authorized agent of such person.

Subdivision: The division of a property or tract of land into two or more tracts or lots; or a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.



CONVENTIONAL SUBURBAN SUBDIVISION

Sec. 7-104. Exemptions from plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this chapter; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this chapter or compliance with other applicable requirements of this development code:

- (a) Retracement surveys and easement surveys, as specifically authorized in this chapter;
- (b) The creation and sale of cemetery plots;
- (c) The sale of lots consistent with previously approved and recorded plats or deeds;

- (d) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;
- (e) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (f) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the zoning administrator to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.

**ARTICLE 7-2
GENERAL PROVISIONS**

- Sec. 7-201. Land is one lot until subdivided.
- Sec. 7-202. Subdivision of land.
- Sec. 7-203. Review of subdivisions along state routes.
- Sec. 7-204. Lots must comply with development code requirements.
- Sec. 7-205. Improvements required for final platting.
- Sec. 7-206. Creation of homeowner's association.
- Sec. 7-207. Easements.
- Sec. 7-208. Retracement surveys.
- Sec. 7-209. Surveyor certification box for retracement surveys.
- Sec. 7-210. Easement surveys.
- Sec. 7-211. Limitations on minor subdivisions.

Sec. 7-201. Land is one lot until subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one lot, or as otherwise legally recorded.

Sec. 7-202. Subdivision of land.

- (a) No person shall subdivide land except in accordance with this chapter and this UDC generally.
- (b) It shall be unlawful to sell or transfer title to another person any lot or tract or portion thereof of land that has not been established as a lot of record, except in compliance with this chapter. Unless the lot to be sold or transferred is a lot of record, final plat approval by the county in accordance with this chapter shall be required. This section shall not be interpreted as limiting the sale or transfer of lots consistent with previously lawfully approved recorded plats or deeds.
- (c) It shall be unlawful for any person, firm, corporation, owner, agent or subdivider, by deed or plat, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, and final plat have been approved by the zoning administrator and final plat recorded in accordance with this chapter. Said restriction applies to lands subdivided for non-residential as well as residential uses. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from compliance with this chapter or from the penalties established for violations of this development code.
- (d) The county through its attorney or other designated official may enjoin such transfer of, sale, or agreement by appropriate action.

Sec. 7-203. Review of subdivisions along state routes.

- (a) No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-71.
- (b) When the county receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the zoning administrator or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30-day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the zoning administrator in writing; but such recommendation shall be advisory only and shall not be binding.

Sec. 7-204. Lots must comply with development code requirements.

No person shall subdivide land, and the zoning administrator shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the zoning district in which it is located, overlay district if applicable, environmental overlay district if applicable and any other applicable requirements of this UDC, as may be amended from time to time. For minimum lot frontage, minimum lot width and minimum lot size requirements by zoning district, see chapter 2 of this UDC.

Sec. 7-205. Improvements required for final platting.

No final subdivision plat involving a public dedication of land or public improvement of streets or public utilities shall be approved and signed by the zoning administrator or accepted for recordation by the Clerk of Superior Court of Franklin County until all improvements, if required by this chapter or development code generally, have been constructed or installed in a satisfactory manner and approved by the zoning administrator and public utility provider as applicable.

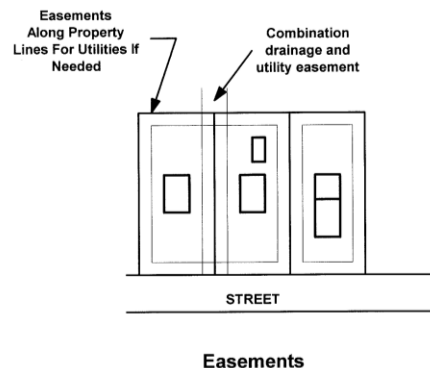
Sec. 7-206. Creation of homeowner's association.

- (a) **Required.** For any major subdivision involving common areas, open spaces, and/or a stormwater detention facility on a separate tract within the subdivision, a homeowner's or property owner's association shall be required to be created which shall be responsible for the ownership and maintenance of common areas, open spaces and/or stormwater detention facilities within the subdivision. The homeowner's or property owner's association must be maintained as the responsible owner of such facilities and lands and shall not be dissolved unless another ownership entity is accepted by the Franklin County Board of Commissioners.

- (b) **Mandatory membership.** Membership in the homeowner's association must be mandatory for each property in the development.
- (c) **Bylaws and covenants.** Such association must also include homeowner's or property owner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (d) **Approval and recording.** The instruments of such creation and financial endowment shall be submitted to the zoning administrator for review and approval; covenants are also subject to approval by the county attorney, and such approval shall be obtained prior to recording. said instruments shall also be recorded at the time of final plat recording with cross-references to recording information on both the instruments and the final plat. A copy of the recorded instruments shall be filed with the zoning administrator following recording.
- (e) **Enforcement.** The declaration and bylaws shall be enforced by an association management company, which shall have the power to compel the payment of membership dues and assessments.
- (f) **Condominium association.** For condominium projects, incorporation of a condominium association consistent with state law will serve in lieu of the requirements of this section.

Sec. 7-207. Easements.

- (a) Easements for drainage or public utilities may be required in connection with any major or minor subdivision as determined by the zoning administrator in conjunction with utility providers. A drainage easement is required and shall be provided along any manmade drainage channel or drainage pipe located outside a street right-of-way. When required, easements shall be shown on the final plat.
- (b) The minimum width of any drainage, water, or sanitary sewer easement shall be twenty (20) feet. Easements for water, sanitary sewers and/or drainage purposes may be combined, but must be a minimum of thirty (30) feet if in combination. Pedestrian easements, if required by the zoning administrator, shall be at least ten (10) feet wide.



Sec. 7-208. Retracement surveys.

Pursuant to O.C.G.A. 44-2-26, the owner of real property, or of any interest therein or any holder of a lien thereon may file a plat of the property in the office of the clerk of superior court of the county in which the property or any part thereof is located. Said plat shall be considered a retracement survey, provided that it contains the surveyor certification box and all other applicable information for retracement surveys as required by this chapter. Such retracement survey shall not require local approval and shall be entitled to be filed and recorded.

Sec. 7-209. Surveyor certification box for retracement surveys.

- (a) Each plat of a retracement survey shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. Recordation of this plat does not imply approval of any local jurisdiction, availability of permits, compliance with local regulations or requirements, or suitability for any use or purpose of the land. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

- (b) The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.
- (c) In the case of a plat that is a retracement survey, the land surveyor shall state clearly the recording information of any document, map, plat, or other instrument which created any of the parcels depicted. The depiction of gores, overlaps, or other parcel delineation as may be necessary to remedy or address title issues or deficiencies shall be allowed as part of the retracement function.
- (d) Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

Sec. 7-210. Easement surveys.

Plats that depict existing or proposed easements, including for any purpose including utilities, access, no access, or for conservation purposes, may be recorded using the certification for

retracement surveys, provided that there are no changes to any real property boundaries, and provided that the plat includes information required by this chapter. Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

Sec. 7-211. Limitations on minor subdivisions.

- (a) **Purpose.** Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Also, major subdivisions are subject to higher standards of improvement for abutting substandard streets. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of Franklin County to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than five (5) lots. It is also the intent of Franklin County to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner.
- (b) **Contiguous common parcels shown on minor subdivision plats.** Contiguous common parcels shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.
- (c) **Limitations.** Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this chapter. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

**ARTICLE 7-3
PRELIMINARY PLAT**

- Sec. 7-301. Preliminary plat – when required.
- Sec. 7-302. Relationship of preliminary plat to development permit.
- Sec. 7-303. Preliminary plat specifications.
- Sec. 7-304. Procedures.
- Sec. 7-305. Amendments to approved preliminary plats.

Sec. 7-301. Preliminary plat – when required.

Any subdivision involving the dedication of a public street or public land, any subdivision involving a new private street, and any subdivision requiring a public improvement as defined, and any subdivision of more than five (5) lots shall require the submission of a preliminary plat.

Sec. 7-302. Relationship of preliminary plat to development permit.

- (a) A preliminary plat application may be processed in conjunction with an application for development permit. However, the preliminary plat must be approved prior to issuance of a development permit for the project. Further, applicants who submit development permit applications simultaneously with a preliminary plat are subject to possible revision of development plans if the preliminary plat is changed in a manner inconsistent with the development plans.
- (b) A development permit per the requirements of this development code shall be required prior to initiation of any land disturbing or construction activities on the lands proposed for subdivision, as provided in Chapter 6 of this development code.
- (c) Preliminary plat approval shall be valid for a period of two (2) years, after which preliminary plat approval shall expire if there have been no improvements installed on the land subject to subdivision.

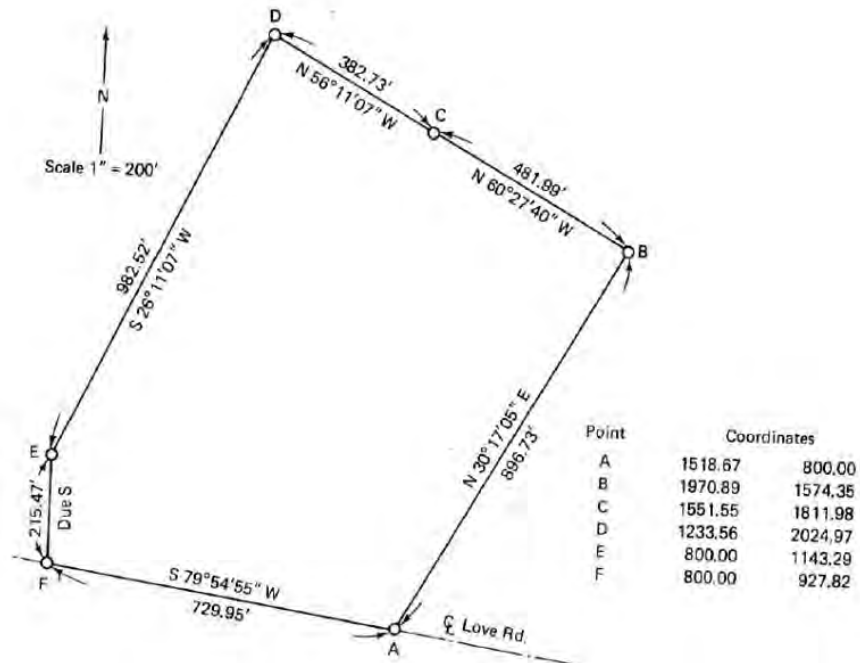
Sec. 7-303. Preliminary plat specifications.

The following specifications are required for a preliminary plat:

- (a) **Proposed name of subdivision.** The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the county. If shown to the contrary, the zoning administrator may refuse to accept such subdivision name.
- (b) **Plat scale and sheet size.** The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet or less to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches;

however, the zoning administrator may approve other sheet sizes and scales as appropriate.

- (c) **Owner and professional contact information.** Name, mailing address, telephone and e-mail address of the property owner and the professional preparing the preliminary plat.
- (d) **Miscellaneous.** Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

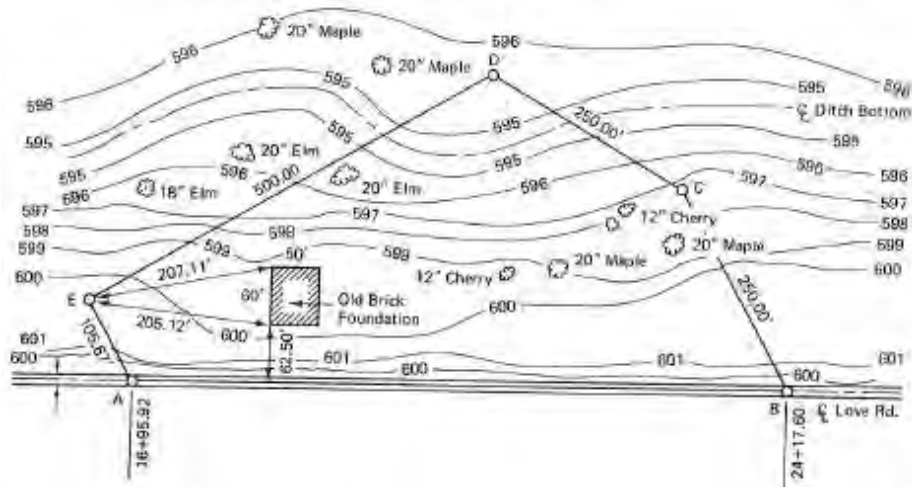
Illustrative Boundary Survey

- (e) **Location and tract boundaries.** Location (including Militia District) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.

- (f) **Vicinity map.** A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses.



- (g) **Abutting property information.** Names of adjoining property owners per recorded deeds, zoning district of all adjoining properties, and if applicable overlay district designations of all adjoining properties.
- (h) **Prior subdivision.** Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.
- (i) **Zoning.** Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay district.
- (j) **Application number and conditions.** Rezoning, conditional use, and variance application number, date of approval, and conditions of approval, if applicable.
- (k) **Natural features and flood plains.** Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Topography and Existing Conditions

Soil Crisis Center, Inc. 123 Evard Street Lakeland, GA 30253 (404) 123-4567						
Property Information						
Date: 05/02/2016			Level of Survey: 3			
Site Location: 505 Clubhouse Drive			Property Owner: Joe Developer			
Subdivision: Beautiful Acres, lot 7			Phone: (404) 657-6534			
County: Susquehanna			Scale: 1 inch = 50 feet			
Map Unit Properties						
Soil Series	Slope %	Depth to Bedrock	Depth to Seasonal High Water Table	Absorption Rate at Recommended Trench Depth	Recommended Trench Depth	Map Unit Suitability Code
Wedowee	5-15 %	>72 in.	>72 in.	45 min. / in.	24-36 in.	A
Altavista	5-10 %	>72 in.	24 in.	See codes	See codes	C
Chewacla	0-2 %	>72 in.	12 in.	Not Recommended	Not Recommended	F
Map Unit Suitability Codes						
A	These soils are suitable for installation of on-site systems with proper system design, installation, and maintenance. Position of the site or other soil and landscape considerations may require the drain field area to be greater than the minimum and/or the drain field design to require equal distribution or level field installation.					
C	Because of flooding, shallow seasonal water tables, soil horizons with very slow percolation rate, perched water tables, or imperfect drainage, these soils are not suitable for installation of a conventional on-site system without site modifications, special designs or installation. Properties of the soil and site may require the drain field area to be greater than the minimum and/or the drainfield design to require equal distribution or level field installation. Non-conventional systems and installation must be approved by the local Environmental Health Specialist.					
F	Because of soil limitations, these soils are unsuitable for installation of an on-site system.					
General Notes						
Boring locations illustrated on the soil map were located from the existing corner pins using a hip chain and compass. Base map is from final property plat surveyed by Generic Surveyors, Inc. dated 04/02/16. Survey was provided by owner.						

Illustrative Soil Report. Source: Georgia Department of Public Health, On-site Sewage Management Manual, Figure 4C.

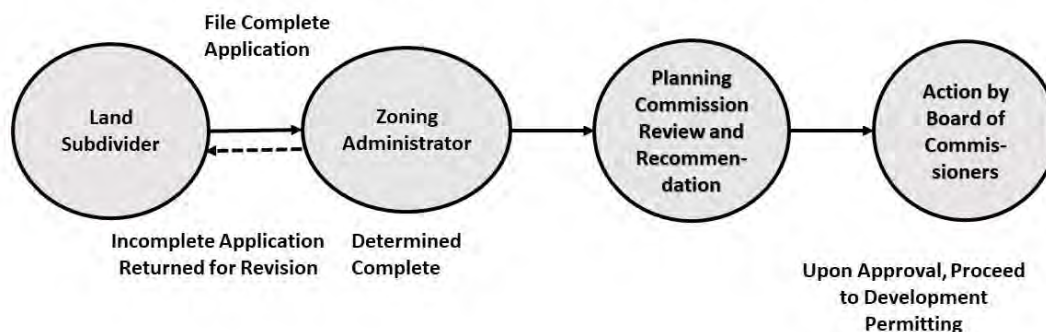
- (o) **Stormwater management.** The approximate location of proposed storm water detention facilities. Compliance with stormwater management requirements of this development code will be required for the issuance of a development permit.
- (p) **Public land reservations.** In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use.
- (q) **Additional information.** Additional information as may be required by the zoning administrator to ensure compliance with this UDC.
- (r) **Approval.** Approval of a development permit for the proposed subdivision shall constitute approval of the preliminary plat.

Sec. 7-304. Procedures.

- (a) Upon receipt of a completed preliminary plat application, the zoning administrator shall schedule the application for the next public meeting of the Franklin County Planning Commission and forward all pertinent materials in the application to the Franklin County Planning Commission for review.

- (b) An application for preliminary plat approval must be submitted at least 21 business days before the regular meeting date of the Franklin County Planning Commission to be considered on that agenda. The Franklin County Planning Commission shall recommend approval, conditional approval, or denial of the preliminary plat application, or it may postpone to a later meeting not to exceed 65 calendar days from the date of its first scheduled consideration of the preliminary plat.
- (c) The basis of the Franklin County Planning Commission's review of and recommendation on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this UDC, whether the public dedications proposed in the subdivision are adequate, and whether the preliminary plat conforms to the policies of the comprehensive plan.
- (d) Once the planning commission has made a recommendation on the preliminary plat, the zoning administrator shall schedule it for consideration and final action by the Franklin County Board of Commissioners. The Franklin County Board of Commissioners shall approve, conditionally approve, or deny the preliminary plat application, or it may postpone to a later meeting not to exceed 65 calendar days from the date of its first scheduled consideration of the preliminary plat.
- (e) The basis of the Franklin County Board of Commissioners' action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this UDC, whether the public dedications proposed in the subdivision are adequate, and whether the preliminary plat conforms to the policies of the comprehensive plan.

PROCEDURE FOR PRELIMINARY PLAT APPROVAL



Sec. 7-305. Amendments to approved preliminary plats.

The zoning administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the zoning administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, recommendation by the Franklin County Planning Commission and approval by the Franklin County Board of Commissioners shall be required. The Franklin County Planning Commission shall recommend approval, conditional

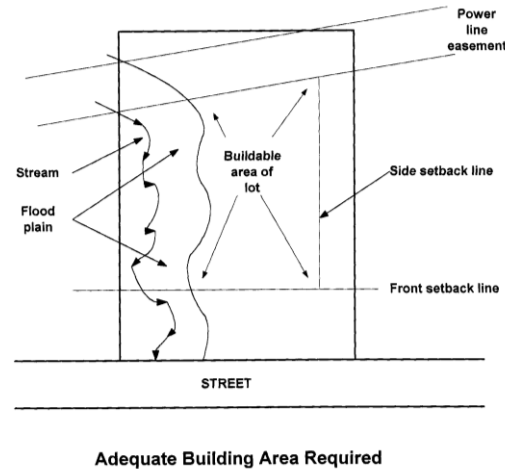
approval, or denial of the proposed major amendment to a preliminary plat, and the Franklin County Board of Commissioners shall approved, conditionally approve, or deny the proposed major amendment to a preliminary plat following the same procedures required for an initial application for preliminary plat approval as specified in this article.

ARTICLE 7-4 STANDARDS FOR BLOCKS AND LOTS

- Sec. 7-401. Suitability of land.
- Sec. 7-402. Conformance with comprehensive plan and other plans.
- Sec. 7-403. Block length.
- Sec. 7-404. Block width.
- Sec. 7-405. Lot depth.
- Sec. 7-406. Adequate building site.
- Sec. 7-407. Lot lines.
- Sec. 7-408. Double frontage lots.
- Sec. 7-409. Flag lots.
- Sec. 7-410. Lot remnant not permitted.

Sec. 7-401. Suitability of land.

Land physically unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the subdivider for solving the problems.



Sec. 7-402. Conformance with comprehensive plan and other plans.

- (a) All proposed major subdivisions shall conform to the comprehensive plan and development policies in effect at the time of submission to the zoning administrator. All highways, streets and other improvements recommended in the county transportation plan, if applicable, shall be platted by the developer in the location and to the dimension indicated in the county transportation plan.
- (b) When features of other plans adopted by the county (such as schools or other public-building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

Sec. 7-403. Block length.

Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic and connectivity. Blocks in residential subdivisions should not exceed 1800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from these standards.

Sec. 7-404. Block width.

- (a) The width of a block shall be sufficient to allow two tiers of lots of appropriate depth, except where double frontage lots on arterial streets are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, in which case the county may approve a single row of lots.
- (b) Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries, and service.

Sec. 7-405. Lot depth.

The depth of lots intended for detached, single-family residential should not be greater than four times the width of the lot at the regulatory building line, unless unusual circumstances make these limitations not practicable. Lots intended for other uses should observe this maximum lot depths standard where practicable.

Sec. 7-406. Adequate building site.

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements, required building setback lines, and required stream buffers.

Sec. 7-407. Lot lines.

All side lot lines shall be perpendicular to street lines, and all rear lot lines shall be parallel or radial to street lines, unless not practicable because of topographic or other features.

Sec. 7-408. Double frontage lots.

Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or overcome specific disadvantages of topography or orientation. The county may require a no-access easement of at least ten (10) feet in width, across which there shall be no right of access, along the line of lots abutting such a traffic artery.

Sec. 7-409. Flag lots.

- (a) Flag lots, which meet minimum lot area requirements and meet the minimum lot width at the front building setback line where the building is placed, may be allowed where

conditions of hardship make standard design or frontage impossible, impractical, or inefficient with regard to land use.

- (b) Where such lots are allowed, the street frontage of each panhandle portion of the lot shall not be less than sixty (60) feet wide, and the panhandle portion of the lot shall be no less than sixty (60) feet wide and not more than 300 feet long.
- (c) Not more than two such panhandle access points shall abut each other. The county may require shared driveways for abutting flag lots.

Sec. 7-410. Lot remnant not permitted.

All remnants of lots less than the required minimum lot size which may be left over after subdividing a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable or noncompliant parcels. The zoning administrator may permit a lot remnant for a specific purpose such as a detention pond or buffering, provided that access and design is appropriate and the lot remnant is restricted to specific public, utility, or conservation use.

ARTICLE 7-5
FINAL PLAT SPECIFICATIONS

- Sec. 7-501. Format for plats and condominium plans.
- Sec. 7-502. Data for plats required per state law.
- Sec. 7-503. Data required for plats per state rules and regulations.
- Sec. 7-504. Additional plat data required locally.
- Sec. 7-505. Additional requirements for final plats involving private streets.
- Sec. 7-506. Purchaser's acknowledgement for lot served by private street.
- Sec. 7-507. Combination plat.
- Sec. 7-508. Boundary line adjustment.

Sec. 7-501. Format for plats and condominium plans.

All images of a plat or condominium plan submitted for filing in the office of the clerk of superior court shall:

- (a) Be at full size of the drawing scale stated thereon;
- (b) Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;
- (c) Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and
- (d) Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.

Sec. 7-502. Data for plats required per state law.

This section enumerates data required to be shown on plats per the Georgia Plat and Condominium Plan Recording Act of 2017.

- (a) **County.** The county where the property lies.
- (b) **City.** Any municipality wherein the property lies.
- (c) **Owner.** The name and address of the property owner or owners of the subject property as stated on the most current or applicable title instrument.
- (d) **Plat type.** The type of plat (final subdivision, boundary line adjustment, lot combination, retracement survey, easement survey, dedication plat, etc.).

- (e) **Name.** The name of any subdivision if the property lies within a named subdivision or if the plat is creating a new subdivision; or the name of any condominium if the property is within a condominium development.
- (f) **Division designations.** The applicable units, pods, blocks, lots, or other sub-designations of any named subdivision or condominium.
- (g) **Developer.** The name or names and address(es) of the developer or developers of any named new subdivision or condominium.
- (h) **Land lots and districts.** All applicable land lots, land districts, sections, reserves, or militia districts wherein the platted property lies.
- (i) **Date and revision dates.** The date of initial preparation and issuance and any revision dates, including a brief explanation of each revision.
- (j) **Surveyor.** The name, address, and telephone number of the land surveyor who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the certificate of authorization number of that entity, in which case the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number.
- (k) **Surveyor registration.** The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor.
- (l) **Surveyor seal.** The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box.
- (m) **Page numbers.** If the plat has multiple pages the page number for each applicable page and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing.
- (n) **Scale.** The scale of the plat stated and shown graphically.
- (o) **Surveyor certification box for subdivision plats.** Each plat involving a subdivision shall have depicted thereon a box which contains the following certification of the land surveyor:

“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the

undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

- (p) **Additional certifications.** Additional dates, certifications, and signatures, which may be electronically created signatures, may be placed on plats. Such certifications may include, but are not limited to, those that may be required by local jurisdictions or agencies, the United States Small Business Administration, the United States Department of Housing and Urban Development, and the American Land Title Association.

Sec. 7-503. Data required for plats per state rules and regulations.

This section enumerates selected data required to be on plats per Rules and Regulations of the State of Georgia, Department 180, “State Board of Registration for Professional Engineers and Land Surveyors,” Chapter 180-7, “Technical Standards for Property Surveys, and local requirements. It is the land surveyor’s responsibility to provide all data required by said rules, and the lack of inclusion of said rule requirements in this section shall not relieve a land surveyor from complying with said requirements:

- (a) **Point of beginning and point of reference.** There shall be a point of commencement and/or a point of beginning that can be readily re-established. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats or other documents on public record, including state plane coordinates when applicable. The point of reference may lie on or within the boundary of the survey.
- (b) **Names of adjoining subdivisions and property owners and documents reviewed.** The names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records, along with a notation as to what documents were reviewed for each adjacent property.
- (c) **Roads.** Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property.

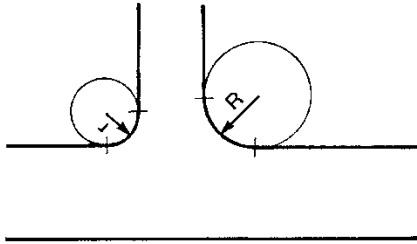
- (d) **Water.** All water boundaries.
- (e) **Easements.** The width and the former widths, if pertinent, of easements adjacent to or crossing the property. Where water and sewer utilities are located within rights of ways to be dedicated to the county, temporary easements shall be required for such utilities in favor of the service provider until the rights of ways are officially accepted by resolution of the Franklin County Board of Commissioners.
- (f) **Encroachments and cemeteries.** Apparent encroachments and observed evidence of human burials or cemeteries.
- (g) **North arrow.** An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, record or grid north. A grid north reference shall indicate the zone. Record north shall reference the document or survey to which the meridian is oriented and the line of the survey to which the "record bearing" was applied to.
- (h) **Metes and bounds bearings and distances and areas.** Bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet. The total acreage of the subdivision shall be shown. All bearings, distances, and areas shown on the survey shall be based upon the measurements of the surveyor, except that both the measured and the record measurements may be shown if the surveyor feels that such comparison is necessary or otherwise required, in which case a clear distinction shall be made as to which are measured and which are record. All angular directions shall be represented in degrees, minutes, and seconds. Distances that are shown for proximity purposes only and have not been measured shall be clearly labeled as "approximate"; A metes and bounds description shall describe all courses in logical sequence around a lot or tract in a clockwise direction such that the ending point is the beginning point. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves.
- (i) **Equipment reference.** A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the plat, or the proper notations required by Rule 180-7-.09 when GPS equipment is used in performing the survey.
- (j) **Closure precision.** The closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in ____ feet."
- (k) **Monuments.** Monuments shall be set at all boundary corners. All monuments found, placed or replaced shall be described on the survey plat. The land surveyor shall set monuments, unless monuments already exist or cannot be set due to physical obstructions. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by

bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner. Corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. In the case of badly disturbed or deteriorated monuments that are replaced for the purpose of position preservation, the survey shall indicate the size, type, and material of both the found monument and the monument with which it was replaced.

- (l) **Monument specifications.** All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Monuments placed at land lot corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity and/or Certification of Authorization number (COA #).

Sec. 7-504. Additional plat data required locally.

In addition to the requirements of state law and state rules and regulations, all plats shall include the following information:

- (a) **Street names.** Street names including both the name and the suffix, such as “street,” “avenue,” etc.
- (b) **Location sketch or vicinity map.** A hand-drawn or map reproduction, whether or not to an engineering scale, showing the subject property in context of a larger area. Typical scale when a scale is used, is 1 inch equals 2,000 feet.
- (c) **Road centerlines, pavement widths and radii.** The centerline of all roads within or adjacent to the subdivision, and the exact pavement width of the road or roads abutting the subject property and within the subdivision. For cul-de-sacs, both the right of way radius and the pavement radius shall be shown. In addition, the right of way and pavement radii of all street intersections shall be shown.
- (d) **Lot and block identifiers.** Lots numbered in numerical order and blocks lettered alphabetically.
- (e) **Addresses.** Prior to recording, the street address number may be shown on each lot as assigned by the Franklin County E-911 coordinator.

- (f) **Building setbacks.** Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- (g) **Flood hazard area note.** A note indicating whether or not the property is located within a 100-year flood plain, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps, along with the community map panel number and effective date.
- (h) **Dedications and common areas.** Any areas to be reserved, donated, or dedicated to public use and common use shall be shown along with their acreage. If streets are to be dedicated, the total linear distance of streets to be dedicated shall be indicated on the plat.
- (i) **Private covenants.** Statement of and reference to private covenants, conditions and restrictions, if any.
- (j) **Other data.** The zoning administrator may require that additional information be shown on the final plat, including but not limited to the existing zoning district and if applicable zoning conditions, zoning overlay and/or environmental overlay district, if applicable, variances if applicable, required stream buffers and zoning buffers, and wetlands.

Sec. 7-504. Additional plat data required locally.

The following certifications shall be required for final plats, as applicable:

- (a) **Owner's certification.** A certificate signed by the owner directly on the final plat, as follows:

“The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, county and county taxes or other assessments now due on this land have been paid.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (b) **Certificate of approval and signature block.** The following certification of approval and signature block shall be provided on the plat:

“Pursuant to the unified development code of Franklin County and all requirements of approval having been fulfilled, this final plat was given final approval by the county and it is entitled to be recorded in the Clerk’s Office, Franklin County Superior Court.”

Signature, Zoning Administrator

Date

Signature, Chair, Franklin County
Board of Commissioners

Date”

- (c) **Certificate of dedication.** If the subdivision involves the dedication of land or streets to the public, the following certification shall be provided on the plat:

“The owner dedicates to the public for use forever the street right of way(s) and/or other public dedications shown on this plat, as follows:

Street right of way(s): __ linear feet and __ acres.

Other: __ acres.

A dedication is not final until acceptance of the warranty deed by resolution of the Franklin County Board of Commissioners.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public”

- (d) **Health department certificate.** If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

“This final plat has been approved by the Franklin County Health Department as being consistent with applicable state and local environmental health requirements.

Signature, Director, Franklin County Health Department Date”

For a minor subdivision, the zoning administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lots included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note: “Each lot must be reviewed and approved by the Franklin County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit.”

- (e) **Utility dedication certificate.** If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

“The owner hereby dedicates to Franklin County forever the water and sanitary sewer lines within easements or within street rights of ways shown on this plat, as follows:

Water lines: ___ linear feet.

Sanitary sewer lines: ___ linear feet.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (f) **Temporary utility easement dedication:**

“The subdivider hereby dedicates temporary easements to Franklin County within proposed rights of ways containing water and/or sewer lines to be dedicated, until such rights of ways are accepted by resolution of the Franklin County Board of Commissioners.”

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (g) **Utility easement dedication.** If easements for water and/or sewer are included in the subdivision but located outside of right of way to be dedicated, the subdivider shall include the following easement dedication statement:

The subdivider hereby dedicates utility easements to Franklin County as shown on this final plat."

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

- (h) **Utility acceptance of dedication.** If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"Franklin County hereby accepts the water and/or sanitary sewer lines within easements or within street rights of ways shown on this plat:

Signature, Chairman
Franklin County Board of Commissioners

Date"

The exact language of the plat certifications specified in this section may be changed to match the requirements of the utility provider or health department, as may be appropriate and as approved by the zoning administrator.

Sec. 7-505. Additional requirements for final plats involving private streets.

No final plat involving a private street shall be approved by the zoning administrator for recording unless and until it shall contain the following on the face of the plat:

- (a) The private street shall be located within an exclusive and irrevocable access and utility easement granted to the county. The access and utility easement shall be no less wide than that required for right-of-way for a similar public street. All lot area requirements, setbacks and other requirements of the applicable zoning district shall be measured outside of or from such access and utility easement. As an alternative, the private street may be located within a separate parcel of land, no less wide than that required for right-of-way for a similar public street, owned by a homeowner's association for the development and granting an exclusive and irrevocable access and utility easement to the county.
- (b) Covenants, or reference to the deed book and page of the recorded covenants.
- (c) "Franklin County has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."
- (d) "Grant of Easement. The general purpose access and utility easement(s) shown on this plat for private street(s) is (are) hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to Franklin County, and to public or private utility providers serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner"

At the discretion of the county, a subdivision improvement guarantee as required for public streets may be required for a subdivision containing private streets.

Sec. 7-506. Purchaser's acknowledgement for lot served by private street.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the county, the subdivider or seller shall ensure that the purchaser of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities as set forth below.

“Purchaser’s Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description).

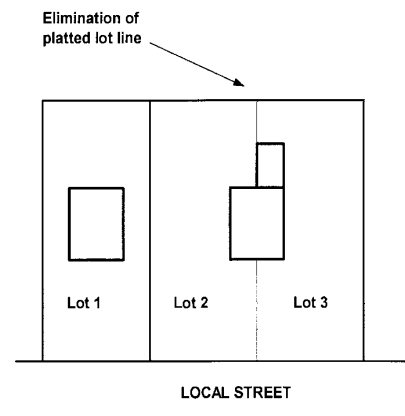
(I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorney’s fees. (I) (we) further understand that the County has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser’s acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

Purchaser”

A reference to this requirement to execute a purchaser’s acknowledgment prior to the sale of any lot served by a private street shall also appear in the recorded. covenants, conditions, and restrictions for the subdivision.

Sec. 7-507. Combination plat.

- (a) An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat process which conforms to the final plat requirements of this chapter.



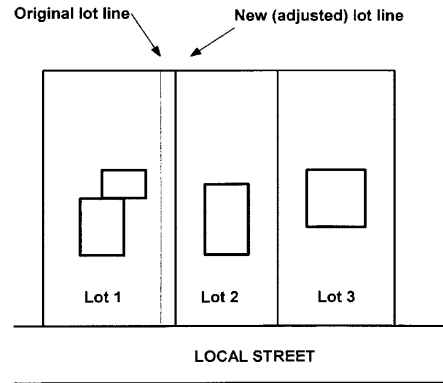
Lot Combination

- (b) Where separate lots of land are proposed to be combined, they shall be submitted to the zoning administrator as a final plat for review and approval. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the zoning administrator as a final plat.

- (c) Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots.

Sec. 7-508. Boundary line adjustment.

- (a) One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the zoning administrator and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the zoning administrator.



Boundary Line Adjustment

- (b) Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

**ARTICLE 7-6
FINAL PLAT PROCEDURES**

- Sec. 7-601. Application for final plat.
- Sec. 7-602. Process for review and approval of a final plat.
- Sec. 7-603. Recording of final plat.
- Sec. 7-604. Distribution of approved final plat.
- Sec. 7-605. Revision of final plat.

Sec. 7-601. Application for final plat.

Applications for final plat approval shall include the following:

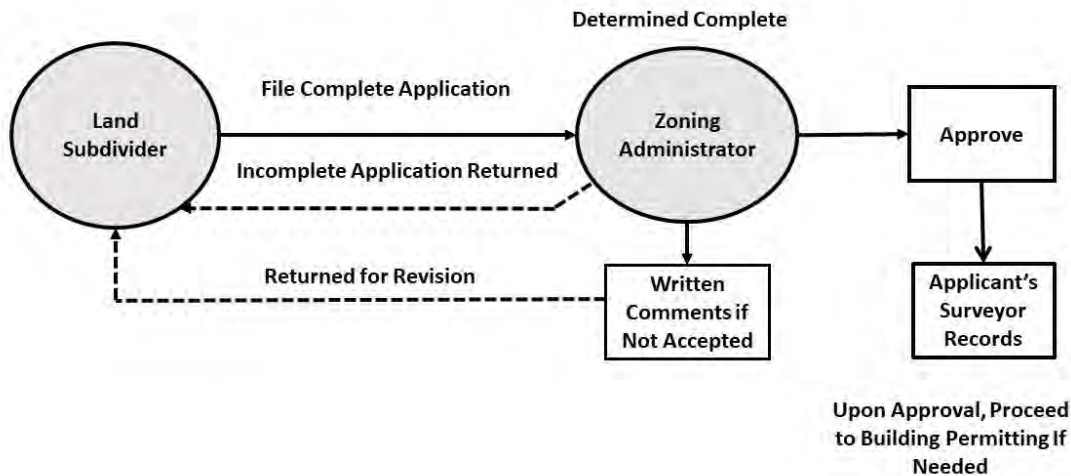
- (a) **Application form.** Completion of an application form with information specified by the zoning administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) **Copies of plat.** Copies of the final subdivision plat in a number as established by the zoning administrator, showing the entire ownership and drawn to the specifications required by this chapter.
- (c) **Fee.** Payment of the applicable application and review fees as established by the Franklin County Board of Commissioners from time to time for a final plat.
- (d) **Payment for signs and striping.** Payment for materials and installation of traffic signs and street name signs in an amount determined by the zoning administrator. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included with the application.
- (e) **Financial guarantee of improvements.** For major subdivisions involving public improvements, a subdivision improvement guarantee as specified in this chapter.
- (f) **Protective covenants and homeowner's association documents.** If required by provisions of this development code, a homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Similarly, if a property owners association is required by this development code or established by the developer, such association shall be created and instruments of creation and financial endowment shall be required at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the zoning administrator.

Sec. 7-602. Process for review and approval of a final plat.

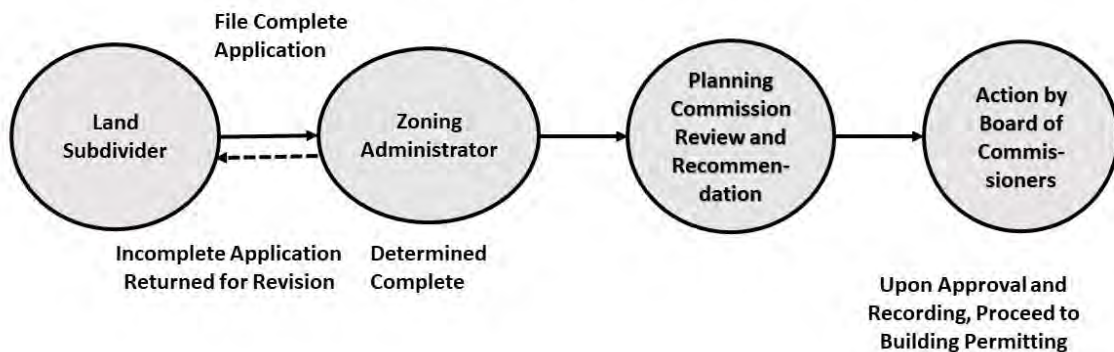
Upon completion of all requirements, the subdivider or property owner can file an application for final plat approval. The procedures for final plat review and action shall be as specified in this section.

- (a) **Review for completeness and application acceptance.** The zoning administrator shall review the final plat application for completeness within no more than 7 business days from the posted submission deadline. Incomplete applications will not be processed and will be returned to the applicant.
- (b) **Distribution and agency review of final plat.** The zoning administrator may forward a copy of the final plat application to other county departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road. The applicant shall be required to obtain approval from the Franklin County Environmental Health Department if septic tanks are proposed within a major subdivision, and public utility providers in cases where connection to public water and/or sewer is proposed or required.
- (c) **Time period for completion of review.** Except for final plats that have frontage on or propose access to a state or federal road which require review by the Georgia Department of Transportation (which require a 30-day review period), within no more than 25 business days following receipt of a complete final plat application, during which agency review shall be completed, the zoning administrator shall indicate on the final plat or in writing all comments related to compliance with this chapter and the development code. The zoning administrator shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.
- (d) **Action.** When the zoning administrator has determined that the final subdivision plat is in compliance with the approved preliminary plat for the subdivision (if applicable) and the requirements of this development code and consistent with the comprehensive plan, it shall be approved by the zoning administrator if a minor subdivision. If a major subdivision, it shall be scheduled for review and recommendation by the Franklin County Planning Commission and following a recommendation by the Planning Commission, action by the Franklin County Board of Commissioners. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments. If it is determined that the final plat is not in compliance with the requirements of this development code, the final plat shall be disapproved. Action must be taken by the zoning administrator to approve, conditionally approve, or disapprove a minor final plat application within no more than 30 days from receipt of a completed application. The Planning Commission must make a recommendation within 35 calendar days it first meets to consider the final plat of a major subdivision. The Board of Commissioners shall approve, conditionally approve or deny an application for final plat approval of a major subdivision within 35 calendar days it first meets to consider the final plat of a major subdivision.

PROCEDURE FOR MINOR FINAL PLAT APPROVAL



PROCEDURE FOR MAJOR FINAL PLAT APPROVAL



Sec. 7-603. Recording of final plat.

- (a) Once the final subdivision plat has received approval as evidenced by the certificate of final plat approval, the applicant shall record the plat electronically with the Franklin County Clerk of Superior Court.
- (b) The applicant is responsible for paying any required recording fees.
- (c) All plats must be in the Georgia Coordinate System West Zone NAD 83 before the plat is recorded. If the project is within 1,000 feet of a Franklin County geodetic monument the plat must use the monument as a control/tie point. The applicant for final plat approval shall be responsible for forwarding an electronic copy of the final plat as recorded, along with recording information, to the zoning administrator. In addition, the subdivision applicant shall submit electronic (DWG/DXF and PDF) file copies of lot boundaries of

subdivisions and related information as specified by the zoning administrator. Building permits may be withheld pending receipt of the electronic files and copy of the recorded final plat.

- (d) Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Sec. 7-604. Distribution of approved final plat.

The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. Accordingly, the zoning administrator may forward recorded final plats to appropriate departments and agencies, such as the Franklin County Emergency Services Department; the county building official; the county engineer; and The United States Postal Service (local postmaster). At the discretion of the zoning administrator, additional agencies or persons may be added to the distribution list.

Sec. 7-605. Revision of final plat.

The application requirements and procedures for amending final plats shall be the same as for final plat applications.

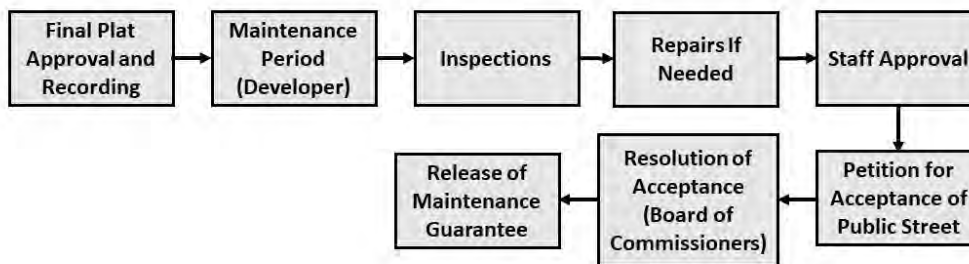
ARTICLE 7-7
IMPROVEMENT GUARANTEES AND
ACCEPTANCE OF PUBLIC IMPROVEMENTS

- Sec. 7-701. Subdivision improvement guarantee.
Sec. 7-702. Warranty deed and resolution of acceptance.
Sec. 7-703. Existing situations without improvement guarantees.
Sec. 7-704. Release of improvement guarantee.

Sec. 7-701. Subdivision improvement guarantee.

- (a) **Improvements.** All public improvements required for subdivisions shall have been properly installed and completed in accordance with all requirements and standards of this development code (other than traffic signs, street name signs, street striping, and signalization) prior to final plat approval.

DEDICATION OF PUBLIC IMPROVEMENTS



- (b) **Submission.** Prior to approval of a final subdivision plat, a subdivision improvement guarantee in a form acceptable to the zoning administrator and county attorney is required for all completed improvements shown on the as-built surveys required by this development code. Prior to final plat approval, the owner of a subdivision involving public improvements shall submit a subdivision improvement guarantee.
- (c) **Maintenance period and duration of guarantee.** The subdivider shall maintain any public improvements in the subdivision, for a period of two years or until certificates of occupancy have been issued for 75% or more of the principal buildings on the lots shown on the final subdivision plat, whichever occurs later. The two-year maintenance period shall begin upon recordation of the final subdivision plat. If the two-year term expires before the issuance of certificates of occupancy for 75% or more of the principal buildings on the lots shown on the final subdivision plat, the improvement guarantee shall be renewed or extended, until certificates of occupancy have been issued on 75% of the principal buildings on the lots shown on the final subdivision plat. The subdivider shall not assign this responsibility to another entity without permission of the county attorney and zoning administrator.

- (d) **Amount of guarantee.** The value of the improvement guarantee shall be equal to \$15.00 per linear foot of street improvements shown on the as-built surveys or final plat.
- (e) **Inspection.** Prior to the end of the maintenance period, the subdivider shall request an inspection of the subdivision's public improvements. The zoning administrator shall perform the inspection. The subdivider shall be notified of the inspection results in writing at least 30 days prior to receipt of a request from the subdivider to the county to initiate an inspection.
- (f) **Repairs.** If repairs are needed for the public improvements to meet county specifications during the two-year maintenance period, the subdivider shall be required to make such repairs within 30 calendar days, after written notification by the zoning administrator. The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. When the subdivider completes the necessary maintenance repairs, he or she shall request in writing that the zoning administrator inspect the repairs. The zoning administrator shall inspect the repairs and notify the developer of the inspection results.
- (g) **Remedy.** If the repairs are not completed, the subdivision improvement guarantee shall be called to pay for the repairs. Should the amount of the subdivision improvement guarantee be inadequate to pay for the repairs, the developer shall pay the remaining amount. The county may withhold building permits if the remaining amount required by this paragraph is not paid.

Sec. 7-702. Warranty deed and resolution of acceptance.

Subdivision streets and right of ways and other lands to be dedicated to the public shall be accepted by the county only upon the approval by the Franklin County Board of Commissioners of a general warranty deed conveying fee simple title of such right of ways and lands. The warranty deed shall be accompanied by a certificate of title and a tax transfer form addressed to the Franklin County Board of Commissioners, certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. The subdivider shall forward executed deeds for the streets, and dedication of other public properties if applicable, to the zoning administrator who will schedule the matters for the next available meeting of the Franklin County Board of Commissioners for consideration, and if approved, recording, along with a resolution accepting the public improvements for perpetual maintenance.

Sec. 7-703. Existing situations without improvement guarantees.

- (a) **Intent.** This section is intended to apply only in exceptional circumstances where neither the original subdivision owner nor their successor in interest exists or is solvent and multiple builders have purchased lots in the subdivision, and only in order for the county

to ensure a funding source for the maintenance and performance costs associated with the subdivision.

- (b) **Applicability.** This section shall apply when: 1) a final subdivision plat has been approved; and 2) the original owner of the subdivision at the time of approval of the subdivision plat no longer owns any lots in said subdivision, has filed for bankruptcy, or is otherwise determined to be insolvent; and 3) no improvement guarantee is in place for the subdivision; and 4) more than one person or entity owns undeveloped lots (i.e. lots without a certificate of occupancy) in said subdivision such that posting of a guarantee for the entire subdivision is not feasible.
- (c) In the event of the fulfillment of the above-stated four conditions, the county may, in its discretion, accept from the applicant for a building permit or for a certificate of occupancy for any lot or series of lots, a cash guarantee in the amount of a by-lot, pro-rata portion of the amount of the applicable guarantee that would otherwise be required for the entire subdivision, in lieu of the improvement guarantee required to provide for maintenance and performance requirements for the entire subdivision. By way of example, in a 100-lot subdivision for which the normal required improvement guarantee would be \$100,000.00, an applicant for one lot could provide a cash improvement guarantee in the amount of \$1,000.00; an applicant for two lots could provide a cash improvement guarantee in the amount of \$2,000.00.

Sec. 7-704. Release of improvement guarantee.

Upon adoption by the Franklin County Board of Commissioners of a resolution accepting the public improvements within the subdivision for perpetual maintenance, the improvement guarantee shall be released by the zoning administrator.

CHAPTER 8

ACCESS, ROADS, DRIVEWAYS, AND PARKING LOTS

ARTICLE 8-1 GENERAL PROVISIONS

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- Sec. 8-102. Definitions.
- Sec. 8-103. Compliance required.

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- Sec. 8-202. Access required.
- Sec. 8-203. Access control on state routes.
- Sec. 8-204. Access easements.
- Sec. 8-205. Common access easements for shared driveways.
- Sec. 8-206. Functional classification.
- Sec. 8-207. Substandard right of way.
- Sec. 8-208. Substandard pavement.
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- Sec. 8-302. Continuation of existing streets.
- Sec. 8-303. Dead-end streets and cul-de-sacs.
- Sec. 8-304. Alleys.
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- Sec. 8-402. Street right of way and pavement width.
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- Sec. 8-406. Horizontal alignment of streets.
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- Sec. 8-413. Slopes and shoulder improvements.
- Sec. 8-414. Deceleration and turning lanes.
- Sec. 8-415. Street names and street name signs.
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- Sec. 8-502. Reserved.
- Sec. 8-503. Sidewalk placement.
- Sec. 8-504. Sidewalk construction.

ARTICLE 8-6 DRIVEWAYS

- Sec. 8-601. Driveway compliance.
- Sec. 8-602. Commercial driveway and road spacing.
- Sec. 8-603. Commercial and industrial driveways.
- Sec. 8-604. Residential driveways.

ARTICLE 8-7 STANDARD DRAWINGS

Arterial Street Cross Section
Collector Street Cross Section
Local Commercial/Industrial Street Cross Section
Local Residential Street Without Curb + Gutter Cross Section
Local Residential Street With Curb + Gutter Cross Section
Cul-de-sac Turn Arounds for Residential Street
Cul-de-sac Turn Arounds for Commercial or Industrial Street
Sight Distance
Residential Street Pavement Section
Collector Street or Local Commercial or Industrial Street Pavement Section
Deceleration Lane
Concrete Curb and Gutter
Sidewalk
Road/Commercial Driveway Spacing
Commercial Driveway
Industrial Driveway
Profile of New County Road or Driveway
Utility Placement in Right of Way Residential Street

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- Sec. 8-802. Plans and development permit required.
- Sec. 8-803. Vehicular circulation.

- Sec. 8-804. Backing movements prohibited.
- Sec. 8-805. Distance of parking space from right of way.
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- Sec. 8-808. Parking space angle aisles and access aisle dimensions.
- Sec. 8-809. Parking lot surfacing.
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ARTICLE 8-1 GENERAL PROVISIONS

- Sec. 8-101. Findings and purposes.
Sec. 8-102. Definitions.
Sec. 8-103. Compliance required.

Sec. 8-101. Findings and purposes.

- (a) **Proper access.** This chapter sets forth regulations designed to ensure proper access to each lot and each development, via connection to the public road and street system.
- (b) **Improvement standards.** It is in the public interest to establish design and improvement specifications for the development of streets, driveways, and the connection of parking lots to public streets.

Sec. 8-102. Definitions.

AASHTO: The American Association of State Highway and Transportation Officials.

Access: A way or means of approach to provide physical entrance to a property.

Arterial, principal: A term used in the functional classification of roads. These roads, which include interstates and rural freeways: serve “substantial” statewide or interstate trips, as defined by high mileage or volume; connect most urban areas of 25,000 or more and virtually all urban areas of 50,000 or more; and provide an integrated network without stub connections except where geography dictates otherwise. Arterials are the longest roads with the highest speed limits.

Arterial, minor: A term used in the functional classification of roads. With the principal arterial system, these roads form a rural network that links other cities, larger towns, and other traffic generators, such as major resort areas, capable of attracting travel over long distances; link all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials, therefore, constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to the through-movement.

Collector, major: A term used in the functional classification of roads. These roads, with minor collectors, primarily serve the county rather than state traffic. Consequently, more moderate speeds are typical. They serve any places not on an arterial route, and other traffic generators of equivalent intra-county importance, such as consolidated schools, shipping points, county parks, and important mining and agricultural areas; link the latter places with nearby larger towns or cities, or arterials and freeways; and serve the more important intra-county travel corridors. Collectors are shorter roads with slower travel speeds than arterial roads.

Collector, minor: A term used in the functional classification of roads. Serving county-wide traffic, these roads should evenly collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with the hinterlands.

Curb cut: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Deceleration lane: A speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is making an exit turn from a roadway to slow to a safe turning speed after it has left the mainstream of faster-moving traffic. Also called a “decel lane”; it denotes a right turn lane or a left turn lane into a development.

Driveway: A constructed vehicular access serving one or more properties and connecting to a public or private street.

Driveway, residential: Any private passageway to any property used for dwelling purposes. However, if a driveway provides access for more than four dwelling units, it shall be considered a commercial driveway.

Driveway width: The narrowest width of a driveway measured perpendicular to centerline of the driveway, from edge of pavement to edge of pavement or edge of curb to edge of curb.

Functional classification of roads: A system for the classification of roads used by the Federal Highway Administration, the Georgia Department of Transportation and the county. The system is based on several factors, including: the amount of traffic currently on the road plus if any new major traffic generators (e.g., new schools, new subdivisions, new community level commercial centers, or new major employers) are being built in the near future along that roadway; the length of the roadway in comparison with the functional classification of other roads in the same area.

Gated community: Residential areas that restrict access to normally public roads and spaces. Gates can include guard houses, electronic arms operated by card, codes, or remote control devices. Visitors must stop to be verified for entry.

Highway: A term applied to streets and roads that are under the jurisdiction of the Georgia Department of Transportation or federal highway agency. Highways are major arteries of the circulation network, carry significant volumes of traffic for both long and short trips, and are designed with access to abutting properties with some degree of control and safe standards of design.

Horizontal alignment: Horizontal geometrics of a roadway.

Horizontal curve: A curve by means of which a road can change direction to the right or left.

Inter-parcel access: A roadway or series of connecting roads within a property providing access to interior lot frontage or other properties, not connected to a public road or state route.

Intersection: The general area where two or more roads join or cross, including the roadway and roadside facilities for traffic movements within the area.

Parking aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces and maneuver within a designated parking lot.

Pavement markings: Devices or paint placed on the roadway to mark pavement for vehicular and pedestrian traffic control.

Pavement width: The width of a given lane, road, or other road pavement width, measured from back-of-curb to back-of-curb or to the edge of pavement where no curbs are required or exist.

Profile: A longitudinal section of a roadway, drainage course, etc.

Reservation: The designation by plat or deed of a certain area reserved for possible future public purposes. A reservation does not transfer title of the reserved area to the public unless the county accepts the area for public purposes.

Right-of-way: Land reserved for and immediately available for public use as a street or other purpose.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or a private association rather than the county, state, or another governmental entity.

Right-of-way, public: That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title or via prescription by a municipality, the Franklin County Board of Commissioners, State of Georgia, or other government, for the present or future use of roads, roads and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way miter: A right-of-way line at a street or highway intersection, which is parallel to neither road but forms a triangle with extensions of the right-of-way lines of the adjacent sides of the intersecting roads. The purpose of a right-of-way miter is to provide improved visibility for vehicles approaching the intersection by enabling the elimination of visual obstructions or to provide room for a traffic signal support pole or guy wire.

Road: A state highway, a county road, a road adopted as a county-owned right of way approved for county maintenance, a street owned and/or maintained by a municipality, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties and are required to meet specifications contained in this development code. The term includes “street” but does not include “access easement.”

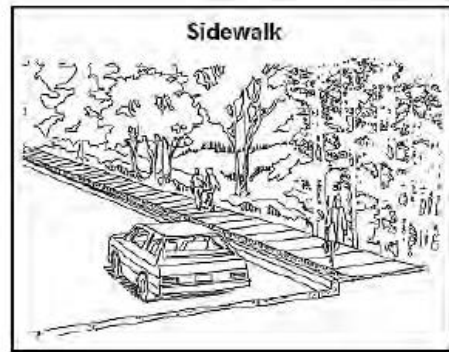
Road, private: An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained. Private roads are required to meet specifications contained in this UDC.

Road, public: A state highway, county road, a road adopted as a county-owned right of way approved for county maintenance, or a street owned and/or maintained by a municipality. New public roads are required to meet specifications contained in this development code.

Roadway: The portion of a highway or road, including shoulders, for vehicle use.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a street.

Sight distance: The length of roadway ahead visible to a driver.



Street: A dedicated and accepted public right-of-way, or a private street approved by the Franklin County Board of Commissioners, which affords the principal means of access for motor vehicles to abutting properties.

Street jog: The incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

Traveled way: The portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Sec. 8-103. Compliance required.

- (a) Before any development permit or building permit is issued for a given development or building, the access (including driveways), parking lot layout and area, and if applicable loading area, must be found by the zoning administrator to be in compliance with all applicable requirements of this chapter. No such permit shall be issued if the access and improvements fail to comply with the requirements of this chapter.
- (b) The building official shall not issue a building permit and shall not allow occupancy or use of a building until advised by the zoning administrator that access and driveways as applicable meet the requirements of this chapter.
- (c) No lot shall be subdivided unless it complies with the requirements of this chapter.

Sec. 8-104. Reference to standards and specifications.

- (a) Unless otherwise specially set forth in this chapter, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to the standard drawings provided in this chapter.
- (b) Where this chapter does not contain a specification or standard, the zoning material may require that the materials, methods of construction, and workmanship for the work covered in reference to street construction conform to the latest standard specifications of the Georgia Department of Transportation.

ARTICLE 8-2 ACCESS

- Sec. 8-201. Access to entire parcel.
- Sec. 8-202. Access required.
- Sec. 8-203. Access control on state routes.
- Sec. 8-204. Access easements.
- Sec. 8-205. Common access easements for shared driveways.
- Sec. 8-206. Functional classification.
- Sec. 8-207. Substandard right of way.
- Sec. 8-208. Substandard pavement.
- Sec. 8-209. Substandard curb and gutter.
- Sec. 8-210. Inter-parcel access.
- Sec. 8-211. Traffic control striping and signage.

Sec. 8-201. Access to entire parcel.

- (a) The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. To this end, the zoning administrator may require a development project or subdivision on only part of a lot (unsubdivided parcel) to design and provide access through the remainder of the parcel not proposed for land development at the time, or reserve such future access by easement or right of way.
- (b) Where land proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future road system for the portion not slated for immediate subdivision or land development consideration shall be required by the zoning administrator. When such tentative plan is required, it shall be prepared and submitted by the subdivider or land developer no later than the time of submission of lot subdivision or development plan approval, whichever occurs first.

Sec. 8-202. Access required.

- (a) A publicly approved street meeting the requirements of this chapter shall serve every development and every lot within a subdivision, unless otherwise specifically provided in this chapter.
- (b) Every major subdivision shall have access to the public street system via a county road that meets the standards and requirements of this chapter.

Sec. 8-203. Access control on state routes.

- (a) Access onto a state highway shall meet the Georgia Department of Transportation *Regulations for Driveway and Encroachment Control*, Revision 4.0, dated March 15, 2016, as may be amended from time to time. For driveways accessing U.S. or State

highways, the requirements of the Georgia Department of Transportation shall apply whenever more restrictive than the standards in this development code.

- (b) A copy of the Georgia Department of Transportation permit, if required, shall be submitted to the zoning administrator before plans for land development are approved or permits can be issued for development or building. Proposed subdivisions along state routes also require prior review and recommendation by the Georgia Department of Transportation. See Sec. 7-203 of this development code.

Sec. 8-204. Access easements.

- (a) For any lot of record which existed prior to adoption of this development code but which does not have frontage on a public street or private street meeting the requirements of this development , access may be obtained to and from that lot of record solely via any access easement which was lawfully established for access to such lot prior to the adoption of this development code.
- (b) A new access easement shall not be authorized as the sole means of access to any lot within a major subdivision.
- (c) A new access easement shall not be authorized as the sole means of access to any lot within a minor subdivision, except as specifically authorized in the zoning regulations.

Sec. 8-205. Common access easements for shared driveways.

- (a) Shared driveways between two parcels along the common property line of the two parcels may be required by the zoning administrator at the time of lot subdivision, particularly in the case of one or more flag lots.
- (b) In such a case as shared driveways are proposed or required to be provided by the zoning administrator, a common access easement no less than 20 feet in width shall be provided along the common property line (10 feet on each side).

Sec. 8-206. Functional classification.

It shall be the responsibility of the zoning administrator to determine the functional classification of roads based on the definitions in this article and other pertinent information. For purposes of this chapter and development code generally, the zoning administrator shall consult the character area map of the adopted comprehensive plan, and the following shall dictate the zoning administrator's determination of what functional classification to assign a given road or street in the county.

- (a) State routes shall be considered "arterial streets" unless specifically classified otherwise by the Georgia Department of Transportation.

- (b) Except for state routes, any existing or proposed road that connects two state routes within an area shown as any character area other than “rural” or “lakeside residential” shall be considered “collector” streets.
- (c) Except for state routes, any existing or proposed road or street within an area shown as “rural” character area or “lakeside residential” character area on the character map of the Franklin County Comprehensive Plan shall be assigned the functional classification of “rural residential.”
- (d) Except for state routes, any existing or proposed road within an area shown as any character area other than “rural” or “lakeside residential” shall be assigned the functional classification of “local residential street with curb and gutter” when the existing or proposed use is residential.
- (e) Except for state routes, any existing or proposed road within an area shown as any character area other than “rural” or “lakeside residential” shall be assigned the functional classification of “local commercial/industrial street with curb and gutter” when the existing or proposed use is institutional, commercial, or industrial.

Sec. 8-207. Substandard right of way.

Franklin County has many miles of roads that do not have standard right of ways established. Access is available in many of these cases only via prescription or prescriptive rights, with no right of way ever having been established.

- (a) **Abutting one side of a substandard right of way (minor subdivision).** When a minor subdivision is proposed, or when a development other than a single-family dwelling is proposed, abutting one side of a substandard right of way, the subdivider or developer shall be required to dedicate at no cost to the county additional right of way from the centerline of the substandard road right of way according to the functional street classification assigned by the zoning administrator.
- (b) **Abutting one side of a substandard right of way (major subdivision).** When a major subdivision is proposed abutting one side of a substandard right of way, the subdivider or developer shall be required to dedicate at no cost to the county the entire width of the required right of way according to the functional street classification assigned by the zoning administrator. If the subdivider cannot acquire adequate right-of-way to meet this requirement, the county attorney shall initiate acquisition proceedings at the expense of the developer after authorization by the Franklin County Board of Commissioners.
- (c) **Abutting both sides of a substandard right of way.** When a minor subdivision or major subdivision is proposed abutting both sides of a substandard right of way, or when a development other than a single-family dwelling is proposed, the subdivider or developer shall dedicate at no cost to the county the entire width of the required right of way according to the functional street classification assigned by the zoning administrator.

Sec. 8-208. Substandard pavement.

When property to be divided as a major subdivision or developed for other than a single-family dwelling abuts one side or both sides of an unpaved road, the subdivider or developer shall be required at no cost to the county, to improve the road with base and paving according to standards for the functional street classification assigned by the zoning administrator along the entire width of substandard road fronting said unpaved road. If complying with this requirement necessitates the acquisition of additional right of way, the subdivider or developer shall be responsible for acquiring the additional right of way; provided, however, if the subdivider or developer cannot acquire adequate right-of-way to meet this requirement, the county attorney shall initiate acquisition proceedings at the expense of the subdivider or developer after authorization by the Franklin County Board of Commissioners.

Sec. 8-209. Substandard curb and gutter.

When property to be divided as a major subdivision or developed for other than a single-family dwelling abuts one side or both sides of road with a functional classification that requires curb and gutter, but no curb and gutter exists on one or both sides, the subdivider or developer shall be required at no cost to the county, to improve the road with curbs and gutters along the entire property fronting said road without curb and gutter. If complying with this requirement necessitates the acquisition of additional right of way, the subdivider or developer shall be responsible for acquiring the additional right of way; provided, however, if the subdivider or developer cannot acquire adequate right-of-way to meet this requirement, the county attorney shall initiate acquisition proceedings at the expense of the subdivider or developer if authorized by the Franklin County Board of Commissioners.

Sec. 8-210. Inter-parcel access.

- (a) Developments abutting an arterial or collector street shall provide vehicular access to abutting commercial or multi-family residential development, whether existing or planned (i.e., according to either the zoning map and/or the character map, as determined by the zoning administrator), so as to provide a vehicular connection among all adjacent parcels also abutting an arterial or collector street.
- (b) This requirement may necessitate driveway aprons, stub-outs, or other design features to provide for cross-connection access to abutting properties as determined by the zoning administrator. If inter-parcel access is required, the property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site.
- (c) Where possible, the location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access may be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of

an inter-parcel connection, the zoning administrator will determine the location of the inter-parcel connection to be constructed by property owners.

Sec. 8-211. Traffic control striping and signage.

All new streets and land developments shall be provided with traffic control striping (e.g., stop bars, direction of travel, etc.) and signs (e.g., speed limits, stop signs, etc.) if necessary, that meet or exceed the *Manual on Uniform Traffic Control Devices for Streets and Highways* published by the Federal Highway Administration of the U.S. Department of Transportation, as may be amended from time to time, subject to the approval of the zoning administrator.

ARTICLE 8-3 ROAD SYSTEM REQUIREMENTS

- Sec. 8-301. Planned streets.
- Sec. 8-302. Continuation of existing streets.
- Sec. 8-303. Dead-end streets and cul-de-sacs.
- Sec. 8-304. Alleys.
- Sec. 8-305. Street alignment and offsets/jogs.
- Sec. 8-306. Private streets.

Sec. 8-301. Planned streets.

When a future street or road, proposed in the comprehensive plan or comprehensive transportation plan, adjoins or traverses a subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by Franklin County Zoning Regulations.

Sec. 8-302. Continuation of existing streets.

When a new street is proposed within a development or subdivision, the development or subdivision shall provide for the continuation or projection of any existing street adjoining the development or subdivision at the same or greater right-of-way and pavement width. Where, in the opinion of the zoning administrator, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property through the development or subdivision.

Sec. 8-303. Dead-end streets and cul-de-sacs.

- (a) **Cul-de-sac required.** Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this article or as approved by the zoning administrator. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction.
- (b) **Minimum length.** A cul-de-sac street shall have a minimum length of at least 125 feet.
- (c) **Maximum length.** The maximum length of a cul-de-sac street shall be 600 feet, unless necessitated by topographic or other conditions and approved by the zoning administrator. If these conditions exist, the maximum length shall be 1,500 feet unless a greater length is approved as a variance.
- (d) **Residential street.** Cul-de-sacs in residential subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter (50-foot

radius) and a paved turnaround with a minimum outside diameter of 80 feet (40-foot radius to back of curb or 38 feet if no curb is required). (see also detail)

- (e) **Commercial and industrial street.** Cul-de-sacs in commercial and industrial subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 120 feet in diameter (60-foot radius), and a paved turnaround with a minimum outside diameter of 100 feet (50-foot radius to back of curb). (see also detail)
- (f) **Temporary cul-de-sac.** Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the zoning administrator. The minimum radius for a temporary cul-de-sac shall be 40 feet. Temporary turnarounds shall consist of 3 inches of graded aggregate base and 1 inch of asphalt. A temporary cul-de-sac shall be made permanent within 12 months if the next phase is not permitted.

Sec. 8-304. Alleys.

- (a) Alleys may be constructed at the rear of lots used for multi-family, commercial or industrial developments. Alleys may be provided to facilitate rear-access to garages on each lot in a single-family residential subdivision, at the discretion of the subdivider/developer, with approval of the zoning administrator.
- (b) If alleys are provided, they must be paved. The minimum easement shall be 20 feet in width; the travel way shall be a minimum of 16 feet with 2-foot shoulders on each side.
- (c) If alleys are provided, they must be private and shall not be publicly dedicated.
- (d) Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with a turn-around having a radius of at least 40 feet, or a “T-head” turn-around approved by the zoning administrator.

Sec. 8-305. Street alignment and offsets/jogs.

- (a) Streets shall be aligned to join with planned or existing streets.
- (b) The Georgia Department of Transportation may require a greater separation between streets intersecting a State or U.S. numbered highway.
- (c) Other, local, adjoining street intersections shall be separated by distances specified in the standard detail for spacing of driveways and intersections provided in this chapter.

Sec. 8-306. Private streets.

- (a) Private streets, if approved by the county, shall meet all requirements and standards that apply to public streets as specified in this chapter.

- (b) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and public and private delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the county for access activation, and shall be of breakaway or other construction acceptable to the county.

ARTICLE 8-4 ROAD SPECIFICATIONS

- Sec. 8-401. Standards generally.
- Sec. 8-402. Street right of way and pavement width.
- Sec. 8-403. Street intersection angles.
- Sec. 8-404. Street intersection curb radii.
- Sec. 8-405. Street grades and minimum design speed.
- Sec. 8-406. Horizontal alignment of streets.
- Sec. 8-407. Minimum sight distance.
- Sec. 8-408. Pavement specifications.
- Sec. 8-409. Street base.
- Sec. 8-410. Pavement topping.
- Sec. 8-411. Testing requirements for street base and paving.
- Sec. 8-412. Curb and gutter.
- Sec. 8-413. Slopes and shoulder improvements.
- Sec. 8-414. Deceleration and turning lanes.
- Sec. 8-415. Street names and street name signs.
- Sec. 8-416. Traffic signs and striping.
- Sec. 8-417. Street lighting.

Sec. 8-401. Standards generally.

Public streets contained wholly within a subdivision or land development shall be fully improved to the standards contained in this article.

Sec. 8-402. Street right of way and pavement width.

- (a) All State or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.
- (b) All other roads shall meet the minimum street right-of-way requirements of this article.

Table 8-4-1
Minimum Required Right of Way and Pavement Width
By Street Classification
(Excludes State and U.S. Numbered Highways)

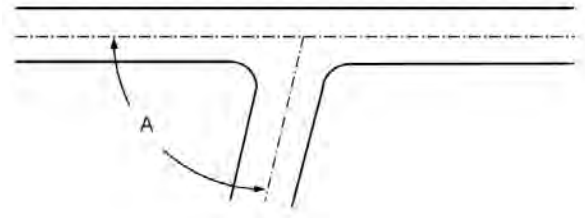
Street Classification	Minimum Required Right-of-Way Width	Minimum Required Pavement Width	Back of Curb to Back of Curb (w/ 2' Curbs)
Arterial	100 feet	28 feet (two lane) 52 feet (four lane)	32 feet 56 feet
Collector	80 feet	28 feet	32 feet

Street Classification	Minimum Required Right-of-Way Width	Minimum Required Pavement Width	Back of Curb to Back of Curb (w/ 2' Curbs)
Local commercial or industrial street	60 feet	24 feet	28 feet
Local residential street with swale ditches	60 feet	20 feet	20 feet
Local residential street with curb and gutter	50 feet	20 feet	24 feet

- (c) Additional right of way may be required to accommodate turning lanes or other improvements.
- (d) In residential subdivisions or land developments, streets that serve 100 dwelling units or more shall be improved to or exceed collector street standards, while those serving fewer than 100 dwelling units shall be improved to or exceed “local” street standards.

Sec. 8-403. Street intersection angles.

All streets shall intersect at no less than 75 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines.



Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this UDC.

Sec. 8-404. Street intersection curb radii.

Turning radii for street intersections shall be provided as follows, based on the highest street classification involved in the intersection as listed below. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

- (a) Arterial: 50-foot radius.
- (b) Collector: 35-foot radius.
- (c) Local street: 25-foot radius.

Sec. 8-405. Street grades and minimum design speed.

- (a) **Minimum grades.** All streets shall have a minimum grade of 0.5 percent.
- (b) **Maximum grades and minimum design speeds.** Maximum grades and minimum design speeds for proposed streets by street type shall be as required in Table 8-4-2. Design exceptions must be justified and approved by the zoning administrator.

**Table 8-4-2
Maximum Grades and Minimum Design Speeds**

Street Type	Maximum Grade	Minimum Design Speed
Arterial street	6%	45 mph
Collector street	8%	35 mph
Local street	12%	30 mph
Alleys	12%	15 mph

Sec. 8-406. Horizontal alignment of streets.

Where a deflection angle of more than 5 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall be not less than as shown on Table 8-4-3.

**Table 8-4-3
Horizontal Alignment of Streets**

Street Classification	Minimum Radius of Curvature of Center Line
Arterial street	800 feet
Collector street	200 feet
Local street	100 feet

Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of a least 200 feet in length shall be introduced between reverse curves on collector streets, and 100 feet on local streets.

Sec. 8-407. Minimum sight distance.

- (a) Sight distance requirements at intersections and driveways shall be as required in Table 8-4-4. The design speed for sight distance requirements at entrance intersections shall be the existing posted speed limit. Distances shall be measured from a point on the centerline of the entering road or driveway 15 feet back from the edge of the nearest traffic way in the abutting street, and extending in both directions along the abutting street. Minimum sight distances shall be measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object 3.5 feet high on the pavement in the center of every on-coming travel lane. The sight distance shall be clear along its entire minimum length and unimpaired by intervening changes in street

grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.

Table 8-4-4
Minimum Sight Distance Requirements

Design Speed (miles per hour)	Minimum Required Sight Distance (Feet)		
	2-lane	3 or 4 lane	
	Sight Distance Left to Sight Distance Right	Sight Distance Left	Sight Distance Right
30	335	335	375
35	390	390	440
40	445	445	500
45	500	500	565
50	555	555	625
55	610	610	690

- (b) Minimum sight distance requirements of this section may be designed in accordance with AASHTO's *Geometric Design of Highways and Streets* if such standards conflict with the requirements of this Section.

Sec. 8-408. Pavement specifications.

Roadways shall be constructed and paved with top courses meeting the following standards. The minimum pavement width, measured from edge of pavement to edge of pavement, (or from the inner edge of curb where curbing exists) shall be as required for the street type in Table 8-4-5.

Table 8-4-5
Street Base Requirements

Street Classification	Base	Binder	Topping
Arterial	Per GDOT	Per GDOT	Per GDOT
Collector	10 inches GAB	4 inches 19 mm Superpaver	2 inches 9.5 mm Superpaver
Local Commercial or Industrial Street	10 inches GAB	4 inches 19 mm Superpaver	2 inches 9.5 mm Superpaver
Local Residential Street	6 inches GAB	0 inches	2 inches 9.5 mm Superpaver

GDOT = Georgia Department of Transportation

GAB = graded aggregate base, compacted to 95% modified proctor density.

Sec. 8-409. Street base.

- (a) **Graded aggregate base course.** The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All

materials are subject to approval of the zoning administrator. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia Department of Transportation Specification 815.

- (b) **Thickness of material.** Street base material shall conform to the thickness as required for the street type (see Table 8-4-5).
- (c) **Extension.** For streets without curbs, the base shall extend at least 1 foot beyond the edge of pavement. For streets with curbs, the base shall extend at least 1 foot beyond the back edge of the curb.
- (d) **Replacement of unsuitable material.** Wherever unsuitable material is found in the subgrade, the unsuitable material shall be replaced with graded aggregate stone.

Sec. 8-410. Pavement topping.

- (a) **Prime.** After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials as specified in Department of Transportation Specification 412.
- (b) **Roadway binder.** After the prime has been inspected and accepted, the roadway or street shall be surfaced with 19 mm Superpaver binder as required for the street type (see Table 8-4-5).
- (c) **Tack coat.** Tack coat shall be applied on a prepared road surface according to the requirements of Georgia Department of Transportation Specification 413.
- (d) **Final topping.** Final topping shall consist of a course of 9.5 mm Superpaver asphaltic cement as required for the street type as required (see Table 8-3-5).

Sec. 8-411. Testing requirements for street base and paving.

- (a) Tests of street base and paving may be required to be conducted as per Table 8-4-6.

Table 8-4-6
Testing Requirements and Standards

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 500 linear feet of roadway	95% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway	100% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Asphalt Density	Each 1,000 linear feet of roadway	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway	Deficient in thickness not more than ¼"

When testing is required, it is the responsibility of the developer to insure that all required tests are made and reported to the zoning administrator for review and approval. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories.

Sec. 8-412. Curb and gutter.

- (a) Curb and gutter shall be installed along streets when required for the functional classification of street.
- (b) Curbs along collectors and local commercial or industrial streets shall be Portland cement concrete, 8-inch x 24-inch x 14-inch vertical type only, with a minimum strength of 3,000 psi at 28 days.
- (c) Curbs along residential streets shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical type, or 6-inch x 24-inch rolled type, with a minimum strength of 3,000 psi at 28 days.
- (d) All curbing shall be backfilled. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically. There shall be no areas of ponding.

Sec. 8-413. Slopes and shoulder improvements.

- (a) On streets with curb and gutter, the shoulders shall slope ¼ inch to the foot toward the roadway from back of curb, and no more than ½ inch to the foot for the remainder of the right-of way width.
- (b) On streets with swale ditch drainage, the shoulders shall slope ¾ inch to the foot away from the roadway for at least 5 feet to the drainage channel. The maximum slope for the drainage channel shall be 2 feet of run for each 1 one foot of fall, with a minimum 2-foot wide channel at the bottom of the swale.
- (c) Immediately after grading and filling and re-spreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.
- (d) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

Sec. 8-414. Deceleration and turning lanes.

- (a) **Generally.** Access improvements such as deceleration lanes, dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., required as deemed necessary for safe traffic operations by the zoning administrator shall be installed at all entrance roads into a development or major subdivision. The zoning administrator shall use the Georgia Department of Transportation Regulations for Driveway and Encroachment Control, Revision 4.0, dated March 15, 2016, Section 4.9, “Auxiliary Turn Lanes,” as may be amended from time to time, as a basis for determining whether deceleration lanes and other lanes are required; unless otherwise determined appropriate by the zoning administrator, if the DOT driveway regulations would require an improvement if the road were a state route, the zoning administrator shall require the same such improvements.
- (b) **Length.** Generally, deceleration lanes and turn lanes shall be a minimum length of 150 feet, with an additional 50-foot taper length, and a pavement width of 12 feet (exclusive of curb and gutter). Deceleration lanes and tapers may be required to be of greater length, based on the design speed of the road (see detail)
- (c) **Right of way.** If needed, additional right-of-way to accommodate the deceleration lane or turn lane and a 10-foot shoulder shall be dedicated by the developer to the county.
- (d) **Drainage.** Associated drainage improvements as deemed necessary by the county by the construction of the deceleration or turn lane shall also be required. The developer will pay the cost of any cross-drain pipe relocations and catch basins that must be constructed along an existing state or county road as a result of installing a required deceleration or turning lane.
- (e) **Utilities.** Utilities shall be relocated at the developer’s expense outside of a deceleration or turning lane.

Sec. 8-415. Street names and street name signs.

- (a) Street names are subject to the approval of the Franklin County E-911 Coordinator and the zoning administrator.
- (b) Proposed public or private streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name.
- (c) Street names shall not duplicate or be phonetically similar to existing street names.
- (d) Street name signs of a type approved by the county are to be placed at all intersections. Unless otherwise adopted by the zoning administrator, street signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The

vertical distance from the road elevation to the bottom of the sign face shall be 7 feet with a minimum burial depth of 3 feet.

- (e) Street name signs may be required to be installed by the county at the developer's expense or the county shall direct the applicant to install said signs subject to the approval of the zoning administrator.

Sec. 8-416. Traffic signs and striping.

- (a) Traffic control signs shall conform to the *Manual on Uniform Traffic Control Devices*, latest edition. The county may elect to install required traffic control signs at the subdivider's or developer's expense, or the county shall direct the applicant to install said signs subject to the approval of the zoning administrator.
- (b) The payment of striping costs shall be required from the developer by the county prior to the approval of development conformance for the project. Striping shall be accomplished in accordance with meeting Georgia DOT standards conforming to the *Manual on Uniform Traffic Control Devices*.

Sec. 8-417. Street lighting.

- (a) **Required.** Street lighting shall be required on all new public and private streets as follows:
 - 1. At any new street intersection, regardless of use;
 - 2. New residential subdivision streets serving lots less than 1 acre in area and less than a minimum lot width of 100 feet; and
 - 3. New commercial subdivision streets. Streets serving exclusively industrial uses shall not require street lighting except at street intersections.
- (b) **Standard.** Street lighting when required shall be installed according to design standards of the power company servicing the subdivision or development; provided however, the minimum height of a street light shall be 25 feet above the road surface.
- (c) **Plan approval.** The subdivider or developer shall submit a street light layout prepared by the utility company which will provide the lighting service showing the exact location of street lights within the subdivision. The lighting layout must be approved by the zoning administrator.
- (d) **Operation cost responsibility.** The Franklin County Board of Commissioners will not assume responsibility for the operational costs of streetlights required by this section until the street right of way containing the street lights has been accepted as a dedicated public right of way.

Sec. 8-417. Street lighting.

All traffic calming devices shall be reviewed and approved by the zoning administrator prior to installation.

ARTICLE 8-5 SIDEWALKS

- Sec. 8-501. Sidewalks required.
- Sec. 8-502. Reserved.
- Sec. 8-503. Sidewalk placement.
- Sec. 8-504. Sidewalk construction.

Sec. 8-501. Sidewalks required.

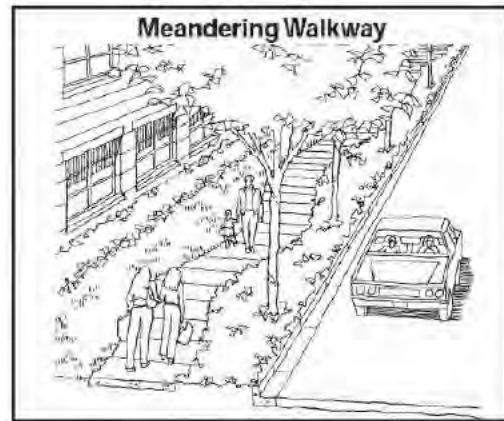
Sidewalks are required to be installed by the developer at the time of development as follows:

- (a) On both sides of all new commercial streets.
- (b) On both sides of streets serving residential subdivisions, except for those subdivisions with a minimum lot size of 1 acre and a minimum lot width of 100 feet.

Sec. 6-502. Reserved.

Sec. 6-503. Sidewalk placement.

Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the zoning administrator may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.



Sec. 6-504. Sidewalk construction.

- (a) Sidewalks must comply with all requirements of the federal Americans with Disabilities Act.
- (b) Concrete sidewalks shall be a minimum of 5 feet wide within arterial or collector street rights of ways and 4 inches thick. Concrete sidewalks where required for local streets shall have a width of 4 feet and 4 inches thick.
- (c) Concrete shall be 3,000 psi at 28 days' strength.
- (d) Sidewalks shall be backfilled and the strip between curb and sidewalk, if required, planted with grass sod.

- (e) Sidewalk construction within subdivisions may be deferred to the builder. In such instances no certificate of occupancy for a building shall be authorized until said required sidewalk is constructed.

ARTICLE 8-6 DRIVEWAYS

- Sec. 8-601. Driveway compliance.
Sec. 8-602. Commercial driveway and road spacing.
Sec. 8-603. Commercial and industrial driveways.
Sec. 8-604. Residential driveways.

Sec. 8-601. Driveway compliance.

- (a) No driveway shall be connected to a county road, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access unless approved by the zoning administrator.
- (b) No driveway or other improvement constructed on a county road right of way shall be constructed or relocated or have its dimensions altered without the approval of the zoning administrator.
- (c) Driveways must be permitted. Approval of driveways shown on approved development plans shall constitute driveway approval unless specified otherwise in such approval. Approval of driveways shown on a building permit application shall constitute driveway approval unless specified otherwise by such permit approval. A separate driveway permit shall be required, if the driveway proposed has not been shown on approved development plans or approved as part of a building permit.

Sec. 8-602. Commercial driveway and road spacing.

Roads and driveways serving commercial or industrial developments shall meet spacing requirements based on posted speed limit as provided in Table 8-6-1. (see also detail)

Table 8-6-1
Minimum Driveway and Street Spacing

Posted Speed (miles per hour)	Minimum Spacing, Feet, for Roads and Commercial Driveways
30 or less	125
35	150
40	185
45	230
50	275
55	350

Sec. 8-603. Commercial and industrial driveways.

Commercial and industrial driveways shall meet the following requirements, as applicable:

- (a) The minimum design standard for a commercial driveway shall be 28 feet from back of curb to back of curb, with a minimum 25 foot curb radius. See detail. Installation of an asphalt or concrete driveway apron may be required for any commercial driveway connecting to a county road.
- (b) The minimum design standard for an industrial driveway shall be 28 feet from back of curb to back of curb, with a minimum 40 foot curb radius. See detail. Installation of an asphalt or concrete driveway apron may be required for any industrial driveway connecting to a county road.
- (c) The maximum width of a two-way commercial or industrial driveway shall be 36 feet from back of curb to back of curb.
- (d) Commercial and industrial driveways shall be located no closer than 20 feet from a property line, unless a common access driveway is approved by the zoning administrator, in which case there is no setback from the common property line.
- (e) Driveways will be restricted to locations where movements into and out of them can occur in a safe and orderly manner, subject to the approval of the zoning administrator.
- (f) As a condition of driveway approval, the zoning administrator is authorized to require a driveway applicant to install a storm drainage culvert of a size as approved by the zoning administrator (18-inch culvert typical where curb and gutter do not exist). All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall be permitted to enter onto the adjacent road surface or pavement.

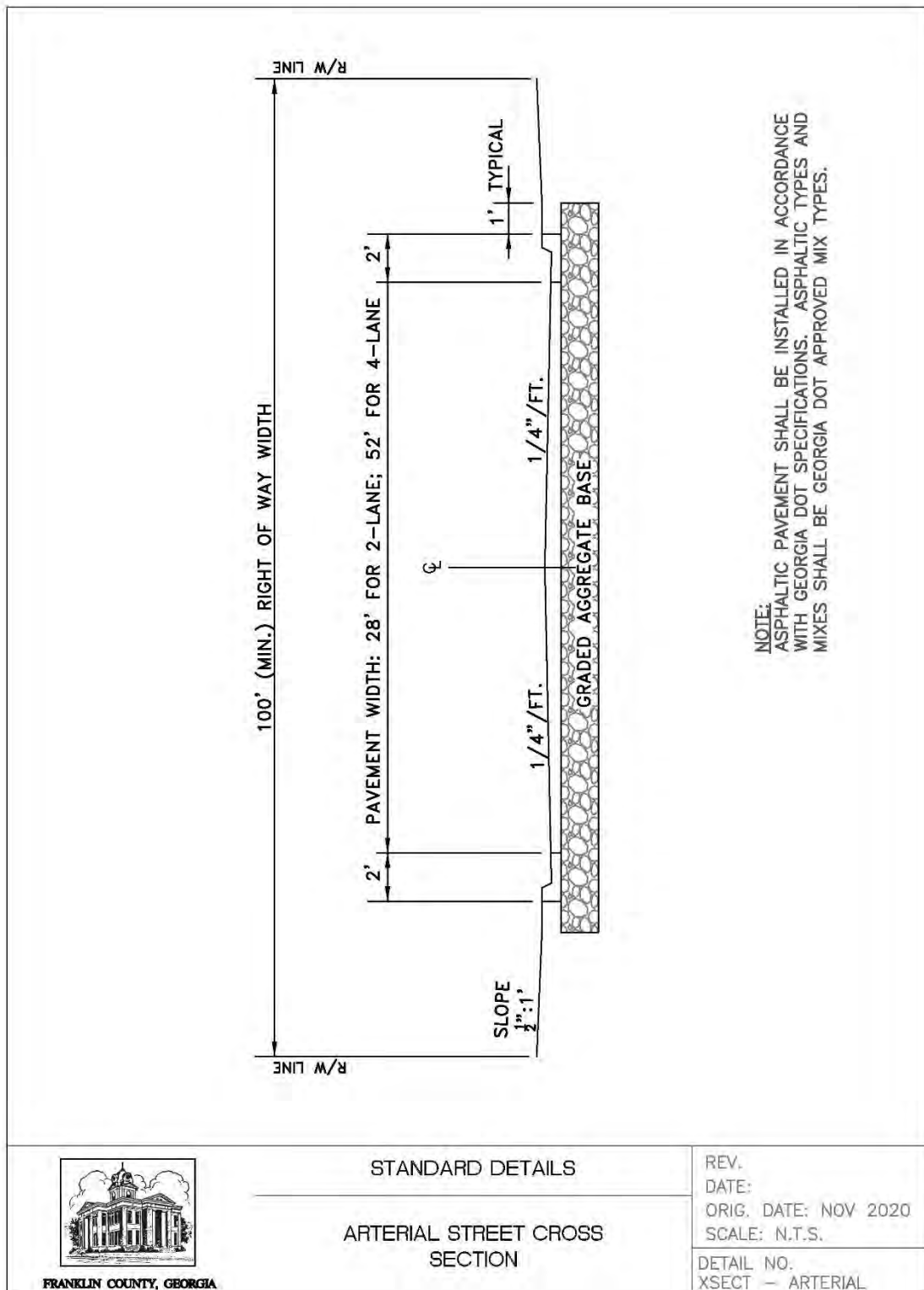
Sec. 8-604. Residential driveways.

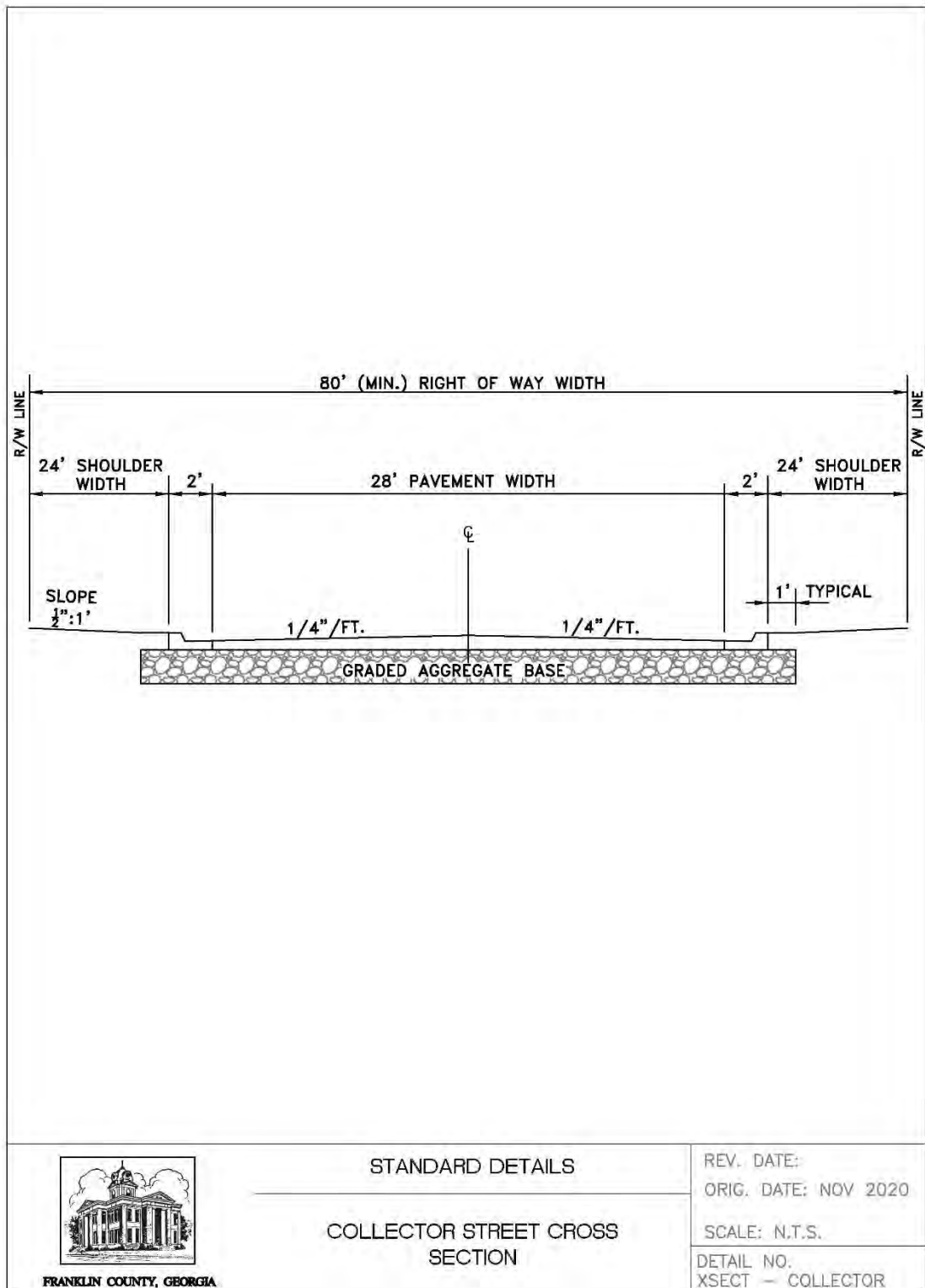
- (a) Driveways will be restricted to locations where movements into and out of them can occur in a safe and orderly manner, subject to the approval of the zoning administrator.
- (b) The zoning administrator may require installation of an asphalt or concrete driveway apron at any driveway connecting to a county road. When a driveway apron is required, the minimum driveway radius for a residential driveway shall be 5 feet.
- (c) As a condition of driveway approval, the zoning administrator is authorized to require a driveway applicant to install a storm drainage culvert of a size as approved by the zoning administrator (15-inch culvert typical where curb and gutter do not exist). All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall be permitted to enter onto the adjacent road surface or pavement.

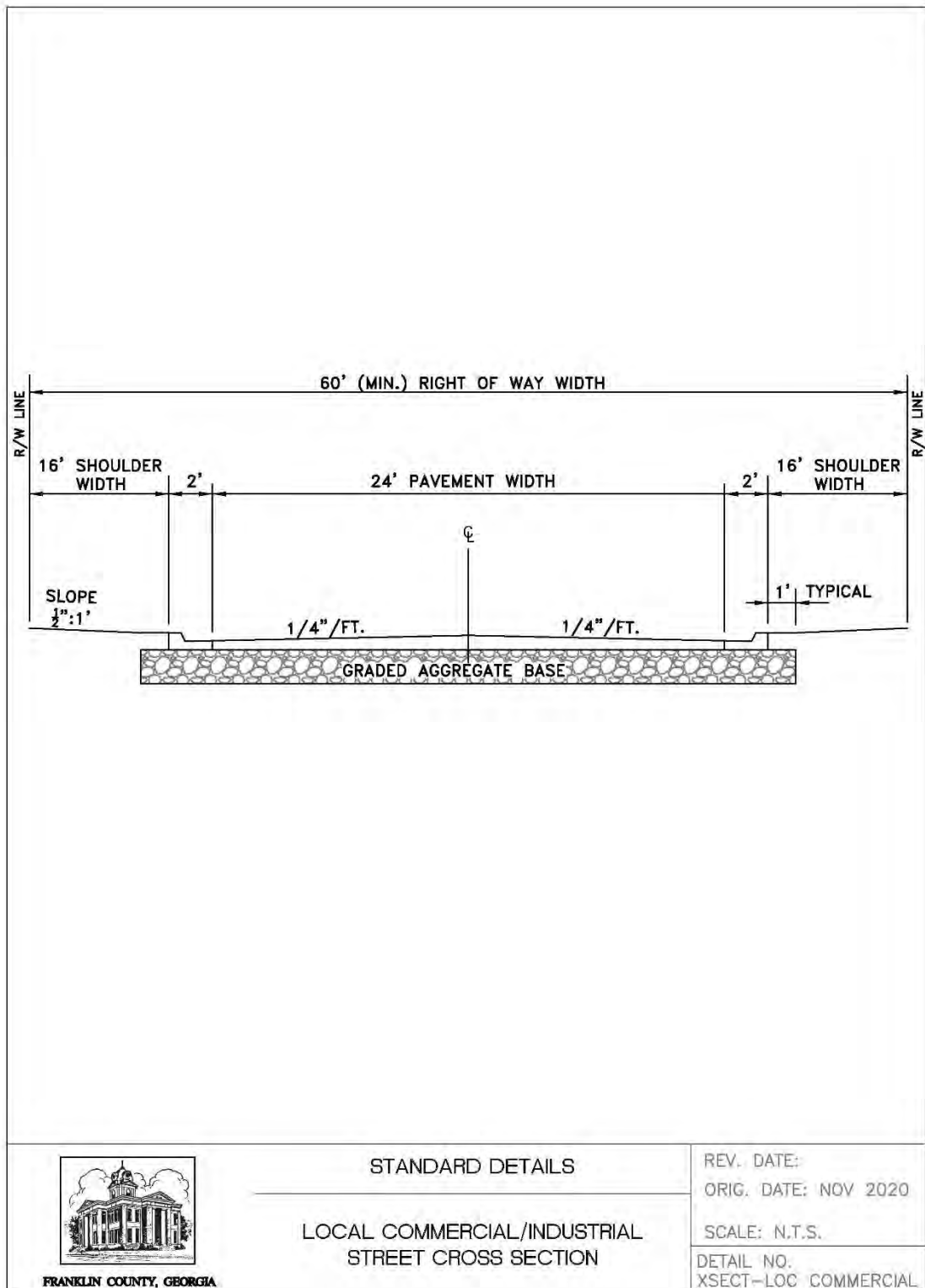
- (d) Residential lots in any major subdivision shall have no direct driveway access to a collector or arterial street unless approved by the zoning administrator, or to a State or U.S. numbered highway unless approved by the Georgia Department of Transportation, and incorporated into the construction drawings for the project prior to issuance of a development permit by the county. An easement of at least 10 feet in width, across which there shall be no right of access, shall be provided along the entire width of lots in a major subdivision that abuts any collector or arterial street.

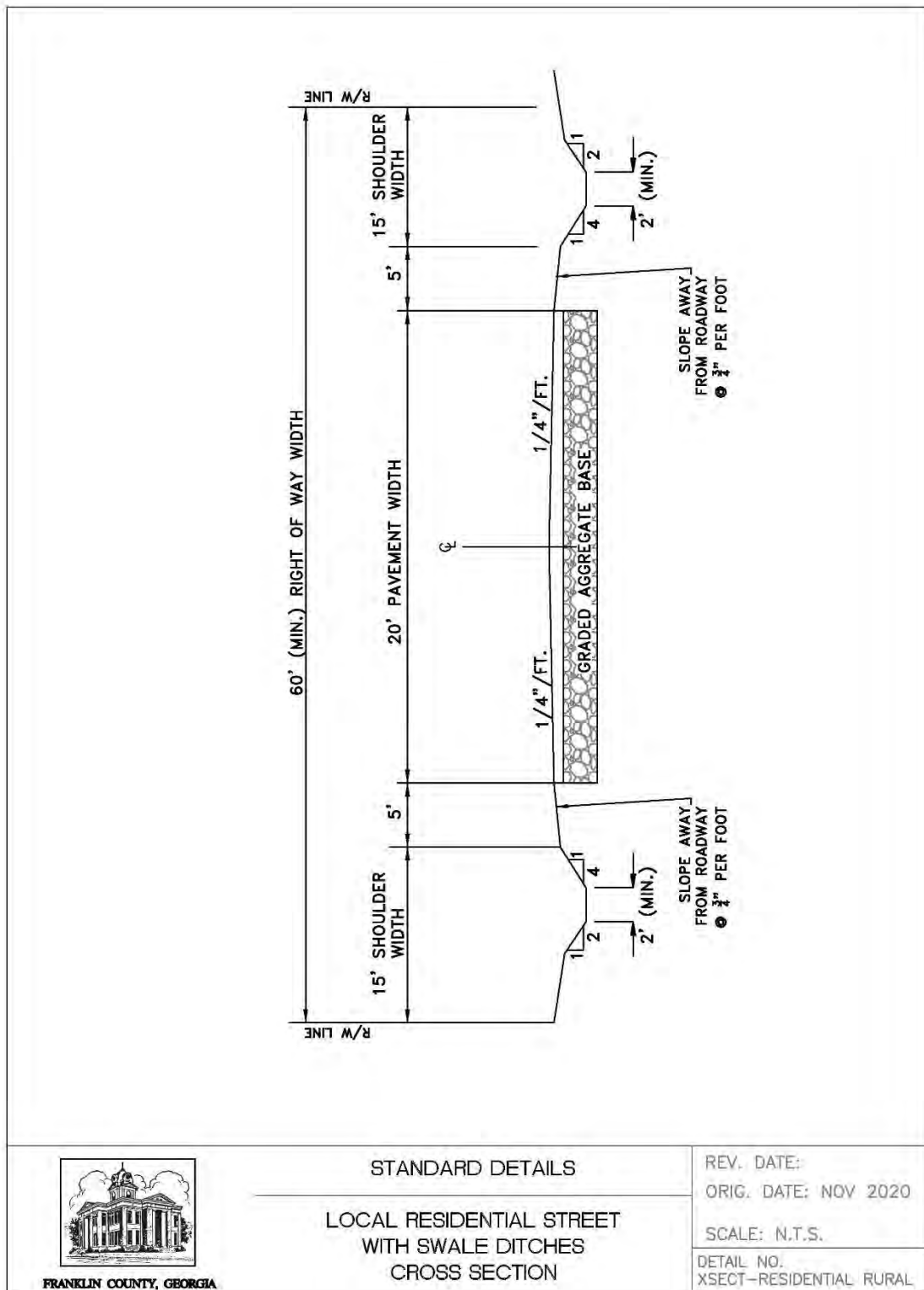
ARTICLE 8-7
STANDARD DRAWINGS

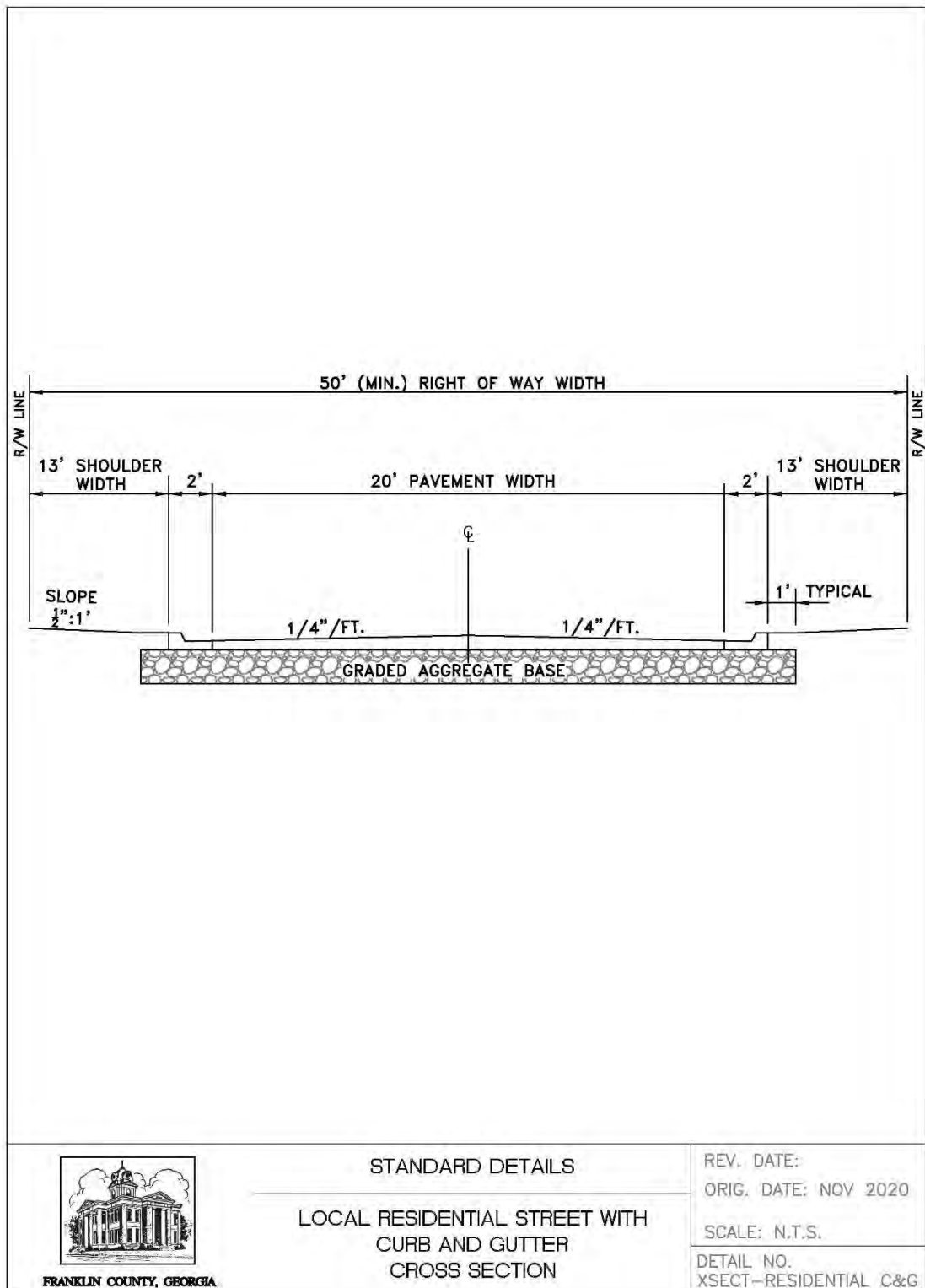
Arterial Street Cross Section
Collector Street Cross Section
Local Commercial/Industrial Street Cross Section
Local Residential Street Without Curb + Gutter Cross Section
Local Residential Street With Curb + Gutter Cross Section
Cul-de-sac Turn Arounds for Residential Street
Cul-de-sac Turn Arounds for Commercial or Industrial Street
Sight Distance
Residential Street Pavement Section
Collector Street or Local Commercial or Industrial Street Pavement Section
Deceleration Lane
Concrete Curb and Gutter
Sidewalk
Road/Commercial Driveway Spacing
Commercial Driveway
Industrial Driveway
Profile of New County Road or Driveway
Utility Placement in Right of Way Residential Street

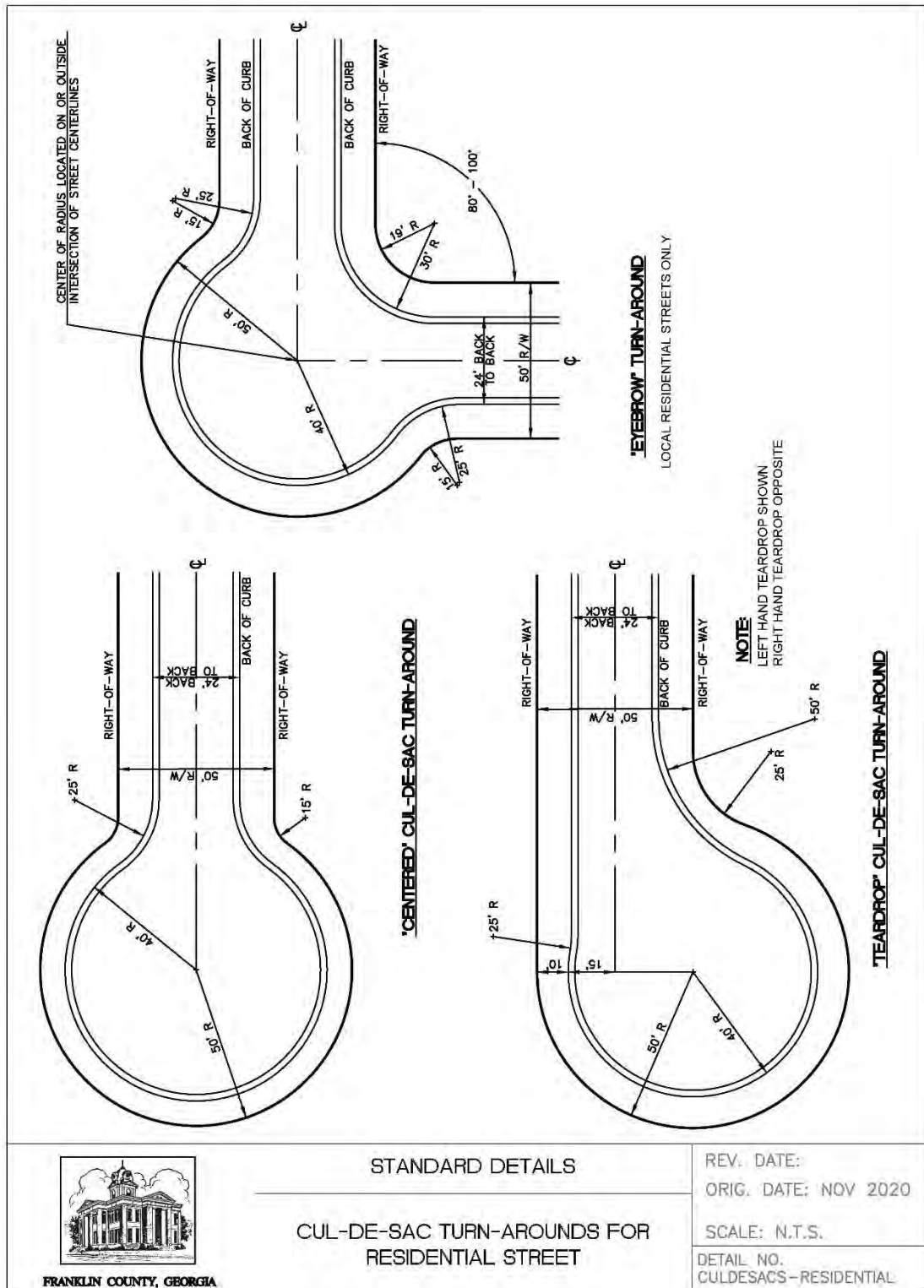


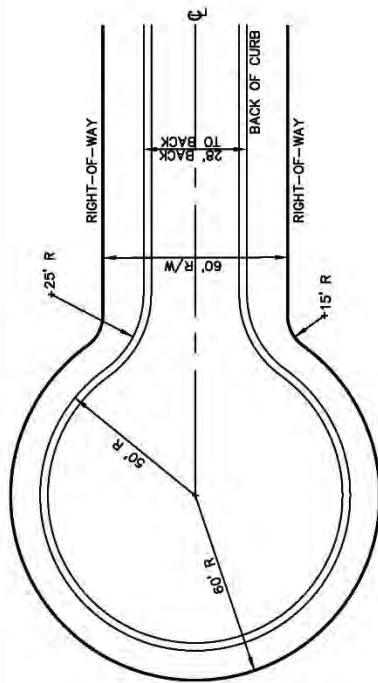




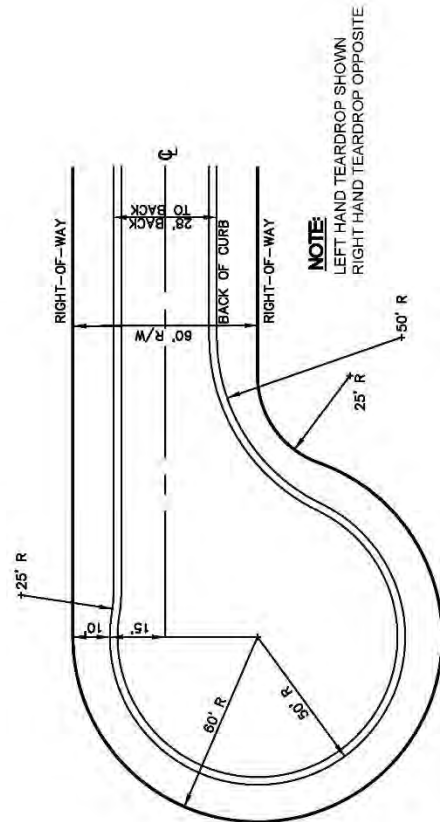








'CENTERED' CUL-DE-SAC TURN-AROUND



'TEARDROP' CUL-DE-SAC TURN-AROUND

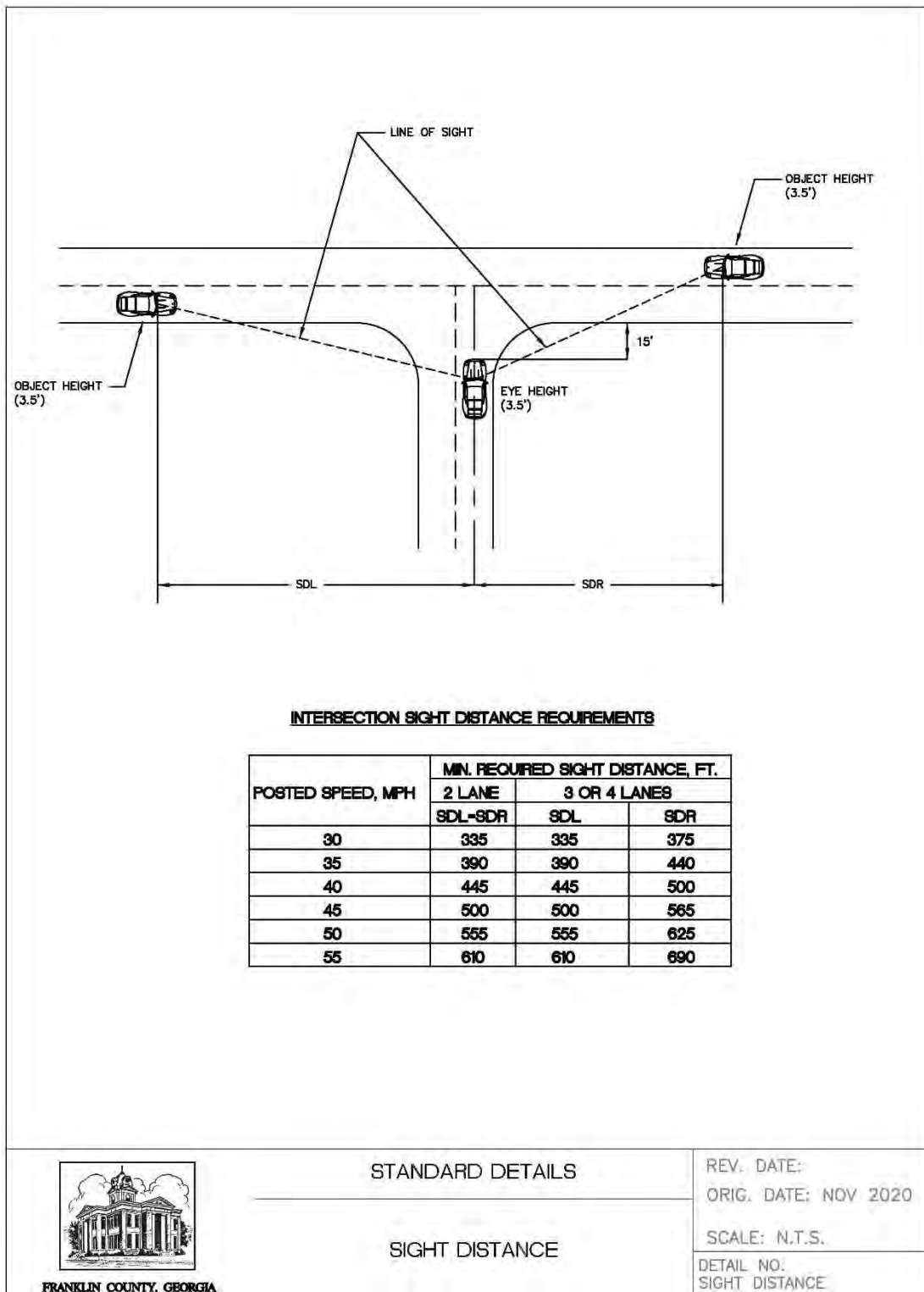


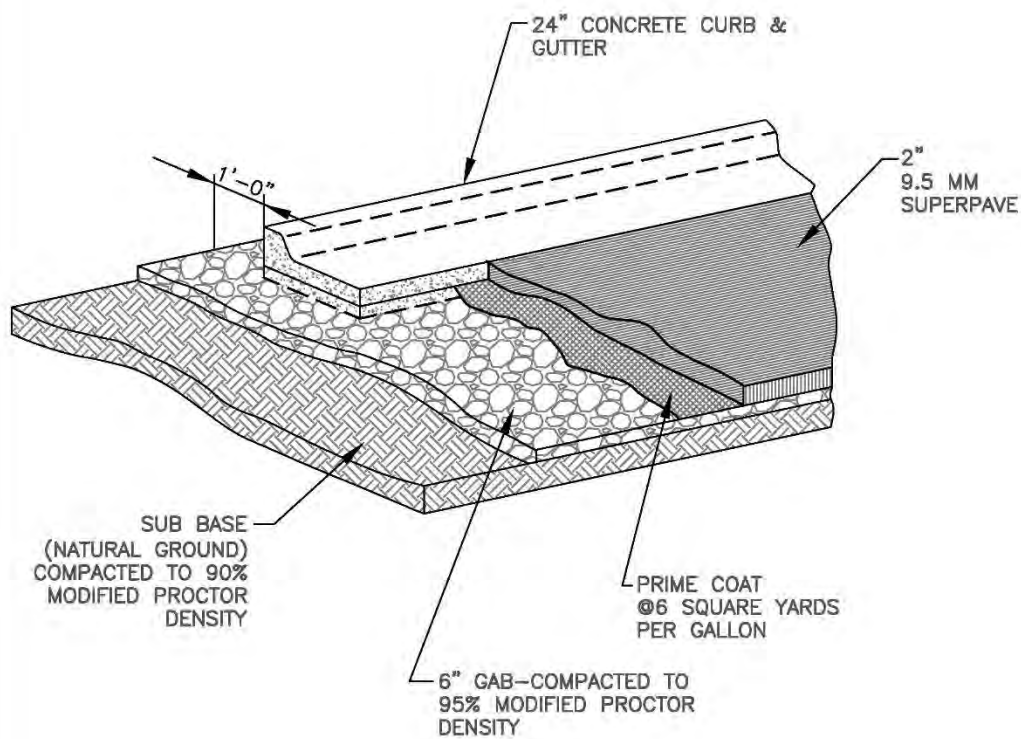
FRANKLIN COUNTY, GEORGIA

STANDARD DETAILS

CUL-DE-SAC TURN-AROUNDS FOR
 COMMERCIAL OR INDUSTRIAL STREET

REV. DATE:
 ORIG. DATE: NOV 2020
 SCALE: N.T.S.
 DETAIL NO.
 CULDESACS-COMM-IND





NOTE:
 ASPHALTIC PAVEMENT SHALL BE INSTALLED IN ACCORDANCE
 WITH GEORGIA DOT SPECIFICATIONS. ASPHALTIC TYPES AND
 MIXES SHALL BE GEORGIA DOT APPROVED MIX TYPES.

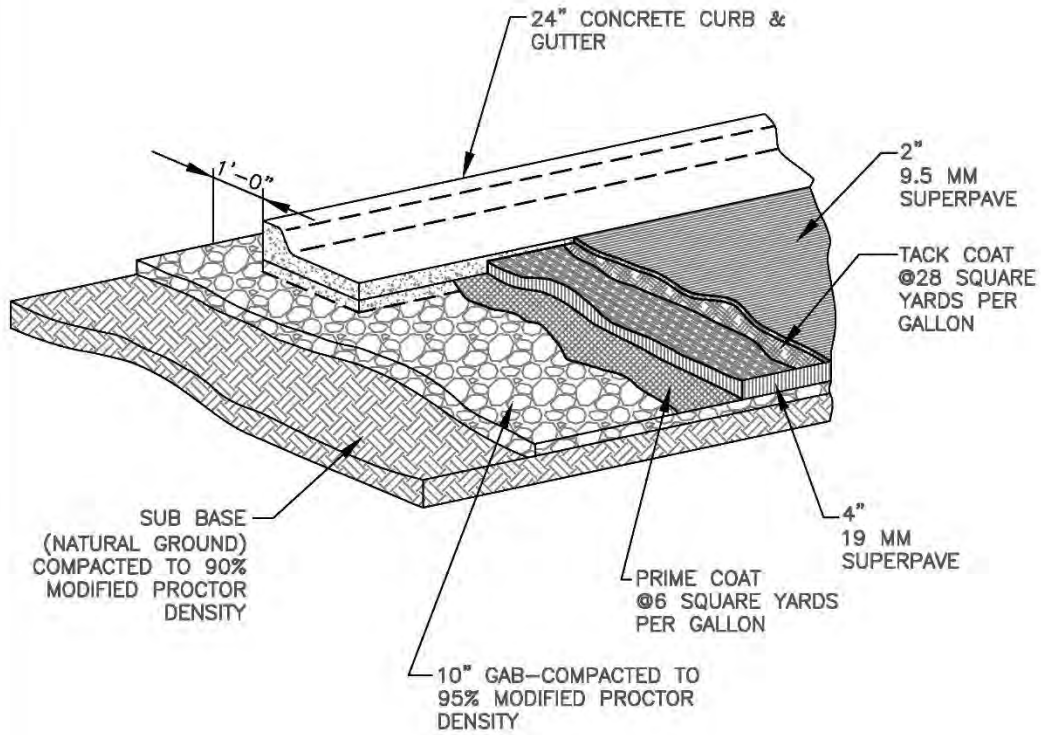


FRANKLIN COUNTY, GEORGIA

STANDARD DETAILS

RESIDENTIAL STREET PAVEMENT SECTION

REV. DATE:
 ORIG. DATE: NOV 2020
 SCALE: N.T.S.
 DETAIL NO.
 PVMTSECT — COMM



NOTE:
 ASPHALTIC PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH GEORGIA DOT SPECIFICATIONS. ASPHALTIC TYPES AND MIXES SHALL BE GEORGIA DOT APPROVED MIX TYPES.

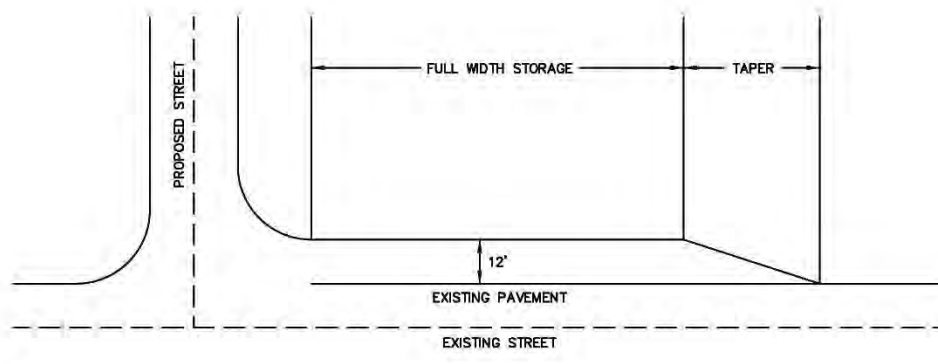


FRANKLIN COUNTY, GEORGIA

STANDARD DETAILS

COLLECTOR STREET OR LOCAL
 COMMERCIAL OR INDUSTRIAL STREET
 PAVEMENT SECTION

REV. DATE:
 ORIG. DATE: NOV 2020
 SCALE: N.T.S.
 DETAIL NO.
 PVMTSECT — COMM



RIGHT TURN DECELERATION LANE

RIGHT TURN DECELERATION LANES SHALL BE REQUIRED IF THE DAILY SITE GENERATED RIGHT TURN VOLUMES (RTV) BASED ON ITE TRIP GENERATION MEET OR EXCEED THE VALLUES IN THE TABLE BELOW:

POSTED SPEED	AADT	
	<6000	>=6000
35 MPH OR LESS	200 RTV PER DAY	200 RTV PER DAY
40 TO 50 MPH	150 RTV PER DAY	150 RTV PER DAY
55 MPH	100 RTV PER DAY	100 RTV PER DAY

MINIMUM RIGHT TURN DECELERATION LENGTHS

POSTED SPEED, MPH	FULL WIDTH STORAGE, FT	TAPER, FT
25		50
30	75	50
35	100	50
40	150	50
45	175	100
50	225	100
55	250	100

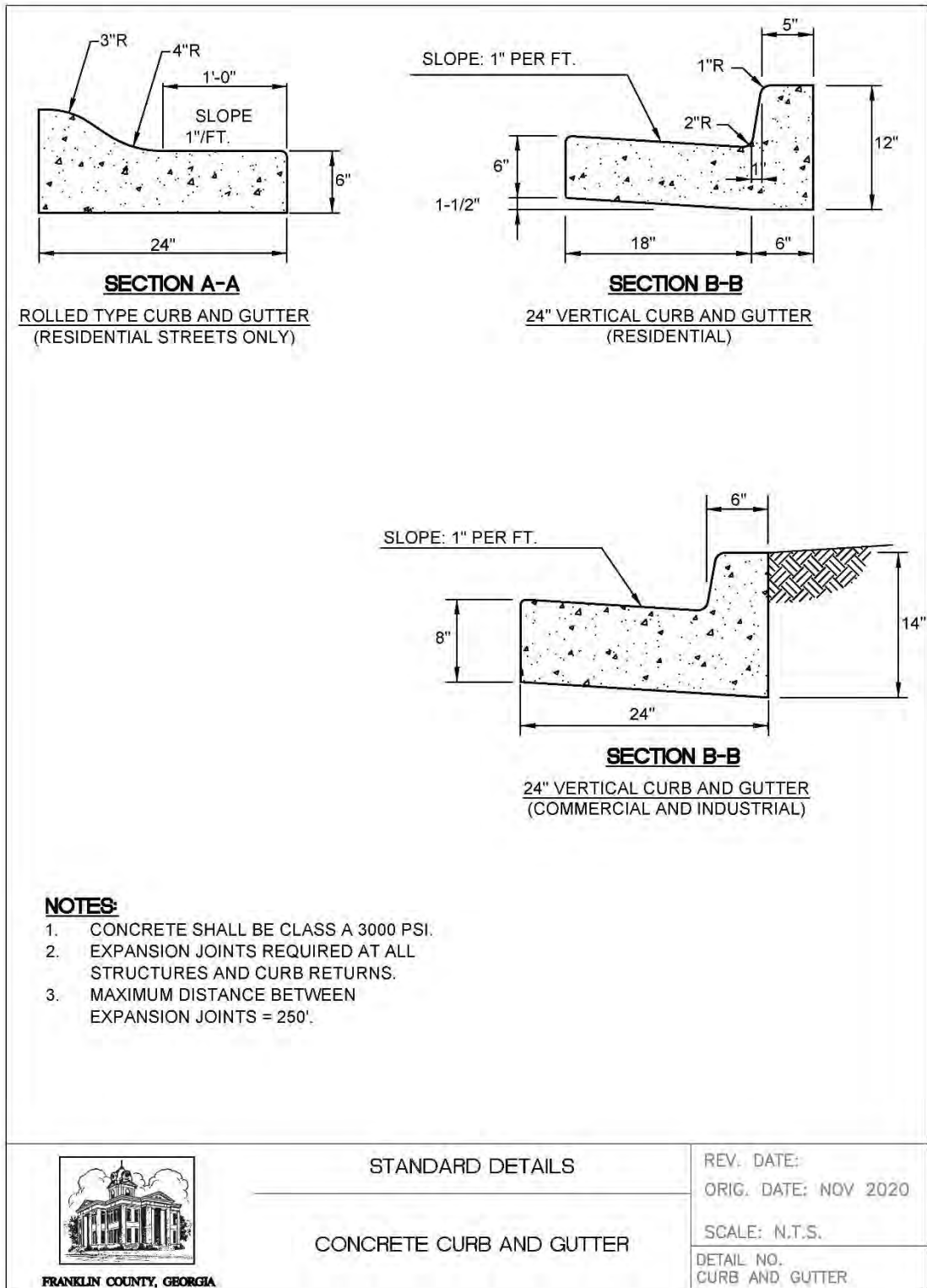


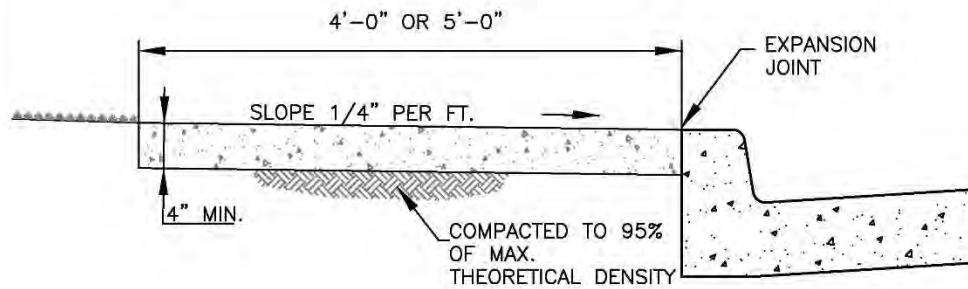
FRANKLIN COUNTY, GEORGIA

STANDARD DETAILS

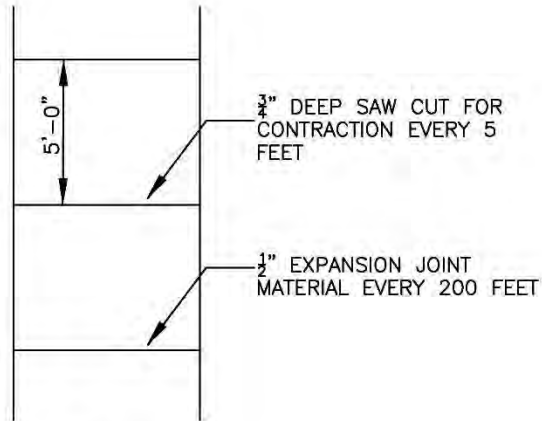
DECELERATION LANE

REV. DATE:
 ORIG. DATE: NOV 2020
 SCALE: N.T.S.
 DETAIL NO.
 DECEL LANE





TYPICAL SECTION OF SIDEWALK



PLAN

NOTES:

1. SIDEWALK TO BE CONSTRUCTED OF 3000 PSI CONCRETE AT 28 DAYS.
2. 1/2" PREMOLDED EXPANSION JOINT REQUIRED AT ALL DRIVEWAYS, CURBS, ETC.
3. SIDEWALK TO BE 4'-0" FOR LOCAL STREETS.
4. SIDEWALK TO BE 5'-0" FOR PRINCIPAL, MAJOR OR MINOR ARTERIAL STREETS.

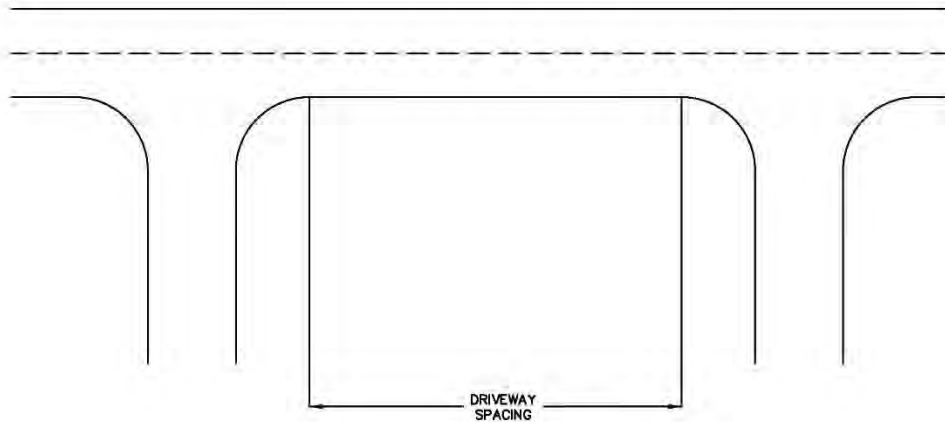


FRANKLIN COUNTY, GEORGIA

STANDARD DETAILS

SIDEWALK

REV. DATE:
 ORIG. DATE: NOV 2020
 SCALE: N.T.S.
 DETAIL NO.
 SIDEWALK



SPACING CRITERIA FOR ROADS AND COMMERCIAL DRIVEWAYS

POSTED SPEED, MPH	MINIMUM SPACING, FT
25	125
30	125
35	150
40	185
45	230
50	275
55	350



FRANKLIN COUNTY, GEORGIA

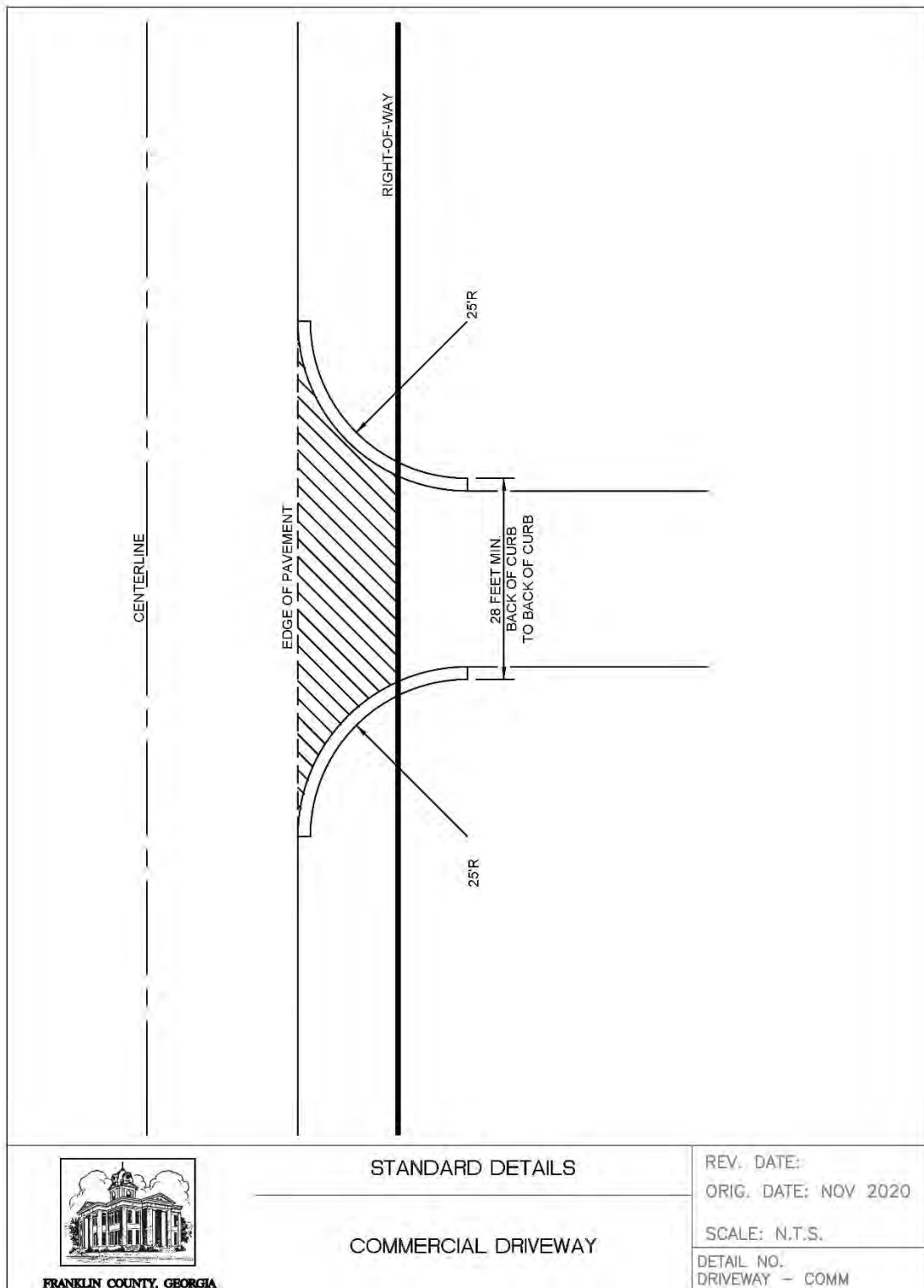
STANDARD DETAILS

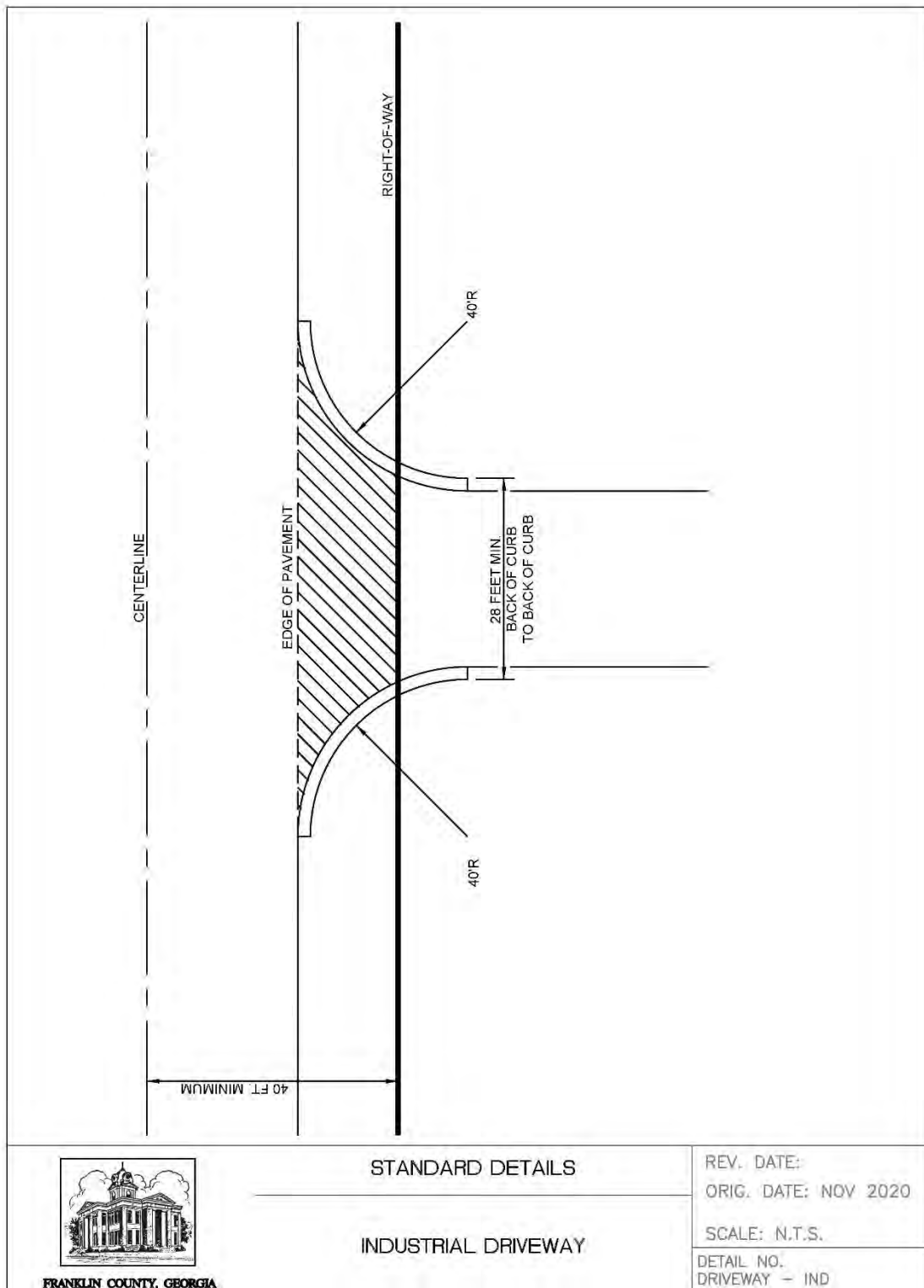
ROAD/COMMERCIAL DRIVEWAY
SPACING

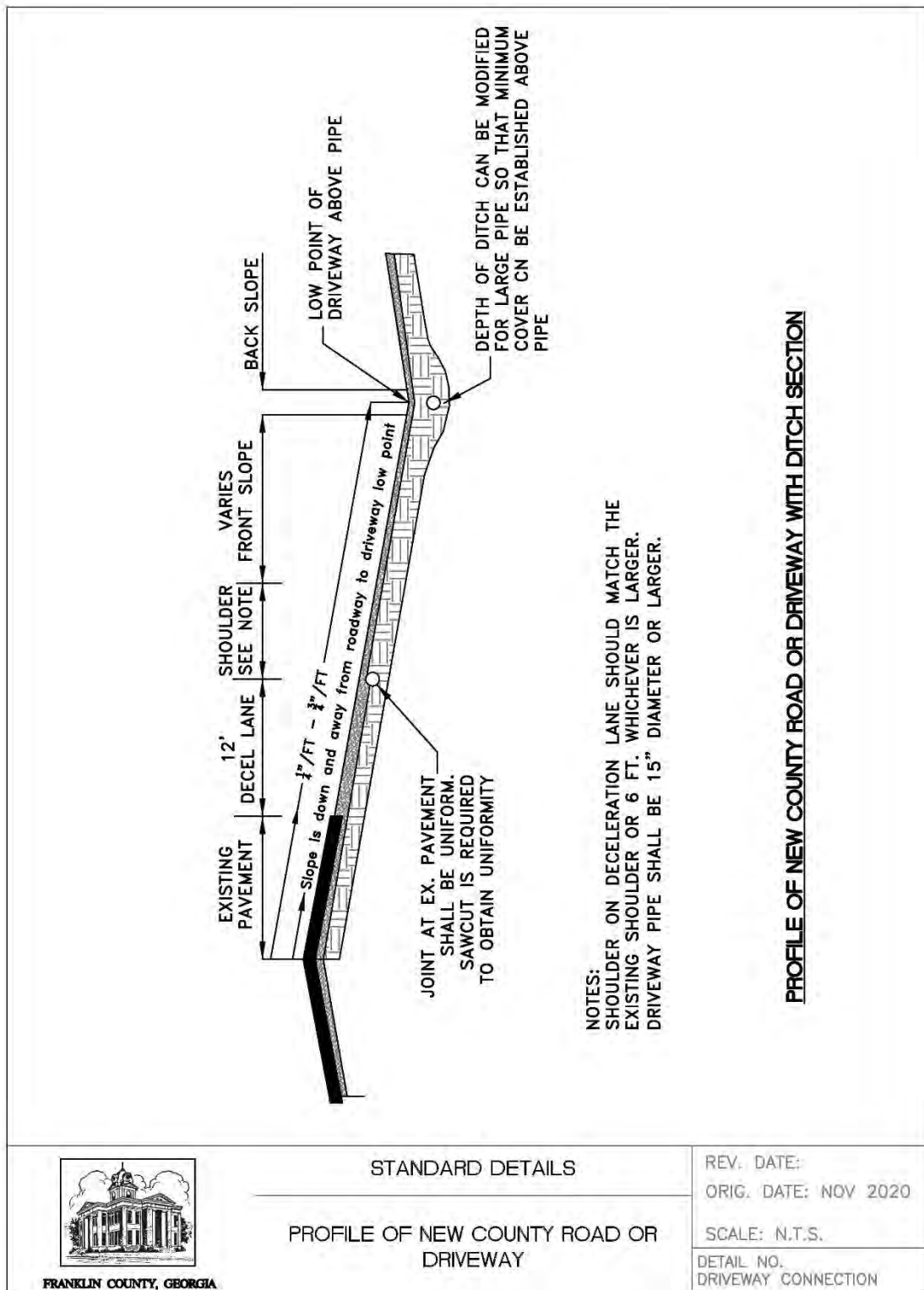
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ORIG. DATE: NOV 2020

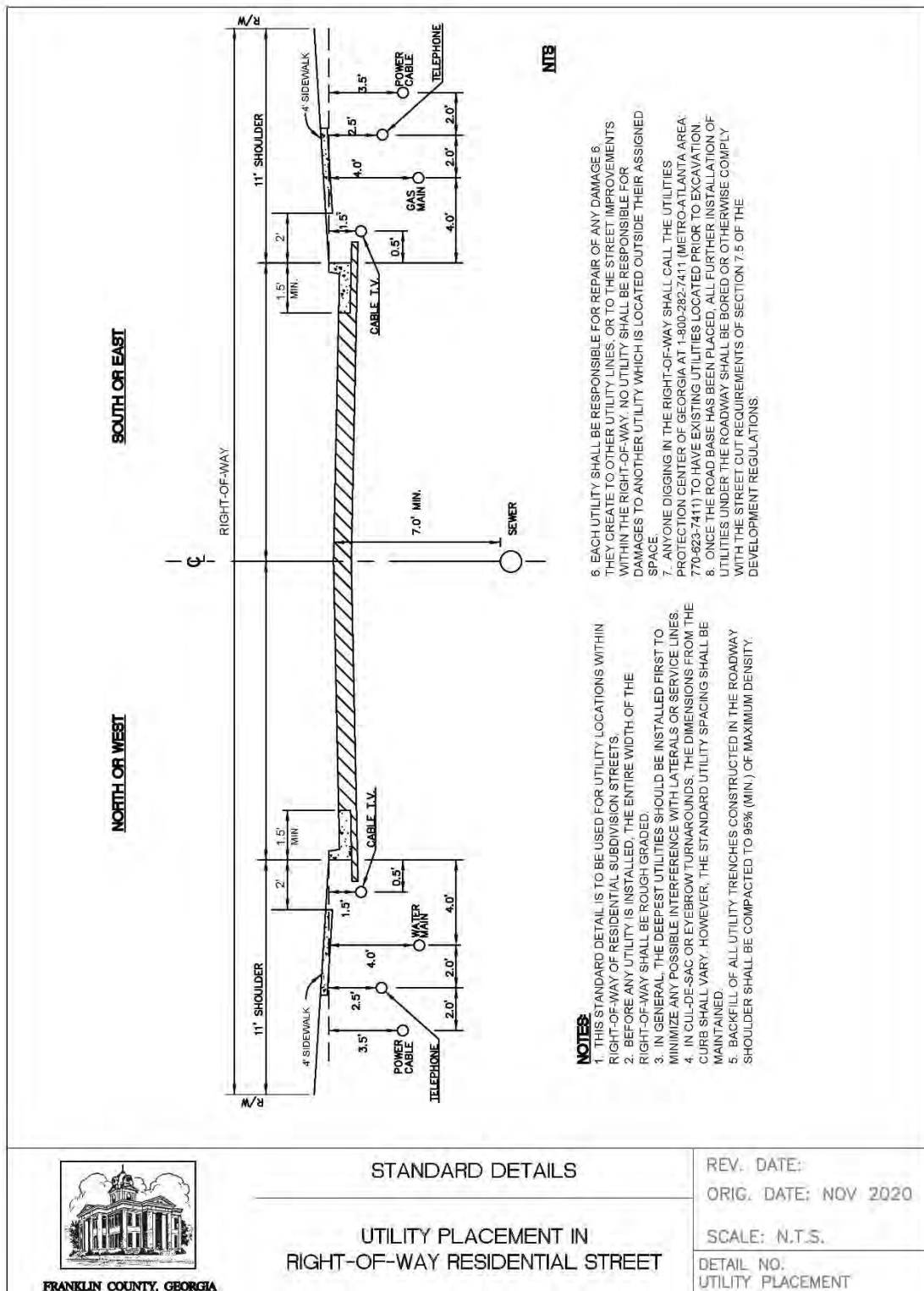
SCALE: N.T.S.

DETAIL NO.
DRIVEWAY SPACING









ARTICLE 8-8 DESIGN AND IMPROVEMENT REQUIREMENTS FOR PARKING LOTS

- Sec. 8-801. Applicability.
- Sec. 8-802. Plans and development permit required.
- Sec. 8-803. Vehicular circulation.
- Sec. 8-804. Backing movements prohibited.
- Sec. 8-805. Distance of parking space from right of way.
- Sec. 8-806. Improvement setback.
- Sec. 8-807. Demarcation.
- Sec. 8-808. Parking space angle aisles and access aisle dimensions.
- Sec. 8-809. Parking lot surfacing.
- Sec. 8-810. Curbing.
- Sec. 8-811. Parking lot drainage.
- Sec. 8-812. Lighting.

Sec. 8-801. Applicability.

This article shall apply to construction of any new parking lot containing 5 or more spaces, and to the expansion of an existing parking lot by 5 or more parking spaces.

Sec. 8-802. Plans and development permit required.

- (a) Construction of a new parking lot containing five (5) or more spaces, or the addition of five (5) or more spaces to an existing parking lot, shall require issuance of a development permit.
- (b) To ensure compliance with this article, parking and circulation plans shall include the number of spaces provided, the minimum parking spaces required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, provisions for drainage and other specifications necessary to ensure compliance with this article.

Sec. 8-803. Vehicular circulation.

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall also be facilitated by the following means:

- (a) Considering the entire parcel and its anticipated development, rather than simply a particular project, in formulating and approving access plans;
- (b) Avoiding dead-end parking areas;

- (c) Visually orienting the driver with a regular, logical system of interior driveways and roadways;
- (d) Identifying entrance drives with small entry signs; and
- (e) Preventing vehicles from driving across or through designated larger parking areas by placing raised landscaped dividers or walkways between parking aisles.

Sec. 8-804. Backing movements prohibited.

Except for parcels of land serving one-family or two-family dwellings, all areas devoted to off-street parking shall be so designed such that no vehicle is required to back into a public street.

Sec. 8-805. Distance of parking space from right of way.

Except for parcels of land devoted to one-family or two-family dwellings, no parking space shall be located or accessed directly from a driveway within the first 40 feet of the driveway back from the street right-of-way line.

Sec. 8-806. Improvement setback.

Except for parcels of land devoted to one-family or two-family dwellings, off-street parking areas shall be set back from front, side, and rear property lines by at least 5 feet. Unenclosed off-street parking for single-family and two-family dwellings and agricultural uses shall not be subject to compliance with this section.

Sec. 8-807. Demarcation.

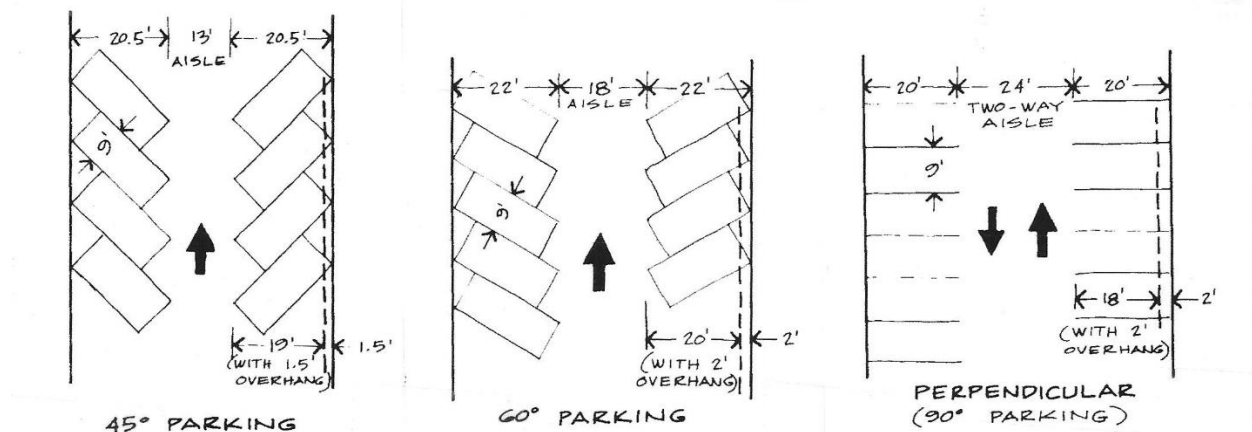
- (a) Every paved parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.
- (b) One-way traffic aisles, where utilized, must be clearly marked either with directional arrows on the pavement at each intersection with another aisle, driveway, or street entrance, or by traffic directional signs.
- (c) The zoning administrator may require the installation of concrete parking “stops” or other improvement to avoid encroachment of a vehicle onto landscaped areas.

Sec. 8-808. Parking space angle aisles and access aisle dimensions.

- (a) Access aisles in parking lots serving parking spaces shall be perpendicular (90°) to the access aisle when serving two-way traffic (see figure).
- (b) Parking spaces may be permitted with 60-degree or 45-degree angles to the access aisle, if one-way travel is required. Parking space angles less than 45 degrees to the access aisle

are not allowed, except where the zoning administrator authorizes parking spaces that are parallel to the access aisle.

(c) Access aisle dimensions are required as provided in the following figure:



Sec. 8-809. Parking lot surfacing.

- (a) Except as provided otherwise in this section, all off-street parking areas and all access drives for customer, visitor, and employee automobile parking serving uses other than single-family and two-family dwellings and agricultural uses shall be improved with a paved surface consisting of a minimum of a 6-inch graded aggregate base overlaid with a 2-inch Type B binder and a 1½-inch Type E or F asphalt surface.
- (b) The zoning administrator may authorize other paving materials such as pervious pavers.
- (c) The zoning administrator or may allow driveway approaches and parking lots to be graveled in rural character areas and in any areas where water quality effectiveness would be enhanced with use of alternative improvement materials. The zoning administrator may also waive paving requirements for portions of institutional, commercial and/or industrial developments where parking is primarily for storage uses or employer parking, but such waiver shall not be made for frequently used customer parking or handicapped parking required by state accessibility codes.

Sec. 8-810. Curbing.

Curbs meeting city specifications for vertical curbing shall be installed around the periphery of every parking lot, and shall extend along both sides of every access drive between the parking lot and the street or another parking lot or loading area, as applicable; provided, however, that the zoning administrator may waive the curbing requirement for unpaved parking areas and in cases where water quality effectiveness would be enhanced with use of infiltration devices, biofiltration swales, and other low impact development techniques in lieu of required curbs.

Sec. 8-811. Parking lot drainage.

Storm water drainage plans, including grading plans, shall be submitted to and approved by the zoning administrator as a part of and prior to the issuance of a development permit.

Sec. 8-612. Lighting.

- (a) Any lights used to illuminate parking areas shall be arranged, located or screened to direct light away from any adjoining residential uses. “Shoe box” (full cutoff) lighting fixtures on poles shall be utilized for this purpose.
- (b) Light poles should be located in landscaped strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.

CHAPTER 9

BUFFERS, TREE PROTECTION AND LANDSCAPING

ARTICLE 9-1 GENERAL PROVISIONS

- Sec. 9-101. Purpose and Intent.
- Sec. 9-102. Reference to requirements.
- Sec. 9-103. Definitions.

ARTICLE 9-2 BUFFERS

- Sec. 9-201. No disturbance of buffers.
- Sec. 9-202. Screening and other buffer specifications.

ARTICLE 9-3 TREE PROTECTION

- Sec. 9-301. Tree protection required.
- Sec. 9-302. Designation of tree protection areas.
- Sec. 9-303. Tree protection fencing required.
- Sec. 9-304. Prohibitions within tree protection areas.
- Sec. 9-305. Tree damage.

ARTICLE 9-4 LANDSCAPING

- Sec. 9-401. Obstructions to sight visibility.
- Sec. 9-402. Approval of plant materials.
- Sec. 9-403. General landscaping requirements.
- Sec. 9-404. Plans.
- Sec. 9-405. Contents of tree protection and landscaping plans.
- Sec. 9-406. Maintenance of landscaping.
- Sec. 9-407. Inspection.
- Sec. 9-408. Deferral of installation.

ARTICLE 9-1 GENERAL PROVISIONS

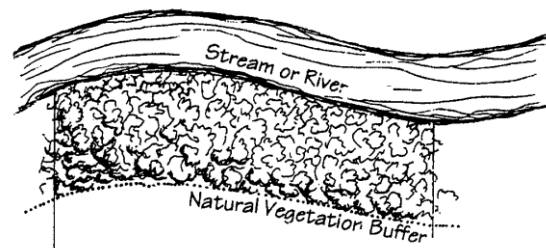
- Sec. 9-101. Purpose and Intent.
Sec. 9-102. Reference to requirements.
Sec. 9-103. Definitions.

Sec. 9-101. Findings, purposes and intentions.

- (a) Trees provide food and shelter for wildlife; reduce noise, glare and provide wind breaks; purify the air through transpiration; intercept airborne particulate matter and reduce some air pollutants; provide oxygen and reduce the level of carbon monoxide in the air; provide vital roles in erosion control, soil conservation, and the reduction in stormwater runoff; moderate the climate; increase property values; provide aesthetic amenities; and improve the quality of water.
- (b) This chapter is adopted with the purpose of establishing standards to protect trees during the time of development from damage and indiscriminate removal.
- (c) This chapter is also adopted with the intention of providing details for implementation of buffer and screening requirements of the Franklin County UDC.

Sec. 9-102. Reference to requirements.

- (a) Buffers are required in certain instances by the Franklin County UDC, including but not limited to screening and buffers may be established in between incompatible zoning districts.
- (b) Stream buffers are imposed by state law and chapter 8 of this development code (minimum 25-foot state stream buffers). Stream buffers are also established for river corridor and water supply watershed areas established as environmental protection districts (see chapter 4 of this UDC).



Sec. 9-103. Definitions.

ANSI 300 Standards: The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association and written by a committee called the Accredited Standards Committee A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

Landscape plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the zoning administrator.

Landscaped open space: That portion of a given lot, not covered by buildings, parking, access and service areas, or detention ponds, that is designed to enhance privacy and the amenity of the development by providing open spaces and/or landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, pervious walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Landscaping: Shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Opaque: Impenetrable to view.

Screening: An opaque visual screen with a height of at least 6 feet.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.

Tree protection area: An area designated for the purpose of saving natural trees, preserving the root system of natural trees and/or preserving natural buffers; tree protection areas include the critical root zones of all trees to be protected, as well as the above-ground portions of the trees.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or low water use.

ARTICLE 9-2 BUFFERS

Sec. 9-201. No disturbance of buffers.

Sec. 9-202. Screening and other buffer specifications.

Sec. 9-201. No disturbance of buffers.

- (a) Minimum 25-foot wide, state-imposed stream buffers shall not be disturbed except by variance issued by the Director of the Environmental Protection Division of the Georgia Department of Natural Resources, or if otherwise allowed to be encroached upon by state soil erosion law. No local variance shall be granted to waive or modify minimum state-imposed stream buffers.
- (b) Where a locally imposed buffer is required to be left in its natural state, said buffer shall remain undisturbed, except where necessary to add vegetation to meet screening or other requirements, unless encroachments or grading are specifically authorized by the zoning administrator.
- (c) Unless encroachments or grading are specifically authorized, or unless a variance is granted, existing trees within a required buffer shall not be removed.

Sec. 9-202. Screening and other buffer specifications.

- (a) Where a buffer is required to provide screening, said require buffer shall provide and maintain screening, as defined, with a natural buffer of existing vegetation, i.e., one that provides an opaque visual screen with a height of at least 6 feet on a continuous, year-round basis.
- (b) Where the full width of the required buffer does not exist or where existing vegetation is sparse such that it does not meet the screening standard, the buffer shall be replanted at the required minimum width.
- (c) Natural buffers may contain deciduous vegetation but shall contain evergreen trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
- (d) Unless existing vegetation provides the required screening or another alternative that meets the requirements for opaque visual screening is approved by the zoning administrator, one evergreen tree, with a minimum height of 4 feet at planting, with branches touching the ground shall be planted for each 30 feet of buffer length, for each 10 feet of required buffer width. Rows of evergreen trees shall be staggered. Evergreen screening shrubs planted 4 feet on center shall also be used where necessary to provide the required screening.

- (e) All required buffers shall be shown on site plans, grading plans, and landscaping plans submitted for development permitting. All required buffers shall also be shown on preliminary and final subdivision plats.

ARTICLE 9-3 TREE PROTECTION

- Sec. 9-301. Tree protection required.
- Sec. 9-302. Designation of tree protection areas.
- Sec. 9-303. Tree protection fencing required.
- Sec. 9-304. Prohibitions within tree protection areas.
- Sec. 9-305. Tree damage.

Sec. 9-301. Tree protection required.

Tree protection requirements of this article shall be applied to every activity that requires the issuance of a development permit under this development code, except for activities otherwise exempted from development permitting by this development code.

Sec. 9-302. Designation of tree protection areas.

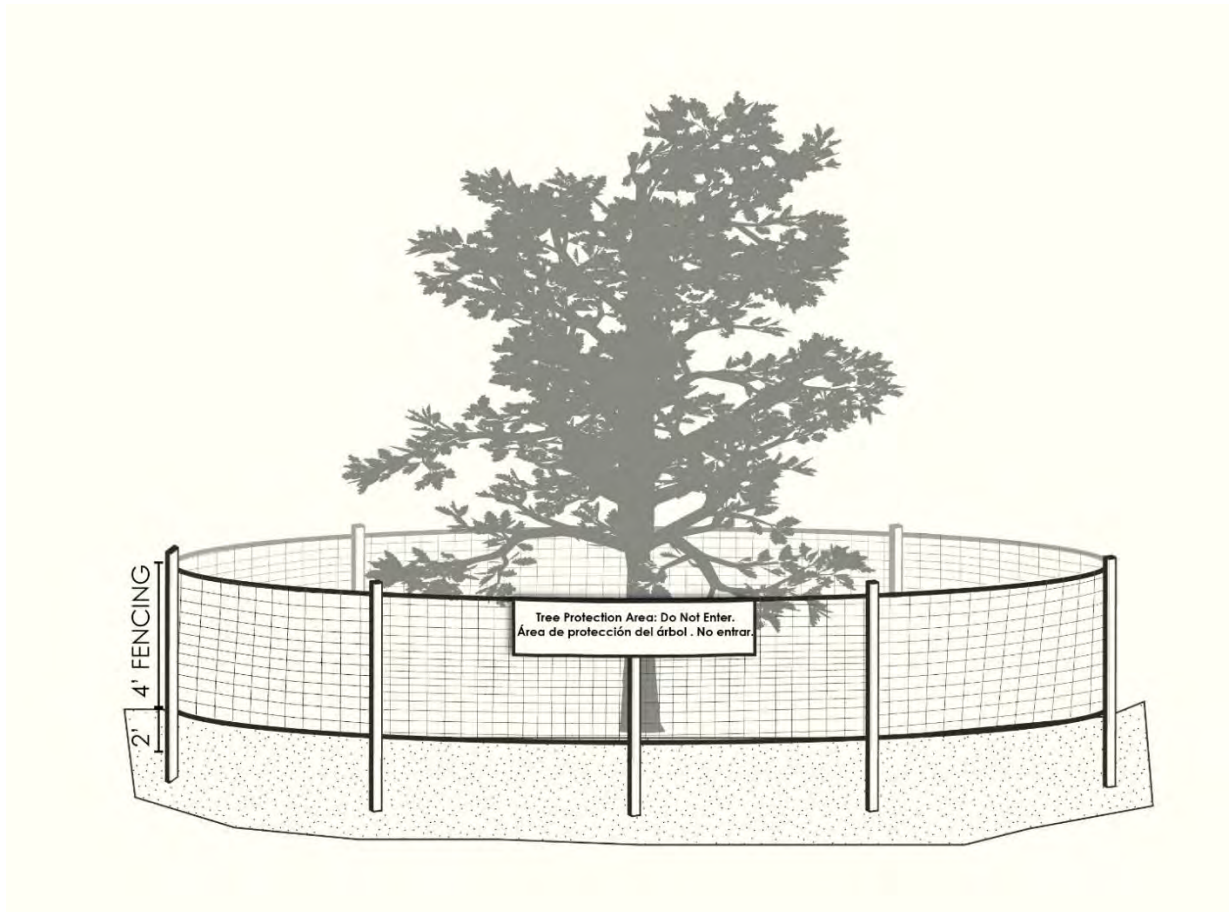
The following areas shall be designated as tree protection areas, within which it shall be unlawful to remove trees unless specifically provided otherwise by this development code:

- (a) **Stream buffers.** Stream buffers required by state law and this development code shall be designated and delineated as tree protection areas on site plans, grading plans, landscaping plans, preliminary plats, and final plats.
- (b) **Zoning buffers.** Natural buffers when required by the Franklin County zoning regulations shall be designated and delineated as tree protection areas on site plans, grading plans, landscaping plans, preliminary plats, and final plats.
- (c) **Existing trees to be retained.** Land developers and subdividers will be required to consider designing land developments and subdivisions in a way that protects existing trees to the maximum extent possible, while allowing for reasonable development of the site. Where a development site or subdivision has existing trees outside of required stream buffers and zoning buffers, and such trees are to be retained, the critical root zones around all such trees to be retained shall be designated and delineated as tree protection areas on site plans, grading plans, landscaping plans, preliminary plats, and final plats as tree protection areas.

Sec. 9-303. Tree protection fencing required.

- (a) **Protection.** Trees protection areas shall be actively protected during land disturbance and land development with tree protection fencing, installed at the boundaries of all tree protection areas prior to any land development or land disturbance activity.

- (b) **Barrier required.** Tree fencing shall be a minimum of 4 foot in height and comprised of chain-link fencing, orange laminated plastic fencing supported by posts, wooden post and rail fencing, or other equivalent barrier (see figure below).
- (c) **Duration.** Tree protection fencing required by this section shall remain in place until land development and construction activities are complete, or a certificate of development completion is issued, or until authorization is given by the zoning administrator to remove the tree protection fencing.



Tree Protection Detail

Sec. 9-304. Prohibitions within tree protection areas.

Except as specifically authorized in this article, tree protection areas shall remain in a natural, undisturbed condition; activities related to development within a tree protection area shall be prohibited. This specifically includes prohibition of the following within a tree protection area:

- (a) vehicle or equipment parking, storage or traffic;
- (b) materials or supplies storage;
- (c) placement of temporary or permanent structures;

- (d) equipment maintenance or washout;
- (e) wounding of tree trunks; wounding or breakage of limbs or branches greater than four inches in diameter; topping or other improper pruning, such as stub cuts or flush cuts;
- (f) fires or excessive heat from equipment exhausts;
- (g) site or lot clearing or grubbing;
- (h) soil excavation or soil cuts or fills;
- (i) grading; trenching; tilling; soil compaction;
- (j) top dressing with fill or soil greater than two inches in depth; and
- (k) paving.

The zoning administrator may require that this section of the development code appear verbatim on tree protection and landscaping plans.

Sec. 9-305. Tree damage.

When trees are required to be designated as lying within tree protection areas, any tree within a tree protection area that is damaged during land disturbance, land development, or building or site construction shall be treated according to ANSI 300 standards. If damage necessitates removal of a tree, it shall be replaced with a tree or trees of similar species and value.

ARTICLE 9-4 LANDSCAPING

- Sec. 9-401. Obstructions to sight visibility.
- Sec. 9-402. Approval of plant materials.
- Sec. 9-403. General landscaping requirements.
- Sec. 9-404. Plans.
- Sec. 9-405. Contents of tree protection and landscaping plans.
- Sec. 9-406. Maintenance of landscaping.
- Sec. 9-407. Inspection.
- Sec. 9-408. Deferral of installation.

Sec. 9-401. Obstructions to sight visibility.

- (a) All landscaping and trees planted adjacent to street rights of way and driveway intersections with rights of way must be installed in a manner that maintains minimum vision clearances on the adjacent right of way and the driveway approach.
- (b) No shrub or tree with heights of between 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.
- (c) No landscaping shall be allowed that obstructs or impairs the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.

Sec. 9-402. Approval of plant materials.

The zoning administrator is authorized to promulgate and publish and amend from time to time a list of approved plant species. Specific landscaping, trees, and buffer material are subject to the approval of the zoning administrator.

Sec. 9-403. General landscaping requirements.

- (a) **Native plants.** The use of native plants is encouraged.
- (b) **Invasive species.** Invasive or potentially invasive plants are prohibited.
- (c) **Xeriscaping and water conservation.** Xeriscaping is encouraged. Ground covers should be used to supplement landscaping in appropriate areas to reduce extensive grass lawns that require regular watering in drought conditions.

- (d) **Trees.** Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
- (e) **Diversity.** No more than 50% of trees or shrubs planted on any given site shall consist of any one species.
- (f) **Grass.** Grass lawn areas should be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage.
- (g) **Artificial landscaping.** No artificial plants, trees, turf, or other vegetation shall be installed.
- (h) **ANSI 300 standards.** Landscaping shall meet the requirements of ANSI 300 unless otherwise approved by the zoning administrator.
- (i) **Curb Stops.** A curb or wheel stop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the zoning administrator.

Sec. 9-404. Plans.

- (a) For any land disturbance, land development, or building subject to the requirements of this UDC, buffer, tree protection and landscaping plans are required to be submitted with any application for a development permit, or for a building permit for new construction of buildings.
- (b) Buffer, tree protection and landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 9-405. Contents of tree protection and landscaping plans.

These regulations do not require plans to show existing trees, shrubbery or other existing vegetation on plans. However, if the retention or planting of trees and/or shrubs is required or provided, then tree protection and landscaping plans shall meet the following minimum requirements:

- (a) A site plan with property boundaries, proposed buildings, parking areas, loading areas, required buffers, utility easements if any, and other pertinent information as may be required by the zoning administrator. The site plan shall show the location of all trees, shrubs, and landscaping proposed to be planted. This requirement shall not necessitate showing individual trees retained or existing vegetation.
- (b) A planting schedule for all trees, shrubs, and ground covers proposed, with scientific name and common names of each species, the total number of each species planted, and

total numbers of trees. Trees and shrubs shall be indicated on the plan using symbols, and the symbols must appear in the planting schedule.

- (c) Standard details and notes with regard to planting instructions.

Sec. 9-406. Maintenance of landscaping.

- (a) Plants that are diseased, damaged beyond point of survival, or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as approved by the zoning administrator.

- (b) All landscape materials shall be maintained and shall be kept clear of refuse and debris.

Sec. 9-407. Inspection.

An inspection shall be made by the zoning administrator of all landscape plantings to assure compliance with plan requirements prior to approval of a certificate of development completion or a certificate of occupancy.

Sec. 9-408. Deferral of installation.

The zoning administrator may authorize the delay of planting in cases of drought or inappropriate season for planting, in which case the zoning administrator shall require a bond or other appropriate surety in an amount equal to the estimated costs of the landscaping deferred.

CHAPTER 10

UTILITIES, DRAINAGE AND ENCROACHMENT

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- Sec. 10-301. Utility encroachment permit required.
- Sec. 10-302. Utility encroachment permit procedure.
- Sec. 10-303. Incomplete permit application.
- Sec. 10-304. Permit review and decision.
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ARTICLE 10-1 UTILITIES

- Sec. 10-101. Generally.
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- Sec. 10-110. Septic tank.
- Sec. 10-111. Oversizing of water and sewer mains.
- Sec. 10-112. Drainage.
- Sec. 10-113. Gas, electric and other utilities.

Sec. 10-101. Generally.

No development permit or subdivision plat shall be approved by the zoning administrator until all improvements, if required by this article or development code generally, have been constructed or installed in a satisfactory manner and approved by the zoning administrator and public utility providers with jurisdiction, as applicable.

Sec. 10-102. Water generally.

- (a) All habitable buildings shall be connected to a water system (which may be a well) capable of providing water for health and emergency purposes, including adequate fire protection.
- (b) No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present to the lot in question or to the land development an adequate water supply. In the case of a lot served by an onsite well, the well shall be drilled/bored prior to issuance of a building permit.

Sec. 10-103. Water mains.

- (a) When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the county and the water service provider. Water mains within subdivisions and land developments must be provided with water main connections to each lot in the subdivision and each land development.
- (b) The size of water mains shall be justified by hydraulic analysis performed by a professional engineer.

- (c) Easements shall be provided for water mains, and such easements shall be at least 20 feet wide.

Sec. 10-104. Well water.

- (a) If a public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility.
- (b) In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development.
- (c) When individual wells are proposed to be used for water supply, water samples shall be submitted to, and individual wells shall be approved by, the Franklin County Environmental Health Department. Approvals shall be submitted to zoning administrator prior to final subdivision plat for a subdivision or development permit approval for a land development.

Sec. 10-105. Community water system.

- (a) If a public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility.
- (b) Any community water system may be permitted, subject to compliance with applicable state requirements.
- (c) The community water system plan shall be approved by the Franklin County Environmental Health Department and/or a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

Sec. 10-106. Fire hydrants.

- (a) Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the fire department or fire service district with jurisdiction.

- (b) The location and construction of fire hydrants shall be in accordance with standard specifications of the water provider and the fire department or fire service district with jurisdiction.

Sec. 10-107. Wastewater generally.

- (a) All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities.
- (b) No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

Sec. 10-108. Connection to public sewerage system.

- (a) When a public sanitary sewerage system is reasonably accessible, as determined by the public health officer and zoning administrator, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful to connect any new habitable building upon any such property to an individual sewage disposal system.
- (b) Design and engineering of sanitary sewers shall be in accordance with the specifications of the sewer service provider. Sanitary sewers shall be located within street rights-of-ways unless topography dictates otherwise.
- (c) When located outside a right of way, easements shall be provided for sanitary sewer lines, and such easements shall be at least 20 feet wide.

Sec. 10-109. Alternative wastewater systems.

If sanitary sewer is not reasonably available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another method of treatment of sanitary sewerage may be approved and shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the Franklin County Environmental Health Department.

Sec. 10-110. Septic tank.

- (a) Where individual onsite wastewater disposal systems are proposed and allowed, individual lot sizes and widths must exhibit appropriate regard for the public health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic

system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Franklin County Environmental Health Department.

- (b) Soil tests shall be required for each lot in a major subdivision prior to preliminary plat approval. The zoning administrator may waive the requirement to provide soil tests for any minor subdivision, provided that a note is placed on the plat requiring such soil test prior to issuance of a building permit.

Sec. 10-111. Oversizing of water and sewer mains.

The subdivider or land developer shall construct such oversized water and sanitary sewer improvements that the utility provider or county determines necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of such improvements that are not uniquely required for that subdivision or land development, and provided the subdivider or land developer agrees to a proposal by the county to share in the cost arrangements for over-sizing such improvements. A formula may be developed by the county to provide for a sharing of the cost of such improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or land developments in the vicinity.

Sec. 10-112. Drainage.

- (a) An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments.
- (b) Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor, and construction shall be in accordance with the specifications of the county (see article 10-2 of this chapter).
- (c) The county may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of a proposed subdivisions or land development. The zoning administrator shall not approve any preliminary plat of a subdivision or construction plans for any land development that does not make adequate provision for storm and floodwater runoff.
- (d) No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.
- (e) When located outside a right of way, easements shall be provided for drainage, and such easements shall be at least 20 feet wide.

Sec. 10-113. Gas, electric and other utilities.

- (a) All utility facilities, including but not limited to gas, electric power, telephone, cable television, and broadband shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground and outside a public road right of way within subdivisions with lots of less than one acre, they shall be removed and placed underground.
- (b) Easements shall be provided for utilities, private and public, and such easements shall be at least 20 feet wide.

ARTICLE 10-2
DRAINAGE AND STORMWATER REQUIREMENTS

- Sec. 10-201. Findings.
- Sec. 10-202. Definitions.
- Sec. 10-203. System maintenance.
- Sec. 10-204. Location of stormwater detention facilities.
- Sec. 10-205. Specifications for stormwater detention facilities.
- Sec. 10-206. Design responsibility.
- Sec. 10-207. Storm drainage pipe slope.
- Sec. 10-208. Reference to state standards.
- Sec. 10-209. Drainage formula.
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- Sec. 10-217. Breach analysis.
- Sec. 12-218. Cross drain pipes.
- Sec. 10-219. Stormwater ditches.
- Sec. 10-220. Storm drainage materials and installation.
- Sec. 10-221. Minimum pipe specifications.
- Sec. 10-222. Driveway culverts.

Sec. 10-201. Findings.

- (a) Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition.
- (b) Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters.
- (c) The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters.
- (d) These adverse impacts can be controlled and minimized through regulation of stormwater runoff quantity and quality from land development by the use of structural facilities as well as nonstructural measures, such as the conservation of greenspace.

Sec. 10-202. Definitions.

Bioretention: A practice to manage and treat stormwater runoff by using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression. The method combines physical filtering and adsorption with biological processes.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance: An aboveground or underground natural or man-made drainage feature, that provides for the collection and movement of stormwater, and shall include but not be limited to concrete or metal pipes, ditches, depressions, swales, roads with drainage systems, highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, drainage channels, reservoirs, rights of way, storm drains, culverts, street gutters, oil/water separators, modular pavements and other similar drainage structures.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling peak discharge.

Detention facility: A detention basin or structure designed for temporary storage of stormwater runoff and gradual release of stored water at controlled rates.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

Drainage easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the terms of the drainage easement.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drainage system: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an

intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

Dry well: A small, excavated pit backfilled with aggregate, usually pea gravel or stone. Dry wells function as infiltration systems used to control runoff from building rooftops. Another special application of dry wells is modified catch basins, where inflow is a form of direct surface runoff. Dry wells provide the majority of treatment by processes related to soil infiltration, including absorption, trapping, filtering, and bacterial degradation.

Erosion and sedimentation control plan: A plan designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Filter strip: Typically, a band of close-growing vegetation, usually grass, planted between pollutant source areas and a downstream receiving waterbody. Vegetation can filter sediment from runoff. Thus grass strips can be used to remove sediment from surface runoff. Vegetation also slows the velocity of runoff and helps maintain the infiltration capacity of a soil.

Infiltration: The process by which stormwater runoff percolates into the subsoil.

Infiltration trench: An excavated trench that has been back-filled with stone to form a subsurface basin. Stormwater runoff is diverted into the trench and is stored until it can be infiltrated into the soil, usually over a period of several days. An infiltration trench may include pretreatment such as vegetated filter strips or grassed swales.

Level spreader: Typically, an outlet designed to convert concentrated runoff to sheet flow and disperse it uniformly across a slope to prevent erosion. Level spreaders can be used to convey sheet flow runoff from lawn areas within graded areas to bioretention facilities and transition areas.

Low-impact development: The integration of site ecological and environmental goals and requirements into all phases of urban planning and design from the individual lot level to the entire watershed. In the context of this article, low-impact development is a set of stormwater design practices that are non-structural stormwater controls, specifically stormwater better site design practices.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit: A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural, undisturbed conditions: For redevelopment projects or where there are no flooding concerns, this term shall mean the condition of the site immediately prior to the implementation of the proposed project.

New development: A land development activity on a previously undisturbed site that has been maintained in a natural state.

Nonpoint source pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial plant discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction and subsurface disposal as well as from urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that enhances stormwater quantity and/or quality control or other stormwater management benefits and includes, but is not limited to, riparian buffers, greenspace areas, overland flow filtration areas, natural basins and vegetated channels.

Off-site facility: A stormwater management facility located outside the boundaries of a development site.

On-site facility. A stormwater management facility located within the boundaries of a development site.

Permeable: Soil or other material that allows the infiltration or passage of water or other liquids.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; process waste water and wash water; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, thermal and radiological integrity of water.

Regional stormwater management facility or regional facility: Stormwater management facilities designed to control stormwater runoff from multiple properties where the owners or developers of the individual properties may assist in financing the facility and the requirement for on-site stormwater management facilities is either eliminated or reduced.

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 and habitat and water quality degradation, and to enhance and promote public health, safety and general welfare.

Sec. 10-203. System maintenance.

- (a) It shall be the responsibility of the developer to maintain all drainage and stormwater management facilities required by approved preliminary plats or development plans during construction and for a two-year maintenance period following approval of a final subdivision plat or issuance of a certificate of development project completion, as applicable. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.
- (b) The owner of the property shall be responsible for maintaining the drainage and permanent stormwater management facilities identified by the stormwater management plan to remain after construction is complete, following the two-year maintenance period, until or unless maintenance responsibilities are assigned to a homeowner's or property owner's association.
- (c) Should an owner or developer, or other responsible party such as a homeowner's association, fail to maintain drainage or stormwater management facilities in a state of service intended by the stormwater management plan, then the zoning administrator shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.
- (d) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum), then the owner shall be in violation of this development code.

Sec. 10-204. Location of stormwater detention facilities.

- (a) In residential subdivisions, any detention facility must be located on a separate lot and owned by a homeowners' association, which shall be responsible for its maintenance and continuing operation after release of responsibilities by the owner/developer as provided in this article. The lot need not meet minimum lot size requirements for the subdivision or the zoning district in which it is located.
- (b) In nonresidential subdivisions, any detention facility may be located on a separate lot and owned by a property owners' association, which shall be responsible for its maintenance and continuing operation; or located on each lot within the subdivision and constructed when the lot is developed.
- (c) In multi-family residential and nonresidential development projects, detention facilities shall be provided for each development. The owner of the property shall be responsible for maintenance and continuing operation of the facilities.

- (d) Stormwater detention facilities serving two or more developments may be approved by the zoning administrator, provided that private ownership of the facilities and provisions for their perpetual maintenance and continuing operation are clearly established in a written agreement or other manner acceptable to the zoning administrator.

Sec. 10-205. Specifications for stormwater detention facilities.

- (a) Stormwater detention facilities shall provide adequate capacity to accommodate the stormwater runoff from the subdivision lots or land development(s) it serves, as determined by a registered professional engineer, landscape architect, or registered land surveyor subject to approval by the County.
- (b) Unless constructed with 3:1 or lesser slopes and designed as an amenity feature to the subdivision or land development, all stormwater detention facilities shall be surrounded by fencing with a minimum height of 4 feet with a lockable gate for access. If chain link fencing is utilized, it shall be vinyl coated.
- (c) A drainage easement with a minimum width of 20 feet shall be required surrounding all stormwater detention ponds.

Sec. 10-206. Design responsibility.

Sizing and location of all existing and proposed drainage structures shall be the responsibility of a registered professional engineer, landscape architect, or registered land surveyor subject to approval by the County. A registered engineer shall certify the storm drain pipe sizes.

Sec. 10-207. Storm drainage pipe slope.

Storm drainage pipes shall be sloped so as to maintain a minimum velocity of 3 feet per second (fps) so that sediment will not collect.

Sec. 10-208. Reference to state standards.

- (a) Storm sewer catch basins, drop inlets, manholes, and junction boxes shall be designed by the developer's engineer to GDOT Standards and subject to final approval by the County.
- (b) GDOT Standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation.

Sec. 10-209. Drainage formula.

- (a) Drainage formula used in determining size of drainage structure shall be determined by the developer's engineer, landscape architect, or registered land surveyor according to accepted engineering practice, subject to approval of the County.
- (b) Catch basins shall be installed based on the gutter spread calculations.

Sec. 10-210. Storm events to be utilized.

The 25-year storm event shall be used in designing the storm drains. In cases where a spring, creek, or other watercourse traverses the property, the 100-year storm event will be used for design.

Sec. 10-211. Catch basin location.

Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the County may waive this requirement.

Sec. 10-212. Subdrainage.

Subdrainage will be installed to control the surplus ground water by intercepting sidehill seepage or by lowering or regulating the ground water level where such conditions exist.

Sec. 10-213. Certification.

A certification by the supplier of the pipe specifications for each pipe may be required before installation.

Sec. 10-214. Bridges.

Bridges shall be designed for a 100-year storm event.

Sec. 10-215. Riprap.

Provide riprap at all downstream discharge points of storm drains. The area of riprap required shall be six (6) times the pipe diameter for the length and two (2) times the pipe diameter for the width.

Sec. 10-216. Exit velocities.

Exit velocities from storm drain pipe for the 25-year storm may be required based on exit velocity calculations.

Sec. 10-217. Breach analysis.

If it is proposed to make a new or existing lake a part of a subdivision, or if the subdivision is located downstream from a water impoundment, the developer shall be required to submit a breach analysis and show the dam breach zone on the plans.

Sec. 10-218. Cross drain pipes.

- (a) Cross drain pipes shall be no less than 15 inches in size when under the street. No storm drain pipe running parallel to the existing primary road shall be located beneath the proposed acceleration/deceleration lanes. The County may modify or waive this requirement if unusual circumstances exist such as topography.
- (b) Maximum continuous length of pipe shall be 300 feet for pipes less than 42 inches.
- (c) Junction boxes having access to the pipe shall be constructed to meet the requirements of GDOT Standard 1030D (or most current).

Sec. 10-219. Stormwater ditches.

All man-made ditches between storm drain pipes and downstream of storm drain pipe shall be designed by a registered professional engineer, landscape architect, or registered land surveyor. The ditch profile and cross-sections shall be shown on the plans as reviewed by the County. The plans shall show the velocity and flow at each cross-section. Stormwater velocity shall not exceed five (5) fps unless the ditches are lined.

Sec. 10-220. Storm drainage materials and installation.

- (a) Table 10-2-1 titled “Selection Guidelines for Storm Sewer Piping,” sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.

Table 10-2-1
Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M=196	Plastic AASHTO M 294	Reinforced Concrete Box Culvert
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corrugated High Density Polyethylene Smooth Lined	Per Georgia DOT Standards
Longitudinal (grade less than 10%)	Yes	Yes	Yes	Yes	See Note 1	n/a
Longitudinal (grade 10% or more)	No	Yes	Yes	Yes	See Note 1	n/a
Cross Drain, Local Street	Yes	Yes	Yes	Yes	No	n/a
Cross Drain, Collector or Arterial Street	Yes	No	No	No	No	n/a
Cross Drain, Flowing Stream	Yes	See Note 3	No	No	No	n/a
Cross Drain, 25-year Flow > 200 cfs Fill Depth > 18 feet	See Note 2	See Notes 2 and 3	No	See Note 2	No	Yes

Note 1: Corrugated high density polyethylene pipe, smooth lined type “S”, can only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P. HDPE applications shall not exceed 36 inches in diameter.

Note 2: Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the County engineer’s assessment of existing conditions and future maintenance requirements.

Note 3: The addition of a Type "A" full bituminous coating is required. (AASHTO M-190)

- (b) Only reinforced concrete pipe shall be used within street rights-of-way for arterial roads, and major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating, or corrugated aluminum alloy pipe (AASHTO M-196).
- (c) Pipe installation shall conform to GDOT Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.
- (d) Trench construction for storm drainage pipe shall be in accordance with GDOT Standard 1030D (or most current).
- (e) Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depths greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical compaction methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.
- (f) All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.
- (g) Material deemed by the county as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.
- (h) Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

Sec. 10-221. Minimum pipe specifications.

All pipes shall be installed in accordance with manufacturers recommendations and GDOT standards.

Sec. 10-222. Driveway culverts.

- (a) Where a wet weather drainage ditch exists between the proposed road and 20 feet into the lot, the design professional shall size the driveway culvert as if the driveway were at the lowest point on that lot. The construction plans shall show the minimum driveway pipe size required.
- (b) Driveway culverts may be any of the types of pipe materials approved for longitudinal pipe installation.
- (c) The inlet and outlet end of all driveway culverts shall have either flared-end sections or concrete headwalls that meet the standards of Georgia Department of Transportation 1120 or 1125.

**ARTICLE 10-3
ENCROACHMENT**

- Sec. 10-301. Utility encroachment permit required.
- Sec. 10-302. Utility encroachment permit procedure.
- Sec. 10-303. Incomplete permit application.
- Sec. 10-304. Permit review and decision.
- Sec. 10-305. Permit commencement, expiration and extension.
- Sec. 10-306. Permit default.
- Sec. 10-307. Termination of permit.
- Sec. 10-308. Utility accommodation policy and standards.

Sec. 10-301. Utility encroachment permit required.

- (a) It shall be unlawful for any utility to excavate or to construct, install, maintain, renew, remove or relocate facilities in, on, along, over or under the public rights of way of the county without a utility encroachment permit from the zoning administrator in accordance with the terms of this article. The zoning administrator shall have an administrative role in assisting the city with processing utility encroachment permit applications.
- (b) The requirement to obtain a utility encroachment permit may be waived by the zoning administrator in cases where utility work contemplated within the public rights of way of the county is shown on construction plans for a private development that has been reviewed and approved by the zoning administrator and a development permit has been issued in accordance with applicable provisions of this development code.
- (c) This section shall not be construed as requiring a separate utility encroachment permit for a driveway or for installation of a storm drainage culvert if such driveway or storm drainage culvert is authorized by the zoning administrator under a separate permit or authorization pursuant to this development code.

Sec. 10-302. Utility encroachment permit procedure.

Utility encroachment permits shall be obtained from the zoning administrator upon application made on forms prescribed by the zoning administrator. The written application shall include the following:

- (a) The name and address of the utility;
- (b) The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. The plans shall show the size or capacity of facilities to be installed; their relationship to street features such as right-of-way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of

the roadway and any other information necessary by the county engineer or zoning administrator to evaluate the impact on the street and its operation;

- (c) The name and address of the person or firm who is to do such work;
- (d) The name, street address, email address if applicable and telephone and facsimile numbers of one or more facilities representative(s).
- (e) The projected starting and finishing dates for the work;
- (f) An indemnity bond or other acceptable security, if required by the zoning administrator, in an amount to be set by the county to pay any damages to any part of the county road system or other city property or to any county employee or member of the public caused by activity or work of the utility performed under authority of the permit issued;
- (g) A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements;
- (h) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the utility to use or occupy the right of way for the purpose described in the application;
- (i) The application shall be accompanied by a permit review fee, as established by the master fee schedule of the county.

Sec. 10-303. Incomplete permit application.

If a permit application is incomplete, the zoning administrator shall notify the applicant and shall provide a reasonable period of time in which to revise the application.

Sec. 10-304. Permit review and decision.

- (a) Unless the permit application is extraordinarily complicated and extensive, in which case more time may be taken, the zoning administrator shall have 30 calendar days from the posted application submission deadline to review the permit application for compliance with the requirements of this division and to evaluate the application in terms of the impact of work proposed in the permit with regard to the following: impacts on safety, visual quality of streets, traffic flow, other users of the right of way; and the difficulty and length of time of the project.
- (b) The zoning administrator shall issue the requested permit if there are no concerns with regard to the criteria of this article. The zoning administrator may place conditions of approval on any permit issued. If there are concerns with issuing the requested permit, the zoning administrator shall indicate those concerns or objections in writing to the applicant and deny the requested permit.

- (c) Any applicant aggrieved of a decision to deny a utility encroachment permit under the provisions of this division may file in writing and sent via certified mail an appeal with the zoning administrator, who shall schedule the appeal in accordance with procedures of this development code for appeal of administrative decisions.

Sec. 10-305. Permit commencement, expiration and extension.

- (a) Each permit issued by the zoning administrator shall have a set commencement and expiration dates based on information provided in the applicant's permit application. When the construction under any permit is completed, the utility shall notify the zoning administrator. The permit shall remain in place until construction or activity authorized under the permit is completed or until its expiration date unless the utility is in default.
- (b) If work is not begun within six months of the date of permit issuance, the permit will automatically expire.
- (c) The zoning administrator is authorized but shall not be obligated to grant an extension to a permit prior to expiration, upon application, and provided that a permit review fee required for a permit application is paid.

Sec. 10-306. Permit default.

The zoning administrator may find a utility in default and give written notice of default to a utility if it is determined that a utility has:

- (a) Violated any provision, requirement, or condition of a utility encroachment permit, or any law of the county, state, or federal government;
- (b) Attempted to evade any provision or requirement of this division;
- (c) Practiced any fraud or deceit upon the county; or
- (d) Made a material misrepresentation or omission of fact in its permit application.

Sec. 10-307. Termination of permit.

If a utility fails to cure a default within 20 calendar days after such notice is provided to the utility by the county, then such default shall be a material breach and the county may exercise any remedies or rights it has at law or in equity to terminate the permit. If the zoning administrator decides there is cause or reason to terminate, the following procedure shall be followed:

- (a) The zoning administrator shall serve a utility with a written notice of the reason or cause for proposed termination and shall allow a utility a minimum of 20 calendar days to cure its breach; and

- (b) If the utility fails to cure within 20 calendar days, the county may declare the permit terminated.

Sec. 10-308. Utility accommodation policy and standards.

- (a) The document known as “utility accommodation policy and standards,” promulgated and published by the Georgia Department of Transportation Division of Operations, Office of Utilities, dated 2016, and as may be amended from time to time, is hereby adopted in its entirety as if fully set forth in this article, as minimum required standards.
- (b) A copy of the “utility accommodation policy and standards” shall be maintained by the county clerk and shall be available for public inspection.
- (c) References in the “utility accommodation policy and standards” to state personnel, agencies, and fees shall be interpreted, where required, as meaning the Franklin County equivalents.
- (d) Any conflicts between the provisions of this article and the “utility accommodation policy and standards” shall be resolved in favor of the “utility accommodation policy and standards.”

CHAPTER 11 FLOOD DAMAGE PREVENTION

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- Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.
- Sec. 11-310. Standards for areas of shallow flooding (AO Zones).
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ARTICLE 11-1` GENERAL PROVISIONS

- Sec. 11-101. Authority.
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- Sec. 11-103. Purposes.
- Sec. 11-104. Objectives.
- Sec. 11-105. Applicability.
- Sec. 11-106. Definitions.
- Sec. 11-107. Basis for area of special flood hazard.

Sec. 11-101. Authority.

Chapter 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.

Sec. 11-102. Findings.

- (a) The flood hazard areas of Franklin 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.
- (c) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Franklin County, or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Sec. 11-103. Purposes.

It is the purpose of this chapter 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 applicable in Franklin County 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.

Sec. 11-104. Objectives.

The objectives of this chapter 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) Insure that potential homebuyers are notified that property is in a flood area.

Sec. 11-105. Applicability.

This chapter shall apply to all areas of special flood hazard within the county.

Sec. 11-106. Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Accessory structure: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered “new construction.”

Administrator: The zoning administrator of Franklin County, Georgia.

Appeal: A request for a review of the zoning administrator’s interpretation of any provision of this chapter.

Area of shallow flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in this chapter.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

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.

Development: Any 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, and storage of materials or equipment.

Elevated building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the initial Flood Insurance Rate Maps for that community.

Existing manufactured home park or subdivision: 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 the effective date of the first floodplain management regulations adopted by Franklin County.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

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.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure: Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in states without approved programs.

Lowest floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this section.

Manufactured home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced after the effective date of the initial Flood Insurance Rate Map and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced after the effective date of the first floodplain management ordinance adopted by Franklin County and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: 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 after the effective date of the first floodplain management ordinance adopted by Franklin County.

North American Vertical Datum (NAVD): Has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Recreational vehicle: A vehicle, which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision: The division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the “start of construction” of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred “substantial damage,” regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Administrator or his or her designee, and not solely triggered by an improvement or repair project, or (2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Substantially improved existing manufactured home parks or subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Sec. 11-107. Basis for area of special flood hazard.

- (a) **Flood insurance study.** The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), for Franklin County, Georgia and incorporated areas effective September 26, 2008, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this chapter.
- (b) **Flood insurance rate maps.** The flood insurance rate maps for Franklin County, Georgia and incorporated areas effective September 26, 2008, are adopted as if fully contained within this chapter and shall be the basis for determining areas of special flood hazard.

- (c) **Additional areas of special flood hazard.** 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 Flood Insurance Study.
- (d) **Repository.** The repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data and the Flood Insurance Rate Maps is the office of the county clerk, Franklin County.

ARTICLE 11-2 PERMITTING REQUIREMENTS

- Sec. 11-201. Permit required.
- Sec. 11-202. Permit procedures.
- Sec. 11-203. Specific information required – application stage.
- Sec. 11-204. Specific information required – construction stage.

Sec. 11-201. Permit required.

No development activity shall commence within an area regulated by this chapter until and unless a flood area permit shall have been approved by the zoning administrator. No development activity shall be approved unless it conforms with the provisions of this chapter prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this chapter until and unless a flood area permit or building permit, or both if required shall have been approved by the zoning administrator. No building or structure shall be approved unless it conforms with the provisions of this chapter prior to the construction of said building or structure.

Sec. 11-202. Permit procedures.

Application for a flood area permit shall be made to the zoning administrator on forms furnished by the department prior to any development activities, and may include, but not be limited to the following: plans in sufficient number as specified by the department, 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.

Sec. 11-203. Specific information required – application stage.

The following information is required at the application stage:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of this chapter; and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

Sec. 11-204. Specific information required – construction stage.

The following information is required at the construction stage:

- (a) For all new construction and substantial improvements, the permit holder shall provide to the zoning administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. 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.
- (b) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The zoning administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project

ARTICLE 11-3
PROVISIONS FOR FLOOD HAZARD REDUCTION

- Sec. 11-301. General standards.
- Sec. 11-302. Elevated buildings.
- Sec. 11-303. New construction and/or substantial improvements.
- Sec. 11-304. Non-residential construction.
- Sec. 11-305. Manufactured homes.
- Sec. 11-306. Recreational vehicles.
- Sec. 11-307. Floodway.
- Sec. 11-308. Building standards for streams without established base flood elevations and/or floodway (A-zones).
- Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.
- Sec. 11-310. Standards for areas of shallow flooding (AO Zones).
- Sec. 11-311. Subdivisions.
- Sec. 11-312. Critical facilities.

Sec. 11-301. General standards.

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

- (a) **Anchoring.** New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) **Flood-resistant materials.** New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (c) **Construction methods and practices.** New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) **Heating and air conditioning.** 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.** 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) **Water supply.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (g) **Sewage systems.** 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 sewage disposal systems.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) **Nonconformities.** Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

Sec. 11-302. Elevated buildings.

- (a) In all areas of special flood hazard, 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.
- (b) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. 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;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and,
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
- (c) So as not to violate the “lowest floor” criteria of this chapter, 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
- (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 11-303. New construction and/or substantial improvements.

In all areas of special flood hazard the following provisions are required for new construction and/or substantial improvements:

- (a) Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor,

including basement, elevated no lower than three feet 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 this chapter for “elevated buildings.”

- (b) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above three feet above the base flood elevation.

Sec. 11-304. Non-residential construction.

- (a) 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 three (3) feet 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.
- (b) 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 zoning administrator as set forth in this chapter.

Sec. 11-305. Manufactured homes.

Where base flood elevation data are available:

- (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred “substantial damage” as the result of a flood, must have the lowest floor including basement, elevated no lower than three feet above the base flood elevation.
- (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: the lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation; or 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.

Sec. 11-306. Recreational vehicles.

All recreational vehicles placed on sites must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (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 for “new construction,” including the anchoring and elevation requirements of this chapter.

Sec. 11-307. Floodway.

Located within areas of special flood hazard established in this Chapter are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

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.

Sec. 11-308. Building standards for streams without established base flood elevations and/or floodway (A-zones).

Located within the areas of special flood hazard established in this chapter, are streams for which no base flood data have been provided (A-Zones), or where base flood data have been provided but a floodway has not been delineated. When base flood elevation data or floodway data have not been provided in accordance with this section, then the administrator 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 chapter. Only if data are not available from these sources, then the following provisions apply:

- (a) 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 foot increase in flood levels during the occurrence of the base flood discharge.

- (b) 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 feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this section for “elevated buildings.”
- (c) 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 feet above the highest adjacent grade at the building site.
- (d) The administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in this chapter, where streams with base flood elevations are provided but no floodways have been designated (Zones AE), the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this chapter.

Sec. 11-310. Standards for areas of shallow flooding (AO Zones).

Areas of special flood hazard established in this section may include designated “AO” shallow flooding areas. These areas have base flood depths of one to three feet 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 above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of this chapter for “elevated buildings.” The administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (b) New construction or the substantial improvement of a 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 two feet, 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 in this paragraph and as required in this chapter.
- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 11-311. Subdivisions.

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) For subdivisions and/or developments greater than fifty lots or five 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.

Sec. 11-312. Critical facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE 11-4
VARIANCES AND APPEALS

- Sec. 11-401. Variance procedures.
- Sec. 11-402. Criteria and conditions for variances.
- Sec. 11-403. Conditional approval permitted.
- Sec. 11-404. Actions following variance approval.

Sec. 11-401. Variance procedures.

- (a) The Franklin County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this chapter. Procedures for consideration of variances to the requirements of this chapter shall be the same as provided in this development code for variances generally.
- (b) The Franklin County Board of Commissioners shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the zoning administrator, in the enforcement or administration of this chapter. Procedures for consideration of variances and appeals shall be the same as provided in this chapter 13 of this UDC.
- (c) Any person aggrieved by the decision of the Franklin County Board of Commissioners may appeal such decision to the Superior Court of Franklin County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

Sec. 11-02. Criteria and conditions for variances.

The provisions of this chapter are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. In reviewing requests for variances, the Franklin County Board of Commissioners shall consider all technical evaluations, relevant factors, and the following standards in addition to others in this ordinance. A variance shall be issued only when consistent with the following criteria and conditions:

- (a) A finding of good and sufficient cause is made.
- (b) A determination is made that failure to grant the variance would result in exceptional hardship.
- (c) A determination is made 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.

- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) 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. In the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (g) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this chapter 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.

Sec. 11-403. Conditional approval permitted.

Upon consideration of the factors listed above and the purposes of this ordinance, the Franklin County Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Sec. 11-404. Actions following variance approval.

- (a) 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.
- (b) The zoning administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 11-5
ADMINISTRATION AND LEGAL STATUS PROVISIONS

- Sec. 11-501. Administration.
- Sec. 11-502. Abrogation and greater restrictions.
- Sec. 11-503. Warning and disclaimer of liability.
- Sec. 11-504. Penalties for violation.

Sec. 11-501. Administration.

The zoning administrator is hereby appointed to administer and implement the provisions of this chapter. Duties of the zoning administrator shall include, but shall not be limited to the following:

- (a) Review proposed development to assure that the permit requirements of this chapter have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When base flood elevation data or floodway data have not been provided in accordance with this chapter, then the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this chapter.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with this chapter.
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with this chapter.
- (g) When flood-proofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with this chapter.
- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Make interpretations of this chapter. In the interpretation and application of this Chapter all provisions shall be: considered as minimum requirements; liberally construed in favor of the county, and; deemed neither to limit nor repeal any other powers granted under state statutes. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the county, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- (l) All records pertaining to the provisions of this chapter shall be maintained in the office of the county clerk and shall be open for public inspection.

Sec. 11-502. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 11-503. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Franklin County, or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Sec. 11-504. Penalties for violation.

Failure to comply with the provisions of this chapter or with any of its requirements, including conditions and safeguards established in connection with grants of variance shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of the Code of Franklin County and this UDC relative to

violations. Nothing herein contained shall prevent Franklin County from taking such other lawful actions as is necessary to prevent or remedy any violation.

CHAPTER 12

ZONING AMENDMENTS AND PROCEDURES

ARTICLE 12-1 TEXT AMENDMENT

- Sec. 12-101. Authority to amend.
- Sec. 12-102. Initiation of proposals for text amendments.
- Sec. 12-103. Public hearings.
- Sec. 12-104. Notice of public hearings.
- Sec. 12-105. Recommendation and decision.
- Sec. 12-106. Withdrawal of text amendment.

ARTICLE 12-2 AMENDMENT TO THE OFFICIAL ZONING MAP (REZONING)

- Sec. 12-201. Generally.
- Sec. 12-202. Initiation of rezoning application.
- Sec. 12-203. Rezoning application requirements.
- Sec. 12-204. Review for completeness.
- Sec. 12-205. Published notice of public hearings.
- Sec. 12-206. Public hearing notices – sign on property.
- Sec. 12-207. Special notice requirements for halfway houses and related uses.
- Sec. 12-208. Investigations and recommendation.
- Sec. 12-209. Public hearings.
- Sec. 12-210. Standards for rezoning decisions.
- Sec. 12-211. Planning commission recommendation.
- Sec. 12-212. Board of Commissioners decision.
- Sec. 12-213. Withdrawal of application.
- Sec. 12-214. Limitations on the frequency of filing applications.
- Sec. 12-215. Concurrent consideration of applications.

ARTICLE 12-3 APPLICATION FOR CONDITIONAL USE

- Sec. 12-301. Generally.
- Sec. 12-302. Initiation of conditional use application.
- Sec. 12-303. Conditional use application requirements.
- Sec. 12-304. Review for completeness.
- Sec. 12-305. Published notice of public hearings.
- Sec. 12-306. Public hearing notices – sign on property.
- Sec. 12-307. Special notice requirements for halfway houses and related uses.
- Sec. 12-308. Investigations and recommendation.
- Sec. 12-309. Public hearings.
- Sec. 12-310. Standards for conditional use application decisions.
- Sec. 12-311. Planning commission recommendation.
- Sec. 12-312. Board of Commissioners decision.
- Sec. 12-313. Withdrawal of application.
- Sec. 12-314. Limitations on the frequency of filing applications.
- Sec. 12-315. Concurrent consideration of applications.

ARTICLE 12-4 PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS

- Sec. 12-401. Generally.
- Sec. 12-402. Convening a hearing.
- Sec. 12-403. Call for presentation.
- Sec. 12-404. Requirements to speak.
- Sec. 12-405. Sequence and limits.
- Sec. 12-406. Close of hearing.

ARTICLE 12-5 DEVELOPMENT OF REGIONAL IMPACT

- Sec. 12-501. Definitions.
- Sec. 12-502. Applicability.
- Sec. 12-503. Jurisdiction.
- Sec. 12-504. Procedures.

ARTICLE 12-1 TEXT AMENDMENT

- Sec. 12-101. Authority to amend.
- Sec. 12-102. Initiation of proposals for text amendments.
- Sec. 12-103. Public hearings.
- Sec. 12-104. Notice of public hearings.
- Sec. 12-105. Recommendation and decision.
- Sec. 12-106. Withdrawal of text amendment.

Sec. 12-101. Authority to amend.

The Franklin County Board of Commissioners may from time to time amend any regulation pertaining to any zoning district; or may amend any chapter, article, or section of this UDC.

Sec. 12-102. Initiation of proposals for text amendments.

The Board of Commissioners, Franklin County Planning Commission, or the zoning administrator may propose change to the text of this UDC when public necessity, general welfare or good zoning practice justify such action.

Sec. 12-103. Public hearings.

- (a) **Planning Commission.** The planning commission shall hold a public hearing on text amendments in accordance with the public hearing procedures specified in this chapter; provided, however, that for any text amendment, the Board of Commissioners may waive the requirement for public hearing, consideration, and action by the planning commission.
- (b) **Board of Commissioners.** The Board of Commissioners shall hold a public hearing on all text amendments in accordance with the public hearing procedures specified in this chapter.

Sec. 12-104. Notice of public hearings.

- (a) **Planning Commission.** Prior to the date of the public hearing before the planning commission, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing to be published before the planning commission public hearing. The notice shall state the time, place, and purpose of the public hearing.
- (b) **Board of Commissioners.** At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing before the Board of Commissioners. The notice shall state the time, place, and purpose of the public hearing.

Sec. 12-105. Recommendation and decision.

- (a) **Planning Commission recommendation.** Unless review and recommendation by the planning commission is waived by the Board of Commissioners, within a period of 32 calendar days from the date of the planning commission's scheduled public hearing on any such application for the text amendment, the planning commission shall provide a recommendation on the proposed text amendment or elect to make no recommendation. The planning commission may recommend approval or disapproval of the proposed text amendment, or it may recommend modifications of the text amendment originally proposed, or it may elect to make no recommendation.
- (b) **Board of Commissioners decision.** The Board of Commissioners shall, following a public hearing or thereafter, render a decision on the text amendment. The Board of Commissioners may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment originally proposed.
- (c) **Information.** In rendering a recommendation on any text amendment, the Planning Commission and Board of Commissioners shall consider all information supplied by the zoning administrator. In rendering a decision on any text amendment the Board of Commissioners shall also consider the recommendation of the planning commission, if provided, as well as any testimony and information accepted during public hearings.

Sec. 12-106. Withdrawal of text amendment.

Any application for an amendment to the text of this UDC may be withdrawn at any time at the discretion of the initiator of such a request.

ARTICLE 12-2 AMENDMENT TO THE OFFICIAL ZONING MAP (REZONING)

- Sec. 12-201. Generally.
- Sec. 12-202. Initiation of rezoning application.
- Sec. 12-203. Rezoning application requirements.
- Sec. 12-204. Review for completeness.
- Sec. 12-205. Published notice of public hearings.
- Sec. 12-206. Public hearing notices – sign on property.
- Sec. 12-207. Special notice requirements for halfway houses and related uses.
- Sec. 12-208. Investigations and recommendation.
- Sec. 12-209. Public hearings.
- Sec. 12-210. Standards for rezoning decisions.
- Sec. 12-211. Planning commission recommendation.
- Sec. 12-212. Board of Commissioners decision.
- Sec. 12-213. Withdrawal of application.
- Sec. 12-214. Limitations on the frequency of filing applications.
- Sec. 12-215. Concurrent consideration of applications.

Sec. 12-201. Generally.

The official zoning map, and any environmental overlay district map established by chapter 4 of this UDC, may be amended from time to time by the Board of Commissioners following the procedures in this article. In addition, changes to conditions of approval pertaining to any conditions of rezoning approval may also be approved by the Board of Commissioners following the procedures in this article.

Sec. 12-202. Initiation of rezoning application.

- (a) An application to amend the official zoning map, or environmental overlay district map, or a condition of zoning approval may be initiated by the Board of Commissioners.
- (b) A private property owner may file an application to amend the official zoning map or to change conditions of zoning approval, as it pertains to the property owned, in accordance with the requirements of this article.

Sec. 12-203. Rezoning application requirements.

Applications to amend the official zoning map or to change conditions of zoning shall require submittal of an application meeting requirements specified in this section. The zoning administrator may waive the application fee and certain application requirements specified in this section when an application for amendment of the official zoning map or change of zoning conditions is initiated by the Board of Commissioners. The zoning administrator may also waive certain application requirements of this section, if providing such information by the applicant would be unnecessarily burdensome given the nature of the application (for instance, a simple lot

split) or such information is not considered essential to decision making by the Planning Commission or Board of Commissioners.

- (a) Application fee as established by resolution of the Board of Commissioners;
- (b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;
- (c) Metes and bounds legal description of the property; the zoning administrator may allow a map and parcel number description to suffice in lieu of a metes and bounds legal description;
- (d) Survey plat of the property (if available);
- (e) Letter of intent describing the proposed use of the property, and including an analysis of how the proposed action compares to decision criteria specified for rezoning decisions in this article and a description of any special conditions voluntarily made a part of the request; the zoning administrator may waive the requirement to respond to the decision criteria for rezonings;
- (f) Sketch plan of the property at an appropriate engineering scale prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities showing the following information; provided, however, the zoning administrator may elect to but is not obligated to accept a hand-drawn sketch of the proposed development:
 - 1. Name, address, telephone number and e-mail address of the property owner, and of the applicant if different from the property owner;
 - 2. If drawn on a boundary survey, the date of survey and source of data;
 - 3. Date of sketch plan drawing, and revision dates, if applicable;
 - 4. North arrow and graphic engineering scale;
 - 5. Location (land district, address, and tax map and parcel number) and size of the property in acres (or in square feet if less than an acre);
 - 6. Vicinity map, showing the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required. U.S. Geological Survey maps at a scale of 1 inch equals 2,000 feet may be used for vicinity maps.
 - 7. Zoning district classification of the subject property and all adjacent properties;

8. Man-made features within and adjacent to the property, including existing streets and names, county and city limit lines, and other significant information such as location of bridges, major utility lines, existing buildings and structures to remain, and other features as appropriate to the nature of the request;
 9. The proposed project layout, including the approximate location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, and approximate location of proposed storm water detention facilities;
 10. Proposed use or uses of the property;
 11. A statement from the utility provider(s) as to the source of water supply and the provision for sanitary sewage disposal;
 12. Statistics regarding the proposed development, such as but not limited to maximum building height, minimum lot size, minimum lot width, building coverage, percentage of landscaped open space, stream and zoning buffers required, and other information demonstrating compliance with the proposed zoning district's dimensional requirements as determined by the zoning administrator;
- (g) A traffic impact study prepared by a professional engineer registered in Georgia shall be required to be submitted for applications for proposed developments that generate 1,000 or more average daily vehicle trips based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A traffic study and/or other studies of the impact of the proposed zoning district or development implied in the rezoning application may be recommended by the zoning administrator or required by the Planning Commission or the Board of Commissioners as they may deem necessary for adequate consideration and a fully informed decision on an application for rezoning; and
- (h) Other information as may be required by the zoning administrator.

Sec. 12-204. Review for completeness.

The zoning administrator shall review the application for completeness within ten (10) working days of receipt. Incomplete applications will be returned to the applicant and shall not be processed.

Sec. 12-205. Published notice of public hearings.

- (a) **Planning Commission.** Prior to the date of the public hearing before the planning commission, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing to be published before the planning commission public hearing. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested.

- (b) **Board of Commissioners.** At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing before the Board of Commissioners. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested.

Sec. 12-206. Public hearing notices – sign on property.

- (a) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the county near the right-of-way of the nearest public street, so as to be visible from the street preceding the date of the planning commission's public hearing and for at least fifteen (15) days and not more than forty-five (45) days immediately preceding the date for the Board of Commissioners' public hearing on the rezoning application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained. This subsection shall not apply to any application for amendment of the official zoning map or application to initiate a comprehensive zoning plan including adoption of a new official zoning map initiated by the Board of Commissioners.
- (b) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. In addition, the notice shall include the existing zoning classification and the proposed zoning classification of the property.
- (c) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Board of Commissioners' public hearing shall remain posted until a final decision by the Board of Commissioners has been rendered.
- (d) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the county, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The county may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 12-207. Special notice requirements for halfway houses and related uses.

This section is adopted pursuant to the specific requirements of the state zoning procedures law. When a proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a duly noticed public hearing shall be held by the Board of Commissioners on the proposed action

in accordance with the procedures and requirements established in this article. In addition, the following requirements shall apply.

- (a) Such public hearing before the Board of Commissioners shall be held at least six (6) months but not more than nine (9) months prior to the date of final action on the application.
- (b) All published or posted notices of the public hearing shall include a prominent statement that the proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.
- (c) The published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

Sec. 12-208. Investigations and recommendation.

- (a) The zoning administrator may send the application out for review by internal county departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant, Planning Commission and Board of Commissioners for consideration, and any such comments shall become an official public record.
- (b) The zoning administrator may investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if made in writing be made available to the applicant, Planning Commission, and Board of Commissioners prior to public hearings and shall become an official public record.

Sec. 12-209. Public hearings.

- (a) **Planning Commission.** The Planning Commission shall hold a public hearing on rezoning applications in accordance with the public hearing procedures specified in this chapter. For any rezoning application initiated by the Board of Commissioners, the Board of Commissioners may waive the requirement for public hearing, consideration, and action by the Planning Commission.
- (b) **Board of Commissioners.** The Board of Commissioners shall hold a public hearing on all rezoning applications in accordance with the public hearing procedures specified in this chapter.

Sec. 12-210. Standards for rezoning decisions.

The Planning Commission and the Board of Commissioners should consider the following standards for any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?
- (b) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (c) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (d) Is the proposed use compatible with the goals, objectives, purpose and intent of the comprehensive plan?
- (e) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (f) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (g) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
- (h) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Sec. 12-211. Planning commission recommendation.

- (a) **Time frame for recommendation.** Within 32 calendar days of the date of the public hearing held by the Planning Commission on the application, the Planning Commission shall provide a recommendation on all applications for rezoning or elect to make no recommendation. This time limit may be extended if the applicant consents to extend the time frame, or if the project is a Development of Regional Impact (DRI) in which case the time limit will extend to accommodate the DRI process.
- (b) **Recommendation.** The Planning Commission may recommend approval or disapproval of the proposed rezoning applied for, or it may recommend conditions of approval on the application, or it may elect to make no recommendation. The Planning Commission may also recommend rezoning the property to a more restrictive zoning classification than requested by the applicant. The Planning Commission may also recommend a reduction of the boundaries of the area rezoned that is less than that requested by the applicant.
- (c) **Consideration of information.** In rendering a recommendation on any such application, the Planning Commission shall consider information supplied by the applicant, any report and/or recommendation from the zoning administrator, and any testimony and information accepted during its public hearing.

Sec. 12-212. Board of Commissioners decision.

- (a) **Time frame for decision.** Within sixty-five (65) calendar days of the date of the its public hearing, the Board of Commissioners shall render a decision on the application for rezoning. This time limit may be extended if the applicant consents to extend the time frame.
- (b) **Decision.** The Board of Commissioners may approve or disapprove the proposed rezoning as applied for, return the application to the planning commission for further study, or may approve the application with conditions. The Board of Commissioners may also rezone the property to a more restrictive zoning classification than requested by the applicant. The Board of Commissioners may also reduce the boundaries of the area rezoned to an area that is less than that requested by the applicant.
- (c) **Consideration of information.** In rendering a decision on any such application, the Board of Commissioners shall consider information supplied by the applicant, the zoning administrator, and the Planning Commission, as well as testimony and information accepted during public hearings.

Sec. 12-213. Withdrawal of application.

- (a) **No refund.** There shall be no refund by the county of an application fee if an application is withdrawn.
- (b) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the zoning administrator without restriction on the refiling of a rezoning application on the property in the future, as described in this article.
- (c) **After public notice.** If a request for withdrawal is received after a public notice has been published or when such public notice is irretrievably set for publication but the rezoning application has not been heard by the Planning Commission, the application may be withdrawn administratively by the zoning administrator, provided that an application for a rezoning of the property shall not be resubmitted for six (6) months from the date of withdrawal.
- (d) **After planning commission public hearing.** Should any request for withdrawal be made by the applicant after the Planning Commission's public hearing but before or at the Board of Commissioners' public hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Board of Commissioners. If withdrawal is not allowed, the public hearing on the rezoning will proceed.

Sec. 12-214. Limitations on the frequency of filing applications.

- (a) No rezoning application affecting the same or any portion of property which was denied by the Board of Commissioners shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by the Board of Commissioners, unless the Board of Commissioners reduces the twelve (12) month time period to no less than six (6) months.
- (b) The same or any portion of property previously considered in a rezoning application which was denied by the Board of Commissioners may not be initiated again by the Board of Commissioners until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Board of Commissioners.

Sec. 12-215. Concurrent consideration of applications.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a conditional use or variance at the same time of filing a rezoning application, the two (or multiple) applications may be processed simultaneously, but the conditional use application and any concurrent variance application shall not be voted on until the rezoning application is voted on (which may be the same public hearing or meeting), since the conditional use would not otherwise be permitted without the rezoning.

ARTICLE 12-3 APPLICATION FOR CONDITIONAL USE

- Sec. 12-301. Generally.
- Sec. 12-302. Initiation of conditional use application.
- Sec. 12-303. Conditional use application requirements.
- Sec. 12-304. Review for completeness.
- Sec. 12-305. Published notice of public hearings.
- Sec. 12-306. Public hearing notices – sign on property.
- Sec. 12-307. Special notice requirements for halfway houses and related uses.
- Sec. 12-308. Investigations and recommendation.
- Sec. 12-309. Public hearings.
- Sec. 12-310. Standards for conditional use application decisions.
- Sec. 12-311. Planning commission recommendation.
- Sec. 12-312. Board of Commissioners decision.
- Sec. 12-313. Withdrawal of application.
- Sec. 12-314. Limitations on the frequency of filing applications.
- Sec. 12-315. Concurrent consideration of applications.

Sec. 12-301. Generally.

The Board of Commissioners following the procedures in this chapter may approve conditional uses authorized in Table 2-2 of this UDC. In addition, changes to conditions of approval pertaining to any conditions of conditional use approval may also be approved by the Board of Commissioners following the procedures in this article.

Sec. 12-302. Initiation of conditional use application.

A private property owner may file an application for conditional use approval, as it pertains to the property owned, in accordance with the requirements of this article.

Sec. 12-303. Conditional use application requirements.

Applications for conditional use shall require submittal of an application requirements specified in this section; provided, however, that the zoning administrator may waive certain application requirements of this section, if providing such information by the applicant would be unnecessarily burdensome given the nature of the application (for instance, a simple lot split) or such information is not considered essential to decision making by the Planning Commission or Board of Commissioners.

- (a) Application fee as established by resolution of the Board of Commissioners;
- (b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;

- (c) Metes and bounds legal description of the property; the zoning administrator may allow a map and parcel number description to suffice in lieu of a metes and bounds legal description;
- (d) Survey plat of the property (if available);;
- (i) Letter of intent describing the proposed use of the property, and including an analysis of how the proposed action compares to decision criteria specified in this article for conditional uses and a description of any special conditions voluntarily made a part of the request; the zoning administrator may waive the requirement to respond to the decision criteria for rezonings;
- (e) Sketch plan of the property at an appropriate engineering scale prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities showing the following information; provided, however, the zoning administrator may elect to but is not obligated to accept a hand-drawn sketch of the proposed development:
 - 1. Name, address, telephone number and e-mail address of the property owner, and of the applicant if different from the property owner;
 - 2. If drawn on a boundary survey, the date of survey and source of data;
 - 3. Date of sketch plan drawing, and revision dates, if applicable;
 - 4. North arrow and graphic engineering scale;
 - 5. Location (land district, address, and tax map and parcel number) and size of the property in acres (or in square feet if less than an acre);
 - 6. Vicinity map, showing the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required. U.S. Geological Survey maps at a scale of 1 inch equals 2,000 feet may be used for vicinity maps.
 - 7. Zoning district classification of the subject property and all adjacent properties;
 - 8. Man-made features within and adjacent to the property, including existing streets and names, county and city limit lines, and other significant information such as location of bridges, major utility lines, existing buildings and structures to remain, and other features as appropriate to the nature of the request;
 - 9. The proposed project layout, including the approximate location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, and approximate location of proposed storm water detention facilities;

10. Proposed conditional use and uses of the property;

11. A statement as to the source of water supply and the provision for sanitary sewage disposal;

12. Statistics regarding the proposed development, such as but not limited to maximum building height, minimum lot size, minimum lot width, building coverage, percentage of landscaped open space, stream and zoning buffers required, and other information demonstrating compliance with the zoning district's dimensional requirements and specific regulations for the conditional use as required by chapter 3 of this UDC, as determined by the zoning administrator;

(f) A traffic impact study prepared by a professional engineer registered in Georgia shall be required to be submitted for applications for proposed developments that generate 1,000 or more average daily vehicle trips based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A traffic study and/or other studies of the impact of the proposed zoning district or development implied in the rezoning application may be recommended by the zoning administrator or required by the Planning Commission or the Board of Commissioners as they may deem necessary for adequate consideration and a fully informed decision on an application for consideration of a conditional use application; and

(g) Other information as may be required by the zoning administrator.

Sec. 12-304. Review for completeness.

The zoning administrator shall review the application for completeness within ten (10) working days of the posted application submission deadline. Incomplete applications will be returned to the applicant and shall not be processed.

Sec. 12-305. Published notice of public hearings.

(c) **Planning Commission.** Prior to the date of the public hearing before the planning commission, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing before the planning commission. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property and the proposed conditional use of the property requested.

(d) **Board of Commissioners.** At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Board of Commissioners, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing before the Board of Commissioners. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property and the proposed conditional use of the property requested.

Sec. 12-306. Public hearing notices – sign on property.

- (e) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the county near the right-of-way of the nearest public street, so as to be visible from the street preceding the date of the Planning Commission's public hearing and for at least fifteen (15) days and not more than forty-five (45) days immediately preceding the date for the Board of Commissioners public hearing on the conditional use application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning approval has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained.
- (f) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. In addition, the notice shall include the proposed conditional use of the property.
- (g) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Board of Commissioners' public hearing shall remain posted until a final decision by the Board of Commissioners has been rendered.
- (h) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the county, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The county may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 12-307. Special notice requirements for halfway houses and related uses.

This section is adopted pursuant to the specific requirements of the state zoning procedures law. When a proposed conditional use relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a duly noticed public hearing shall be held by the Board of Commissioners on the proposed action in accordance with the procedures and requirements established in this chapter. In addition, the following requirements shall apply.

- (d) Such public hearing before the Board of Commissioners shall be held at least six (6) months but not more than nine (9) months prior to the date of final action on the application.
- (e) All published or posted notices of the public hearing shall include a prominent statement that the proposed conditional use relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

- (f) The published notice shall be at least six (6) column inches in size and shall not be located in the classified advertising section of the newspaper.

Sec. 12-308. Investigations and recommendation.

- (c) The zoning administrator may send the application out for review by internal county departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant, Planning Commission and Board of Commissioners for consideration, and any such comments shall become an official public record.
- (d) The zoning administrator may investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant, Planning Commission, and Board of Commissioners prior to public hearings and shall become an official public record.

Sec. 12-309. Public hearings.

- (c) **Planning Commission.** The Planning Commission shall hold a public hearing on conditional use applications in accordance with the public hearing procedures specified in this chapter.
- (d) **Board of Commissioners.** The Board of Commissioners shall hold a public hearing on all conditional use applications in accordance with the public hearing procedures specified in this chapter.

Sec. 12-310. Standards for conditional use application decisions.

The Planning Commission and the Board of Commissioners should consider the following standards for any conditional use application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Will the proposed conditional use be consistent with the stated purpose of the zoning district in which it will be located?
- (b) Is the proposed conditional use compatible with the goals, objectives, purpose and intent of the comprehensive plan?
- (c) Will the establishment of the conditional use impede the normal and orderly development of surrounding property for uses predominant in the area?
- (d) Is the location and character of the proposed conditional use consistent with a desirable pattern of development for the locality in general?

- (e) Is or will the type or functional classification of street providing access to the use be adequate to serve the proposed conditional use?
- (f) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (g) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the conditional use?
- (h) Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
- (i) Will the hours and manner of operation of the conditional use have one or more adverse effects on other properties in the area?
- (j) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Sec. 12-311. Planning commission recommendation.

- (a) **Time frame for recommendation.** Within 32 calendar days of the date of the public hearing held by the Planning Commission on the application, the planning commission shall provide a recommendation on all applications for conditional use or elect to make no recommendation. This time limit may be extended if the applicant consents to extend the time frame. In the event a conditional use application triggers a Development of Regional Impact (DRI) review, the time frame shall be extended to accommodate the DRI review process.
- (b) **Recommendation.** The Planning Commission may recommend approval or disapproval of the proposed conditional use applied for, may recommend conditions of approval, or it may elect to provide no recommendation. The Planning Commission may also recommend a reduction of the boundaries of the area devoted to the conditional use that is less than that requested by the applicant.
- (c) **Consideration of information.** In rendering a recommendation on any such application, the Planning Commission shall consider information supplied by the applicant and any report and/or recommendation from the zoning administrator.

Sec. 12-312. Board of Commissioners decision.

- (a) **Time frame for decision.** Within sixty-five (65) calendar days of the date of the public hearing held by the Board of Commissioners, the Board of Commissioners shall render a decision on the application for conditional use. This time limit may be extended if the applicant consents to extend the time frame.

- (b) **Decision.** The Board of Commissioners may approve or disapprove the proposed conditional use as applied for, return the application to the planning commission for further study, or may approve the application with conditions. The Board of Commissioners may also reduce the boundaries of the area applicable to the conditional use to an area that is less than that requested by the applicant.
- (c) **Consideration of information.** In rendering a decision on any such application, the Board of Commissioners shall consider information supplied by the applicant, the zoning administrator, and the Planning Commission, as well as testimony and information accepted during public hearings.

Sec. 12-313. Withdrawal of application.

- (a) **No refund.** There shall be no refund by the county of an application fee if an application is withdrawn.
- (b) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the zoning administrator without restriction on the refile of a conditional use application on the property in the future, as described in this article.
- (c) **After public notice.** If a request for withdrawal is received after publication of a public notice has been published or when such public notice irretrievably set for publication but the conditional use application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the zoning administrator, provided that an application for conditional use on the property shall not be resubmitted for six (6) months from the date of withdrawal.
- (d) **After planning commission public hearing.** Should any request for withdrawal be made by the applicant after the Planning Commission's public hearing but before or at the Board of Commissioners' public hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Board of Commissioners. If withdrawal is not allowed, the public hearing on the conditional use will proceed.

Sec. 12-314. Limitations on the frequency of filing applications.

- (a) No conditional use application affecting the same or any portion of property which was denied by the Board of Commissioners shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by the Board of Commissioners, unless the Board of Commissioners reduces the twelve (12) month time period to no less than six (6) months.
- (b) The same or any portion of property previously considered in a conditional use application which was denied by the Board of Commissioners may not be initiated again

by the Board of Commissioners until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Board of Commissioners.

Sec. 12-315. Concurrent consideration of applications.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), or variance(s) and where the applicant files an application to obtain a conditional use at the same time of filing a rezoning or variance application (or both), the multiple applications may be processed simultaneously, but the conditional use application shall not be voted on until the rezoning application is voted on (which may be the same public hearing or meeting), since the conditional use would not otherwise be permitted without the rezoning.

ARTICLE 12-4

PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS

- Sec. 12-401. Generally.
- Sec. 12-402. Convening a hearing.
- Sec. 12-403. Call for presentation.
- Sec. 12-404. Requirements to speak.
- Sec. 12-405. Sequence and limits.
- Sec. 12-406. Close of hearing.

Sec. 12-401. Generally.

Public hearings held by the Planning Commission, and the Board of Commissioners for rezoning and conditional use applications shall be conducted in accordance with this article.

Sec. 12-402. Convening a hearing.

- (a) The public hearing will be convened at the scheduled time and place by the Planning Commission chair, the chairman of the Board of Commissioners or an appointed designee, as appropriate, who will act as the presiding official. The presiding official shall indicate that a public hearing has been called on one or more applications made and shall summarize the procedures of this article or call on the zoning administrator to summarize the procedures. The presiding official shall then open the public hearing.
- (b) Upon opening the public hearing, the presiding official shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding official may at his or her discretion call and consider more than one application simultaneously if more than one application involves the same piece of property, or if proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Sec. 12-403. Call for presentation.

The presiding official will call for each application to be summarized by the zoning administrator.

Sec. 12-404. Requirements to speak.

Time permitting, any member of the general public may speak at the public hearing; however, no person in attendance shall speak unless first formally recognized by the presiding official. Upon rising to speak, each person recognized except staff members shall state their name and furnish a home or business address.

Sec. 12-405. Sequence and limits.

- (a) When an individual application comes up for hearing, the presiding official may ask for a show of hands of those persons who wish to appear in support of and in opposition to the application. If it appears that the number of persons wishing to appear in support of or in opposition to the application is in excess of that which may reasonably be heard, the presiding official may request that a spokesperson for the group be chosen to make presentations. The presiding official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change or conditional use application.
- (b) No less than 10 minutes will be provided for all of those speaking in support of a zoning change or conditional use application, and no less than 10 minutes will be provided for all of those speaking against; provided, however, that proponents or opponents may take less time than the minimum required, in which case the full 10 minutes shall not be required to be allotted.
- (c) After any staff summary on the application, the applicant will be allowed to speak first in order to present the application. The hearing shall be attended by the applicant or representative thereof with authority to make binding commitments to the county with respect to any stipulations that may be offered in connection with such application. Failure to attend the hearing by the applicant or his or her authorized representative may result in the application being continued.
- (d) Each speaker may speak only to the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding official may limit or refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate this procedure.
- (e) Upon conclusion of the applicant's presentation, others in support of the application may then speak, followed by those in opposition to the application.
- (f) Following the conclusion of speakers in opposition, if some of the ten (10) minutes of applicant's time has reserved for rebuttal, the applicant will then be allowed to use the reserved time for rebuttal, which must be limited to points or issues raised by opponents to the application during the public hearing.
- (g) Questions from any member of the Planning Commission or Board of Commissioners should be held until the end, after the applicant's rebuttal.

Sec. 12-406. Close of hearing.

- (a) After the foregoing procedures have been completed, the presiding official will indicate that the public hearing is closed.
- (b) Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, the presiding officer may, in his or her discretion, reopen the public hearing for a limited time and purpose.

ARTICLE 12-5 DEVELOPMENT OF REGIONAL IMPACT

- Sec. 12-501. Definitions.
- Sec. 12-502. Applicability.
- Sec. 12-503. Jurisdiction.
- Sec. 12-504. Procedures.

Sec. 12-501. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the regional commission. This form notifies the regional commission of a potential development of regional impact in order for the commission to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the regional commission, the submission of which serves as an official request that the DRI review process be started by the commission.

Regional commission: The Georgia Mountains Regional Commission, or any successor or subsequent agency with jurisdiction for development of regional impact applications.

Sec. 12-502. Applicability.

This division shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, conditional use, variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective March 1, 2014, as may be amended from time to time.

Sec. 12-503. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Sec. 12-504. Procedures.

The application procedures established in this UDC will be modified by this article in cases where a rezoning request, conditional use application or variance application fits the definition of a “development of regional impact.” Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in “Rules

of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective March 1, 2014, as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a “development of regional impact” according to the aforementioned Rules of the Georgia Department of Community Affairs, the county will follow the procedures identified in said administrative rules which are summarized here.

- (a) When an application for a development of regional impact is received, the zoning administrator will complete an “Initial DRI Information” form and a “DRI Review Initiation Request” form. Each of these two forms may be submitted to the regional commission simultaneously, provided the county has all necessary project-related information.
- (b) The county shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in “Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact,” effective March 1, 2014, as may be amended from time to time, is completed. The county may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The county shall not take any official action related to such a project until the DRI review process is completed and the county has had adequate time to consider the DRI review comments.
- (c) After the DRI review process is completed, the county may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public findings and additional comments into consideration as it makes its decision.
- (d) If the project receives a negative public finding from the Regional Commission and the county approves said project or takes action to advance said project, the county shall notify the regional commission and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

CHAPTER 13

VARIANCES AND APPEALS

ARTICLE 13-1 VARIANCES

- Sec. 13-101. Authority to grant variances.
- Sec. 13-102. Initiation of variance applications.
- Sec. 13-103. Application requirements.
- Sec. 13-104. Criteria for granting variances.
- Sec. 13-105. Application compliance and completeness.
- Sec. 13-106. Administrative processing of applications.
- Sec. 13-107. Concurrent variance application.
- Sec. 13-108. Investigation and recommendation.
- Sec. 13-109. Published notice of public hearing.
- Sec. 13-110. Public hearing notice – sign on property.
- Sec. 13-111. Public hearing and procedures.
- Sec. 13-112. Decision.
- Sec. 13-113. Withdrawal of application.
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- Sec. 13-115. Finality and legal recourse.
- Sec. 13-116. Limitations on the frequency of filing applications.

ARTICLE 13-2 ADMINISTRATIVE VARIANCES

- Sec. 13-201. Authority.
- Sec. 13-202. Initiation of administrative variance applications.
- Sec. 13-203. Application requirements.
- Sec. 13-204. Criteria for granting administrative variances.
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ARTICLE 13-3 APPEALS OF ADMINISTRATIVE DECISIONS

- Sec. 13-301. Appeal as a remedy.
- Sec. 13-302. Initiation of an appeal.
- Sec. 13-303. Bases for an appeal.
- Sec. 13-304. Application requirements.
- Sec. 13-305. Stay of proceedings.
- Sec. 13-306. Appeal procedures.
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ARTICLE 13-1 VARIANCES

- Sec. 13-101. Authority to grant variances.
- Sec. 13-102. Initiation of variance applications.
- Sec. 13-103. Application requirements.
- Sec. 13-104. Criteria for granting variances.
- Sec. 13-105. Application compliance and completeness.
- Sec. 13-106. Administrative processing of applications.
- Sec. 13-107. Concurrent variance application.
- Sec. 13-108. Investigation and recommendation.
- Sec. 13-109. Published notice of public hearing.
- Sec. 13-110. Public hearing notice – sign on property.
- Sec. 13-111. Public hearing and procedures.
- Sec. 13-112. Decision.
- Sec. 13-113. Withdrawal of application.
- Sec. 13-114. Notice of action.
- Sec. 13-115. Finality and legal recourse.
- Sec. 13-116. Limitations on the frequency of filing applications.

Sec. 13-101. Authority to grant variances.

- (a) The Board of Commissioners shall have the power to authorize upon application in specific cases such variances to the term of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will in an individual case result in unnecessary hardship or practical difficulty, so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.
- (b) The Board of Commissioners may upon application approve, conditionally approve, or deny variances, subject to the requirements of this article. In granting a variance, the Board of Commissioners may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this UDC, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 13-102. Initiation of variance applications.

An application for variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the variance is sought.

Sec. 13-103. Application requirements.

Applications for variance shall require submittal of the following items:

- (a) Application fee as specified by resolution of the Board of Commissioners;
- (b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing existing and proposed buildings and structures and other information as may be required by the zoning administrator to describe and/or graphically depict the requested variance;
- (g) Written analysis of how the proposed action compares to decision criteria specified for the granting of variances pursuant to this article; and
- (h) Other information as may be required by the zoning administrator.

Sec. 13-104. Criteria for granting variances.

Any applicant requesting consideration of a variance to any provision of this UDC shall provide a written justification that one or more of the condition(s) described in this section exist. The Board of Commissioners shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of property in question, because of its size, shape, topography or other physical condition that are not applicable to other lands or structures in the same district; and that such conditions cause unnecessary hardship, practical difficulty or adversely affect the reasonable use or usability of property as currently zoned and regulated;
- (b) The requested variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare;
- (c) The special circumstances are not the result of the actions of the applicant; and/or
- (d) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed;

For any variance to the flood damage prevention requirements of this UDC, the specific requirements, procedures, and criteria in chapter 11 of this UDC shall apply in addition to the requirements of this article.

Sec. 13-105. Application compliance and completeness.

- (a) A separate application (and fee) is required for each section of this UDC proposed to be varied. In cases where more than one application for variance pertaining to a particular piece of property is filed, said applications may be processed simultaneously.
- (b) No variance application shall be processed by the zoning administrator unless it complies with the procedural requirements of this article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this article.
- (c) The zoning administrator shall not accept for processing, or process, a variance application that does not comply with all application submittal requirements of this article.

Sec. 13-106. Administrative processing of applications.

The zoning administrator is hereby authorized to establish administrative deadlines for the receipt of variance applications. Upon a finding by the zoning administrator that a variance application is complete and complies with the requirements of this article, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Sec. 13-107. Concurrent variance application.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map) or conditional use, or both, and where the applicant files an application to obtain a variance related to the same property as involved in the filing a rezoning or conditional use application, the applications may be administratively processed simultaneously, but no action shall be taken by the Board of Commissioners on the variance application until the rezoning or conditional use application, or both as appropriate, is approved by the Board of Commissioners.

Sec. 13-108. Investigation and recommendation.

- (a) The zoning administrator may send the application out for review by internal county departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant and Board of Commissioners, and any such comments shall become an official public record.
- (b) The zoning administrator may investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant and Board of Commissioners prior to public hearings and shall become an official public record.

Sec. 13-109. Published notice of public hearings.

- (a) **Planning Commission.** Prior to the date of the public hearing before the planning commission, the county shall cause to be published within a newspaper of general circulation within the county a notice of the public hearing to be published before the planning commission public hearing. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the section of the UDC proposed to be varied.
- (b) **Board of Commissioners.** At least fifteen (15) days and not more than forty-five (45) days immediately preceding the date of the Board of Commissioners' public hearing, the zoning administrator shall cause to be published within a newspaper of general circulation within the county a notice of a public hearing on the matter before the Board of Commissioners. The notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. The notice shall also include the section of this UDC requested to be varied.

Sec. 13-110. Public hearing notice – sign on property.

- (a) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the county near the right-of-way of the nearest public street, so as to be visible from the street preceding the date of the Planning Commission's public hearing and for at least fifteen (15) days and not more than forty-five (45) days immediately preceding the date for the Board of Commissioners' public hearing on the variance application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the variance has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained.
- (b) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. In addition, the notice shall include the existing zoning classification and the proposed section of the UDC to be varied.
- (c) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Board of Commissioners' public hearing shall remain posted until a final decision by the Board of Commissioners has been rendered.
- (d) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the county, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The county may also in its sole discretion,

continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 13-111. Public hearing and procedures.

- (a) The Planning Commission shall hold a public hearing on all variance applications.
- (b) The Board of Commissioners shall hold a public hearing on all variance applications.
- (c) Procedures for calling and conducting a public hearing by the Board of Commissioners shall be the same as those procedures established in chapter 12, of this UDC.

Sec. 13-112. Decision.

- (a) **Time frame.** Within sixty-five (65) calendar days of the date of its public hearing held by the Board of Commissioners, the Board of Commissioners shall render a decision on the application for variance. This time limit may be extended if the applicant consents to extend the time frame.
- (b) **Decision.**
 - 1. The Board of Commissioners may approve or disapprove the proposed variance, or it may approve the application with conditions.
 - 2. The Board of Commissioners shall consider information supplied by the applicant and the zoning administrator prior to making a decision.
 - 3. The decision of the Board shall be based on findings.
 - 4. If the Board of Commissioners' proposed action on the variance is consistent with the findings in the staff report prepared by the zoning administrator, the Board of Commissioners may rely on the findings in the staff report, without the need to adopt any additional findings. In such instance, the motion shall be worded as follows: "I make a motion to approve [or deny] the application for variance based on the findings adopted in the staff report for the application."
 - 5. If the Board of Commissioners' proposed action on the variance is contrary to the findings in the staff report prepared by the zoning administrator, the Board of Commissioners shall adopt its own findings to support its decision. In such instance, the Board shall take one of the following actions prior to acting on a motion: adopt its own findings of fact; or request that the zoning administrator articulate findings to support the proposed action; or recess to allow the Board members or the zoning administrator to articulate findings to support the proposed action; or continue the meeting to a later date certain to give the Board and/or zoning administrator time to articulate findings to support the proposed action.

Sec. 13-113. Withdrawal of application.

- (a) **No refund.** There shall be no refund by the county of an application fee if an application is withdrawn.
- (b) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the zoning administrator without restriction on the refiling of a variance application on the property in the future, as described in this article.
- (c) **After public notice.** If a request for withdrawal is received after publication of a public notice has been published or when such public notice irretrievably set for publication but the variance application has not been heard by the Board of Commissioners, the application shall be withdrawn administratively by the zoning administrator, provided that an application for a variance relating to the property shall not be resubmitted for twelve (12) months from the date of withdrawal.
- (d) **After Board of Commissioners public hearing.** No withdrawal of a variance application shall be permitted after the public hearing on said application has been convened.

Sec. 13-114. Notice of action.

The zoning administrator, or clerk of the Board of Commissioners shall notify the applicant in writing of the decision on the variance application by the Board of Commissioners.

Sec. 13-115. Finality and legal recourse.

A decision of the Board of Commissioners with regard to a variance application shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within thirty (30) days of the decision of the Board of Commissioners. Reconsideration of an action on a variance application under court order shall follow the same procedures of this Division as though a new application.

Sec. 13-116. Limitations on the frequency of filing applications.

No variance application requesting variance to the same section of the UDC and affecting the same or any portion of property which was denied by the Board of Commissioners shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application for variance to the same section of the UDC was denied by the Board of Commissioners.

ARTICLE 13-2 ADMINISTRATIVE VARIANCES

- Sec. 13-201. Authority.
- Sec. 13-202. Initiation of administrative variance applications.
- Sec. 13-203. Application requirements.
- Sec. 13-204. Criteria for granting administrative variances.
- Sec. 13-205. Application compliance and completeness.
- Sec. 13-206. Decision.
- Sec. 13-207. Recourse if denied.

Sec. 13-201. Authority.

- (a) The zoning administrator shall have the power to authorize upon application in specific cases such variances from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will in an individual case result in unnecessary hardship or practical difficulty, so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.
- (b) The zoning administrator may upon application approve, conditionally approve, or deny variances, subject to the requirements of this article. In granting a variance, the zoning administrator may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this UDC, as may be deemed necessary for the protection of adjacent properties and the public interest.
- (c) The zoning administrator's authority to grant administrative variances shall be limited to granting administrative variances to the following provisions:
 - 1. Minimum building setbacks, whether established by zoning district, environmental overlay district, or for a specific use, not to exceed a reduction of 25%, but not including any stream buffer required by this UDC or any other buffer requirement of this UDC.
 - 2. Maximum building height, not to exceed an increase of 25% above the maximum allowed.
 - 3. Minimum parking space requirements, not to exceed twenty percent (25%) below the minimum.
 - 4. Reduction or waiver of off-street loading requirements.

Sec. 13-202. Initiation of administrative variance applications.

An application for administrative variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the administrative variance is sought.

Sec. 13-203. Application requirements.

Applications for administrative variance shall require submittal of the following items:

- (a) Application fee as specified by resolution of the Board of Commissioners;
- (b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;
- (c) Legal description of the property;
- (d) Survey plat of the property;
- (e) Letter of intent describing the proposed use of the property or other action requested;
- (f) Site plan of the property at an appropriate engineering scale showing existing and proposed buildings and structures and other information as may be required by the zoning administrator to describe and/or graphically depict the requested variance;
- (g) Written analysis of how the proposed action compares to decision criteria specified for the granting of variances as specified in this article; and
- (h) Other information as may be required by the zoning administrator.

Sec. 13-204. Criteria for granting administrative variances.

Any applicant requesting consideration of an administrative variance shall provide a written justification that one or more of the condition(s) described in this section exist. The zoning administrator shall not approve an administrative variance application unless he or she shall have adopted findings that one or more of the following conditions exist:

- (a) There are extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of property in question, because of its size, shape, topography or other physical condition that are not applicable to other lands or structures in the same district; and that such conditions cause unnecessary hardship, practical difficulty or adversely affect the reasonable use or usability of property as currently zoned and regulated;
- (b) The requested variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare;

- (c) The special circumstances are not the result of the actions of the applicant; and/or
- (d) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

Sec. 13-205. Application compliance and completeness.

- (a) A separate application (and fee) is required for each section of this UDC proposed to be administratively varied. In cases where more than one application for administrative variance pertaining to a particular piece of property is filed, said applications may be processed simultaneously.
- (b) No administrative variance application shall be processed by the zoning administrator unless it complies with the procedural requirements of this article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this article.
- (c) The zoning administrator shall not accept for processing, or process, an administrative variance application that does not comply with all application submittal requirements of this article.

Sec. 13-206. Decision.

Within no more than thirty (30) calendar days of the date an administrative variance application is determined complete, the zoning administrator shall render a decision on the application which shall be based on findings.

Sec. 13-207. Recourse if denied.

An applicant who applies for an administrative variance that is denied by the zoning administrator may file a variance application to be considered by the Board of Commissioners, as provided in Article 13-1 of this chapter.

ARTICLE 13-3 APPEALS OF ADMINISTRATIVE DECISIONS

- Sec. 13-301. Appeal as a remedy.
- Sec. 13-302. Initiation of an appeal.
- Sec. 13-303. Bases for an appeal.
- Sec. 13-304. Application requirements.
- Sec. 13-305. Stay of proceedings.
- Sec. 13-306. Appeal procedures.
- Sec. 13-307. Authority and action.

Sec. 13-301. Appeal as a remedy.

It is the intent of this UDC that all questions arising in connection with the administration and enforcement of this UDC shall be presented first to the zoning administrator for potential resolution. Persons may appeal to the Board of Commissioners for relief when aggrieved by an action or an interpretation of the zoning administrator made under this UDC. All such requests for relief shall be taken as an appeal to the Board of Commissioners, as provided in this article.

Sec. 13-302. Initiation of an appeal.

Any person aggrieved by a decision of the zoning administrator or any person acting administratively under authority of this UDC may initiate, by application, an appeal of an administrative action or interpretation to the Board of Commissioners. An application for an appeal for any property or properties may be initiated by the owner of a majority interest in the property affected, or his or her authorized representative.

Sec. 13-303. Bases for an appeal.

- (a) An appeal may be filed where it is alleged that the zoning administrator has misinterpreted or misapplied one or more requirements or other provisions of this UDC.
- (b) An appeal may be filed where it is alleged that an enforcement officer erred in finding the person or property in violation of any provision of this UDC or in violation of permit conditions.

Sec. 13-304. Application requirements.

- (a) All appeal applications shall be submitted to the zoning administrator. The applicant shall be required to submit all documentation necessary to support the appeal application, which shall be transmitted by the zoning administrator to the Board of Commissioners.
- (b) All appeal applications shall be accompanied by a non-refundable fee, as set by resolution of the Board of Commissioners from time to time.

- (c) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The county may request such additional information from the appellant as necessary to provide a full understanding of the appeal.
- (d) Such appeal application must be filed within thirty (30) days of the action or interpretation that is the subject of the appeal. If the person aggrieved by an action by an administrative official with regard to this UDC does not file a complete appeal application within thirty (30) days of the decision appealed from, then the decision of the zoning administrator shall stand, and no further remedy shall be available under this UDC.
- (e) The zoning administrator shall review the application for completeness within ten (10) working days of the application submission deadline. Incomplete or improper applications will be returned to the applicant.

Sec. 13-305. Stay of proceedings.

The filing of a completed application for an appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board of Commissioners, after the notice of appeal shall has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed unless the applicant for appeal of an administrative decision secures an order from a court of competent jurisdiction.

Sec. 13-306. Appeal procedures.

- (a) **Assembly of record.** Upon receiving a complete and timely application for an appeal, the zoning administrator shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (b) **Schedule of appeal hearing.** Once the record has been assembled, the zoning administrator shall schedule the appeal for public hearing and consideration at the next meeting of the Board of Commissioners for which adequate public notice can be given.
- (c) **Notification to the general public.** At least 15 days but not more than 45 days prior to public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing. The published notice shall also include the location of the property for which the appeal arises, if applicable and the nature of the appeal.

Sec. 13-307. Authority and action.

- (a) **Decision or determination.** The Board of Commissioners shall after application and public hearing make findings and render a decision on the appeal. The Board of

Commissioners may affirm, overrule or modify, in whole or in part, the rulings, or decisions or interpretations of the zoning administrator.

- (b) **Remedies.** In cases where an appeal is granted, the Board of Commissioners may direct the issuance of land disturbance permits, development permits, building permits, and certificates of occupancy not otherwise inconsistent with this UDC or other ordinance adopted by the Board of Commissioners. The Board of Commissioners may interpret such provisions of this UDC as may require clarification or extension in specific cases.
- (c) **Notice.** The zoning administrator or Clerk of the Board of Commissioners shall notify the applicant, in writing, of its decision within five (5) calendar days after the Board of Commissioners has rendered its decision.
- (d) **Binding action.** The zoning administrator shall be bound by the decision of the Board of Commissioners on the appeal application.
- (e) **Finality.** A decision of the Board of Commissioners pursuant to this article shall constitute final action and may be appealed only to a court of competent jurisdiction in the manner provided by law.

CHAPTER 14

ADMINISTRATION AND ENFORCEMENT

ARTICLE 14-1 ADMINISTRATION

- Sec. 14-101. Responsible administrator.
- Sec. 14-102. Responsibilities of the administrator.
- Sec. 14-103. Delegation.

ARTICLE 14-2 INTERPRETATION

- Sec. 14-201. Use of figures and examples for illustration.
- Sec. 14-202. Use of words or phrases.
- Sec. 14-203. Relationship to other regulations.

ARTICLE 14-2 ENFORCEMENT

- Sec. 14-301. Definitions.
- Sec. 14-302. Enforcement generally.
- Sec. 14-303. Authority to enter property and inspect.
- Sec. 14-304. Notice of violation.
- Sec. 14-305. Stop work order.
- Sec. 14-306. Cease and desist order.
- Sec. 14-307. Violations.
- Sec. 14-308. Service of citation.
- Sec. 14-309. Referral of violation to county attorney.
- Sec. 14-310. Violation a misdemeanor.
- Sec. 14-311. Failure to obtain a development permit for land-disturbing activity.
- Sec. 14-312. Civil monetary penalties.
- Sec. 14-313. Additional remedies.

ARTICLE 14-1 ADMINISTRATION

- Sec. 14-101. Responsible administrator.
- Sec. 14-102. Responsibilities of the administrator.
- Sec. 14-103. Delegation.

Sec. 14-101. Responsible administrator.

The zoning administrator, as appointed by the Franklin County Board of Commissioners is responsible for the supervision and execution of all administrative functions of this UDC, unless otherwise specified. This development code shall be administered, interpreted, and enforced by the zoning administrator, who shall have all of the duties and authority with respect to this UDC as provided in the various chapters, articles and sections of this UDC, and those necessarily implied by said provisions.

Sec. 14-102. Responsibilities of the administrator.

Functions and duties of the zoning administrator include but are not limited to the following:

- (a) **Forms, procedures, and guidelines.** Promulgate administrative procedures, guidelines, application forms, and schedules with deadlines and meeting dates for various applications required by this UDC; and
- (b) **Fee schedule initiation.** Periodically propose and update fee schedules for various applications and permits required by this development. Said fee schedule proposed by the zoning administrator shall not become binding until adopted by the Franklin County Board of Commissioners by resolution; and
- (c) **Administrative application processing.** Receive, review and approve, conditionally approve or deny applications for minor subdivisions, boundary line adjustment, lot combination, development permit, building permit, and any other procedure of this development that requires an application be filed with the zoning administrator and administratively decided by the zoning administrator; and
- (d) **Inspections program.** Execute a program of inspections of land development, as required to implement this UDC. The zoning administrator or designee will periodically inspect the sites of land-disturbing activities for which development permits have been issued to determine if the activities are being conducted in accordance with the approved plans; and
- (e) **Enforcement program.** Execute a program of enforcement of this UDC and other codes assigned to the zoning administrator for enforcement; and

- (f) **Interpretation.** Interpret the provisions of this UDC, where uncertainty exists; and
- (g) **Other.** Tend to other administrative details not inconsistent with the provisions of this UDC, and to implement the provisions of this development code.

Sec. 14-103. Delegation.

The zoning administrator may delegate administrative functions, powers, and duties assigned by this development code to other staff as may be appropriate, without the need to separately authorize such delegation by formal action, including but not limited to code enforcement and building permitting and inspections. Such delegation shall not be considered necessary if the Franklin County Board of Commissioners has arranged for code enforcement and/or building permitting and inspections to be provided by an approved private vendor.

ARTICLE 14-2 INTERPRETATION

Sec. 14-201. Use of figures and examples for illustration.

Sec. 14-202. Use of words or phrases.

Sec. 14-203. Relationship to other regulations.

Sec. 14-201. Use of figures and examples for illustration.

Figures, examples, or explanatory text associated with defined terms or regulatory paragraphs in this development code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

Sec. 14-202. Use of words or phrases.

For the purpose of this development code, the following shall apply to the use of words and phrases:

- (a) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person “he” or “his” also means “her” or “hers.”
- (b) References to the “county” and to the Franklin County Board of Commissioners and any public officials or appointed bodies of the county not otherwise named by political jurisdiction or defined in this development code shall always mean Franklin County, Georgia, and its governing body, appointed or employed officials, and appointed bodies.
- (c) The word “person” is intended to include 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 this State, any interstate body or any other legal entity.
- (d) The words “shall,” “will,” “is to” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
- (e) The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
- (f) The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”
- (g) The word “day” means a calendar day unless otherwise specified as a work day, excluding official county holidays.

- (h) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”
- (i) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and article in which they occur.
- (j) Words and phrases not defined in this development code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.
- (k) Definitions are clearly identified as such and are located throughout this development code in the articles or sections to which they most readily refer. All definitions, regardless of location within an article of this development code, apply equally to the use of such terms throughout the development code. In the case where two definitions conflict, the zoning administrator shall determine which definition applies, depending on the specific context.

Sec. 14-203. Relationship to other regulations.

The requirements of this UDC are in addition to the requirements of other ordinances, rules, regulations and other provisions of law, and where any provision of this UDC imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

ARTICLE 14-3 ENFORCEMENT

- Sec. 14-301. Definitions.
- Sec. 14-302. Enforcement generally.
- Sec. 14-303. Authority to enter property and inspect.
- Sec. 14-304. Notice of violation.
- Sec. 14-305. Stop work order.
- Sec. 14-306. Cease and desist order.
- Sec. 14-307. Violations.
- Sec. 14-308. Service of citation.
- Sec. 14-309. Referral of violation to county attorney.
- Sec. 14-310. Violation a misdemeanor.
- Sec. 14-311. Failure to obtain permit.
- Sec. 14-312. Civil monetary penalties.
- Sec. 14-313. Additional remedies.

Sec. 14-301. Definitions.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any individual living or sleeping in a building, or having possession of a space within a building.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Sec. 14-302. Enforcement generally.

- (a) Any action or inaction that violates the provisions of this development code or the requirements of an approved plan or permit may be subject to the enforcement actions outlined in this chapter.
- (b) Any action or inaction that violates the provisions of this development code or the requirements of an approved plan or permit and that is continuous with respect to time is deemed a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this division shall not prevent such

equitable relief.

Sec. 14-303. Authority to enter property and inspect.

- (a) The zoning administrator and code enforcement officer shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this development code, and for that purpose is authorized to enter at reasonable times upon any property for the purpose of investigation and inspection.
- (b) No person shall refuse entry or access to any authorized representative or agent of the county 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.

Sec. 14-304. Notice of violation.

- (a) If, through inspection, it is deemed that a person engaged in land-disturbing activities or engaged in a land use has failed to comply with this development code generally, or has failed to comply with an approved plan or permit, or with conditions of rezoning approval or development permit conditions, or with any other provisions of this development code, a written notice to comply shall be served upon that person responsible for the violation, and the property owner, if different, and the occupant of the property if different.
- (b) The notice shall set forth the section or sections of this development code which have been violated and the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person responsible fails to comply within the time specified, he shall be deemed in violation of this development code.
- (c) Any person found to be in violation of this development code shall be deemed to have forfeited any required performance bond if required to post one under the provisions of this development code.

Sec. 14-305. Stop work order.

- (a) Whenever the zoning administrator or code enforcement officer finds any work regulated by this development code being performed in a manner contrary to the provisions of this development code the zoning administrator or code enforcement officer is authorized to issue a stop work order.
- (b) A stop work order shall be issued in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is

authorized to resume.

- (c) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (d) Where an emergency exists, the zoning administrator or code enforcement officer shall not be required to give written notice prior to stopping the work.
- (e) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine or penalties as prescribed in this chapter and as otherwise provided or prescribed by law.

Sec. 14-306. Cease and desist order.

The zoning administrator or code enforcement officer shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this UDC.

Sec. 14-307. Violations.

- (a) Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the zoning administrator, code enforcement officer, county attorney, and any appointed county solicitor shall all have authority to prosecute violations in court.
- (b) Prosecutions for violations of any provision of this development code shall be upon accusation by the county attorney or such other attorney as the Franklin County Board of Commissioners may designate.

Sec. 14-308. Service of citation.

- (a) A citation for or accusation of a violation of this development code shall be served by at least one of the following:
 - 1. Posting a copy of it on the door of the premises where the alleged violation occurred; and
 - 2. Mailing a copy of it by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the applicable tax commissioner. The certificate of mailing to the accused shall constitute prima-facie evidence of compliance with this requirement; and
- (b) Service of a citation shall not be authorized until there has been at least one attempt at

personal service on the accused at the address of record of the accused as maintained by the applicable tax commissioner or of the accused's registered agent as maintained by the Secretary of State, provided that such attempt at personal service shall only be required if the accused resides or has a registered agent in this state.

- (c) Prosecutions for violations of this development code upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the Franklin County Board of Commissioners to issue citations.

Sec. 14-309. Referral of violation to county attorney.

Any violation alleged under this development code may be referred by the zoning administrator or code enforcement officer to the county attorney for investigation, citation and enforcement.

Sec. 14-310. Violation a misdemeanor.

Violation of any provision of this development code, including violation of conditions of approval established in connection with grants of variance or plat or plan approval, shall constitute a misdemeanor.

Sec. 14-311. Failure to obtain a permit.

If any person commences any land-disturbing activity requiring a development permit as prescribed in this development code without first obtaining said permit, the person shall in addition to all other available remedies be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the county.

Sec. 14-312. Civil monetary penalties.

- (a) Any person violating any provision of this development code, permitting or plan conditions or stop work order shall be liable for a civil penalty or fine not to exceed \$1,000.00 per day, but in no event less than \$300.00.
- (b) Each day the violation continues shall constitute a separate offense.
- (c) Any civil penalties imposed pursuant to this development code shall be payable to the county, shall commence on the date of issuance of any stop work order, cease and desist order or other notice of noncompliance and shall not be affected by the filing of any appeal.
- (d) Any civil penalty imposed pursuant to this article may, at the discretion of the county, be waived or reduced if, in the discretion of the county, the violator has taken sufficient and timely curative and corrective action.

- (e) No land-disturbance or development permits, inspections, building permits or certificate of occupancies, will be granted to any person who has an outstanding fine for violating this development code.
- (f) Any person who violates any provisions of this development code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this development code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the zoning administrator or code enforcement officer issued as provided in this development code shall be liable for a civil penalty not to exceed \$1,000.00 per day.

Sec. 14-313. Additional remedies.

Nothing contained in this division shall prevent the county from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

CHAPTER 15

SIGNS AND ADVERTISING DEVICES

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- Sec. 15-102. Purposes.
- Sec. 15-103. Intentions.
- Sec. 15-104. Jurisdiction and general applicability.
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ARTICLE 15-4 MAINTENANCE, ABANDONMENT AND NONCONFORMITIES

- Sec. 15-401. Maintenance.
- Sec. 15-402. Procedure for non-maintained signs.
- Sec. 15-403. Derelict signs.
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ARTICLE 15-1 GENERAL PROVISIONS

- Sec. 15-101. Findings.
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Sec. 15-101. Findings.

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

- (a) Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents.
- (b) Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs.
- (c) Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists.
- (d) The appearance of the county is substantially influenced by signs, and it is essential to the county's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the county.
- (e) The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can have a particularly detrimental effect on adjacent properties and contribute to an overall image of blight in the community.

- (f) Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize the value and benefit of public investments in streetscapes.
- (g) Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses, because business owners may be compelled to erect larger and costlier signs to outperform neighboring or nearby businesses. Such competition for visibility among business can result in too many signs and excessive sizes and heights, to a point of diminishing returns where individual business signs are no longer adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business of choice in the sea of advertising devices.
- (h) Signs which are lighted at night give the appearance of activity or operation that is not consistent with residential character of certain parts of the county. Signs that are internally illuminated also tend to give the appearance of a business area. It is appropriate to control the lighting of signs and to make distinctions on where signs may need to remain unlit, and also where internally illuminated signs are permitted. Lights that flash or blink, or vary in intensity have greater potential to attract attention but also a greater probability of distracting motorists. It is in the interests of the community to prohibit lighting practices on signs that are likely to distract motorists. The luminance of a sign (a measurable quantity) can also be perceived by humans as too bright or imposing glare, or causing a nuisance, and it is in the interest of the community to control the intensity of lighting. Electronic changeable copy signs pose special issues and deserve individual regulation specific to that type of sign.
- (i) Signs that change copy electronically and that produce multiple messages, which allow operators to change content from remote locations in a matter of seconds, have been shown to create possible threats to public safety. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit and colorful signs that change messages every few seconds compel motorists to notice them, and they lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorist's attention, the motorist will look at the sign and not at the road. Electronic multiple message signs can also pose a threat to public safety because of their brightness, making them visible from great distances. Due to their nature of brightness, changing colors, and changing displays, electronic multiple message signs are more distracting than signs which do not vary the brightness, color or message, or multiple message signs that are changed by other means at less frequent intervals. Some electronic multiple message signs could, if unregulated, have the appearance of large, plasma-screen televisions. An electronic LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be extremely bright

since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction.

- (j) The object to which a sign is attached has important implications for compatibility with surroundings. Signs placed on building walls and in windows can be excessive if not regulated as to the area of the sign face, and it is in the public interest to ensure that building and window signs are proportional to the building wall or window on which the signs are placed. It is considered inappropriate to attach signs to certain objects like rocks and benches, thereby justifying certain prohibitions. It is also considered inappropriate to allow signs on roofs of buildings, justifying prohibition, since roof signs interrupt the silhouette of the building, overpower the architecture of the building, and can also block views.
- (k) Limitations on window signs can increase visibility from outside a building and may help deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and may increase public safety of commercial areas through a reduction in crime potential.
- (l) Some signs are not movable in the wind, while others are designed to move in the wind. For instance, a flag, or feather banners (also called “wind blades”), or ribbons on strings, etc. are designed to capture attention due to movement in the wind. Further, movement by wind may be naturally generated or power driven, as in the case of machines that blow air through an advertising device. Signs that move in the wind have greater potential for attracting attention to them given their movement. Without regulations and prohibitions on these types of advertising, the result would be clutter and degradation of community appearance.
- (m) Flying the American flag is one of the most fundamental rights of every person in the United States. Federal protections have been instigated to protect that right. It is not the intent to prevent the display of the American flag on any sign, although it is also appropriate to restrict the use of flags as an advertising medium. The county finds that the flying of flags, whether the nation’s flag or any other, can be abused. Specifically, businesses, in an effort to outdo their competitors or to stand out in the complex visual environment of messaging, will sometimes install flags on light posts or place multiple small flags along street frontages. Other businesses may, if unregulated, choose to fly uncolored flags in multiple locations just to gain attention. These situations are not considered responsible displays of the American flag and are considered abuses for advertising purposes. The use of flags as an advertising or attention-attracting medium deserves regulation. Accordingly, it is appropriate to regulate flags, including colored flags without sign copy, to ensure the county’s various objectives are met, while at the same time safeguarding the rights of individuals, establishments, and property owners to

demonstrate allegiance to the nation, a state, a county or a private establishment. The regulations pertaining to the size, height, and manner of displaying flags are intended to permit such expressions of allegiances while preventing the potential abuses. The copy or content of flags is not regulated by this chapter.

- (n) Not all lots, parcels, or properties are equal when it comes to the need for signs. Signs along state highways are generally greater in area and height not only because of the desire to allow commercial messages but also because motorist travel speeds (i.e., posted speed limits) are typically greater than in residential neighborhoods. For interstates, the needs are even greater. There is evidence that larger signs are needed for legibility and visibility on interstate routes and state highways given their greater motor vehicle speeds (i.e., less time to view a message) and greater width of the right of way, which increases distance of the motorist to sign messages and thus decreases legibility and visibility. This provides justification for differentiating among sign area allowances along different routes based on the number of travel lanes.
- (o) The zoning district is an appropriate means of regulating signs, because generally a character is established by each zoning district. The needs for signage differ remarkably among single-family residential zoning districts from zoning districts allowing business, which in turn differ significantly from industrial establishments. Greater sign heights and areas are appropriate in business and industrial zones when compared with residential zoning districts.
- (p) Due to their large areas, billboards are inherently incompatible with the goals and objectives for development and community character as established in the county's adopted comprehensive plan. Because this chapter allows for any type of message on any type of lawful sign, it is unnecessary to allow large signs that are inconsistent with the county's desired character and not fundamentally necessary in terms of providing additional opportunity for messages that may be classified informally as "off site." The purposes served by billboards are reasonably accommodated by other signs, but with smaller areas and at lower heights than would be accomplished with billboards.
- (q) It is acknowledged that no set of sign regulations can anticipate all situations relative to sign needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.
- (r) The regulations contained in this chapter are no more extensive than necessary to serve the substantial governmental interests and purposes identified in this chapter.

Sec. 15-102. Purposes.

The purposes of this chapter are to promote and protect the public health, safety, general welfare, and aesthetics, specifically including but not limited to the following:

- (a) To provide for the expression of messages by citizens and businesses in the county, and to afford adequate opportunity for self-expression through free speech;
- (b) To reduce clutter and to improve the general attractiveness of the county;
- (c) To enable the public to locate goods, services, and facilities in the county without difficulty and confusion;
- (d) To ensure the reasonable, orderly, and effective display of signs;
- (e) To reduce the probability of traffic accidents due to signs obstructing or confusing the vision of drivers, bicyclists, or pedestrians;
- (f) To ensure that signs are compatible with their surroundings and to protect property values;
- (g) To facilitate and aid in the identification and location of businesses in the county in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies;
- (h) To insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs; and
- (i) To balance the rights of individuals to convey their messages through signs with the rights of the public to be protected against the unrestricted proliferation of signs.

Sec. 15-103. Intentions.

- (a) **Time, place, and manner restrictions.** It is the intent of this chapter to regulate the composition, type, location, placement, height, size, quantity, illumination, duration, and manner of signs and advertising devices that may be displayed. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the intentions and purposes of this chapter. These intentions and purposes are valid and lawful governmental interests.
- (b) **Content neutrality.** The participating municipalities intend to adopt and implement regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-commercial content. It is the intent of this chapter to allow political, religious, or personal (non-commercial) messages on any sign permitted to be erected by this chapter.

Sec. 15-104. Jurisdiction and general applicability.

No sign or advertising device may be erected, placed, established, painted, created, or maintained within unincorporated Franklin County except in conformity with this chapter.

Sec. 15-105. Exemptions.

The following types of signs are specifically exempted from compliance with this chapter.

- (a) Street address identifiers and building identification numbers on ground signs and on building faces which are required by code or essential to the location of such buildings.
- (b) Building markers and decorative or architectural features integral to buildings.
- (c) Cemetery stones and markings of individual graves or burial plots.
- (d) Incidental signs, unlighted.
- (e) Interior signs, unlighted.
- (f) Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the government with jurisdiction, or along private streets or driveways and in off-street parking lots, consistent with the Manual on Uniform Traffic Control Devices.
- (g) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as but not limited to public notices, safety signs, memorial plaques, signs of historical interest, and temporary banners pertaining to community festivals.
- (h) Signs required by federal, state, or local laws, including but not limited to parking spaces reserved for the handicapped or disabled.
- (i) Signs not oriented or intended to be legible from a public right-of-way or adjacent property, or from outdoor areas of public property.
- (j) Scoreboards that are permitted as a part of an approved plan for a public or private recreational facility.
- (k) Holiday lights and decorations, provided that they are removed within a reasonable period following the holiday season to which they pertain.

Sec. 15-106. Prohibited signs.

The following signs and advertising devices are prohibited unless otherwise specifically provided in this chapter:

1. Air-blown and windblown advertising devices, including but not limited to air puppets and pennants.
2. Banners and feather banners.
3. Hand-held signs.
4. Signs erected within a state or county right-of-way without the permission of the owner of said right-of-way. Any unauthorized traffic control device or sign or message placed in a public right-of-way by a private organization or individual constitutes a public nuisance and is subject to removal.
5. Signs erected at a height of between 2.5 and 12 feet within a site visibility triangle established by this chapter, or a sign at any height or in any manner that obstructs or interferes with the vision of a motor vehicle operator's view of approaching, merging, or intersecting traffic.
6. Signs erected without the permission of the property owner.
7. Except in agricultural zoning districts, signs that are painted on or attached to trees, fences (except for one identification plate not exceeding $\frac{1}{4}$ square feet), fence posts, utility poles, or rocks or other natural features are prohibited.
8. Signs that emit smoke, vapor, or odor.
9. Signs that rotate, revolve (revolving signs), or have moving parts.
10. Inflatable signs and advertising devices.
11. Signs that obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or that prevent the free passage from one part of a roof to any other part thereof.
12. Signs shaped in a manner and with a color that imitates, or could be mistaken for, an official traffic control sign, such as a red, octagonal "stop" sign or yellow, triangular "yield" sign.
13. Signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours or that contain luminous paint that glows in the dark.

14. Portable signs.
15. Projected image signs.
16. Roof signs.
17. Vehicular signs, and signs or advertising devices attached to vehicles operating within public rights of ways (also commonly referred to as mobile billboards).
18. Any sign not specifically permitted in a zoning district as provided in this chapter shall be prohibited in that district, unless specifically otherwise provided under this Chapter.
19. Any other sign or advertising device not specifically permitted by this chapter, shall be prohibited unless otherwise specifically provided.

Sec. 15-107. Location restrictions.

- (a) Signs in public right of way. No sign shall be erected on or encroach on any public right-of-way.
- (b) Vision clearance area. No portion of a sign face, and no portion of a sign structure wider than twelve (12) inches, between the heights of two and one half (2½) feet and twelve (12) feet shall be located within twenty (20) feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within twenty (20) feet of the intersection of a street right-of-way and either edge of a driveway. In addition, no sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.
- (c) **Obstruction of visibility of public sign.** No sign shall be located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.
- (d) **Height clearance.** Projecting signs and any sign suspended from a canopy shall provide a minimum of eight (8) feet of clearance from ground level to the bottom of the sign.

Sec. 15-108. Illumination of signs and illumination for advertising purposes.

- (a) It shall be unlawful to utilize strobe, laser, and search lights except for emergency or public safety operations.
- (b) Signs shall not flash or blink, except as may be specifically authorized in this chapter.
- (c) Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or a combination of agricultural and residential use, shall not be illuminated.

- (d) Signs in agricultural and residential zoning districts shall not be internally illuminated.
- (e) Temporary signs shall not be illuminated.
- (f) Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, so as not to cause glare or spill light into the road right-of-way or up into the sky.

Sec. 15-109. Sign height limitations.

- (a) **Ground signs.** The maximum height of any ground sign regulated by this chapter shall be as follows:

Zoning District type	Within 660 feet of an Interstate Highway Right of Way	More than 660 feet from an Interstate Highway Right of Way
Commercial (NC, HB)	60	35
Industrial (LI, HI)	60	35
Institutional (INST)	50	25
Residential (RR, LR, SR, MFR)	20	15
Agricultural (AI, AG)	20	15

- (b) **Wall signs.** No wall sign shall exceed the height of the building or structure on which it is placed; provided, however, that the zoning administrator may upon application authorize via administrative variance a wall sign to extend not more than two (2) feet above the height of the wall, for good cause shown.
- (c) **Variance.** The maximum sign height established in this chapter may be exceeded upon application for and approval by the Board of Commissioners of a variance as provided in Chapter 13 of this UDC.

Sec. 15-110. Sign area limitations.

The maximum area of signs permitted shall be as provided for the type of sign as provided in Article 15-3.

Sec. 15-111. Sign number limitations.

The number of sign shall be limited to one of each type, unless otherwise specifically provide in Article 15-3.

Sec. 15.112. Variances.

- (a) It is acknowledged that no set of sign regulations can anticipate all situations relative to sign and advertising needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.
- (b) The Board of Commissioners shall have the authority to grant variances to this chapter, upon application, subject to compliance with applicable provisions of chapter 13 of this UDC.

Sec. 15-113. Permits.

- (a) Sign permits are not required for any signs.
- (b) Ground signs with poured foundations require a building permit be issued for purposes of inspecting to ensure a proper foundation.
- (c) At his discretion the building official may require a building permit for a wall sign to ensure the method of attachment to the wall meets building code requirements.
- (d) Any electrical connection is subject to the requirement for an electrical permit as determined by the building official.
- (e) The fact that a separate sign permit is not required by this chapter shall not absolve an applicant from compliance with this chapter.

ARTICLE 15-2 DEFINITIONS

Accessory ground sign: A secondary sign allowance provided for in this chapter, for a sign erected on the ground.

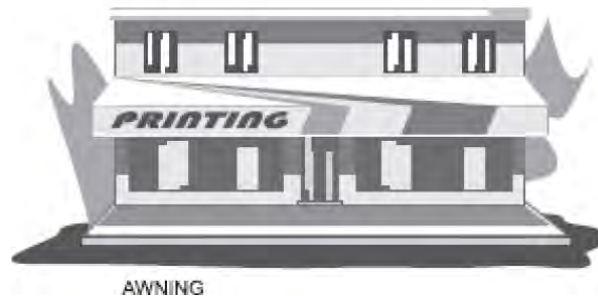
Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this chapter, an advertising device is a “sign.”

Air-blown device: Any device not otherwise specifically defined in this chapter, which is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. For purposes of this chapter, air-blown devices are advertising devices.



Alteration: A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

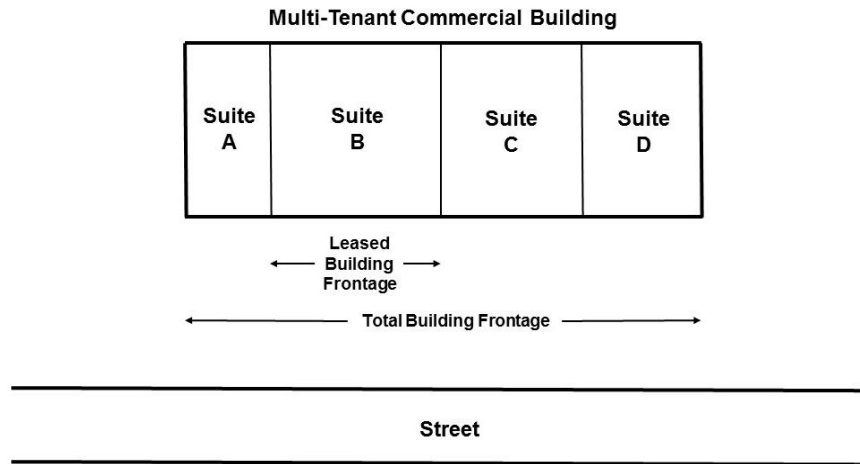
Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. An awning is an architectural projection or shelter projecting from and supported by an exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Awning signs are “wall signs” for the purposes of this Chapter.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this chapter, a banner is a “sign.” A banner may be installed on a building or structure or may be attached to poles or other supports and freestanding. It is characteristic of a banner that, even though tied to a support, there is some movement in the wind.

Building frontage: The width in linear feet of the front exterior wall of a particular building in which an establishment is located (see figure).



Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered “wall signs” for the purposes of this chapter.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered “wall signs” for the purposes of this chapter.

Canopy sign: A sign attached, painted on, or made an integral part of a canopy, whether that canopy is attached to a building or structure or freestanding. An attached canopy is a multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns or supports at additional points. Canopy signs, whether attached, painted on, or made an integral part of an attached canopy, are wall signs for the purposes of this chapter.



Source: United States Sign Council. 2011.
 Model Code for Regulation of On-Premise Signs.

Changeable copy sign, electronic, static display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, but which stays static (unchanged) except for changes made no more than three times in any 24-hour period (e.g., gasoline and diesel price signs at convenience stores). The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and

the rate of change can be electronically programmed and modified by electronic processes. These signs are also “internally illuminated” signs.

Changeable copy sign, electronic, multiple message display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, and which changes more than three times in any 24-hour period. The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. These signs are also “internally illuminated” signs.

Changeable copy sign, manual: A sign on which the sign copy (words, numbers, images, etc.) can be changed manually on the sign itself, such as by replacement of letters.

Changeable copy sign, mechanical: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by movement or rotation of panels or slats.

Derelict sign: A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the jurisdiction.

Dissolve: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than sixty (60) degrees, where each sign face is designed to be seen from a different direction.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Activities performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure are excluded from this definition.

Externally illuminated sign: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Fade: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Feather banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this chapter, a feather banner is an advertising device and sign. Also known as “blade signs.”



Flag: A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this chapter, except as specifically authorized, a “flag” is an advertising device and “sign.”

Ground sign: A sign or advertising device which is wholly independent of a building or structure for support (i.e., freestanding). A ground sign may contain more than one sign face, and it is typically double-faced.

Hand-held sign: Any sign or advertising device designed to be used while being held in a person’s hands or attached to a human body, except for signs and devices used for traffic control when conducted as part of a county-approved traffic control function such as the case for road construction purposes through lane closures.

Holiday decorations: Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as seasonal decorations).

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated); or reflecting off its surface(s) (i.e., externally illuminated).

Incidental sign: A sign, emblem, decal, or other message no larger than 1 square foot, designed and sized to be read only from close range (i.e., 5 feet or less), attached to or integrated into a device or structure more than 25 feet from the right-of-way of a road, and not readily legible from any public rights-of-way.

Inflatable sign: Any sign or balloon other than defined as an “air-blown device” that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled depicting a container, figure, or product. For purposes of this Chapter, inflatable signs and balloons are considered advertising devices.



Source: Model Sign Ordinance, Montgomery County (Pennsylvania) Planning Commission, 2014

Interior sign: Any sign erected within a building, including product displays, more than two feet inside an exterior window within a business or establishment and which is not intended to be seen from outside the business or establishment in which the sign is located.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a transparent or translucent panel. Electronic changeable copy signs, both static displays and multiple-message displays, are internally illuminated signs.

Marquee sign: A sign painted on, attached to, or hung from a marquee. A marquee is a roof-like structure attached to and supported by a building wall without vertical supports and that projects in a cantilever fashion from the wall of a building. For purposes of this chapter, marquee signs are “wall signs.”



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Multi-tenant property: Any parcel designed, occupied, or intended for occupancy for three or more leasable spaces or parcels under one ownership or management. This includes multiple-family apartment complexes, office parks with multiple buildings on individual parcels or multiple office buildings on a single parcel, commercial shopping centers, individual commercial buildings with three or more leasable spaces; and industrial parks with separate parcels and industrial buildings with three or more leasable spaces.

Multiple-faced sign: A sign containing three or more faces.

Nit: A standard unit of luminance; a measurement of direct light (i.e., looking directly at the light source), used to describe displays. A “nit” is an amount of emanating light equal to one candela per square meter (cd/m²).

Nonconforming sign: Any sign which lawfully existed on the effective date of the adoption of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments to this chapter since the date of erection of the sign.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter, pennants are advertising devices.

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

Principal ground sign: A primary sign allowance provided in this chapter for a given lot which contains any notice or advertisement, the content of which is not regulated by this chapter.

Projected image sign: An image projected onto a building, structure, sidewalk or other surface, such that the image projected has no structure itself.

Projecting sign: A sign affixed to a wall and extending more than 14 inches from the surface of such wall, usually perpendicular to the wall surface.

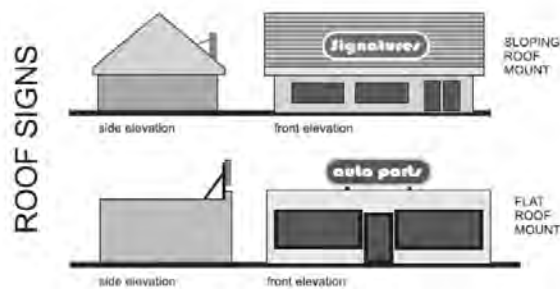


Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Revolving sign: A sign that has the capability to revolve about an axis.

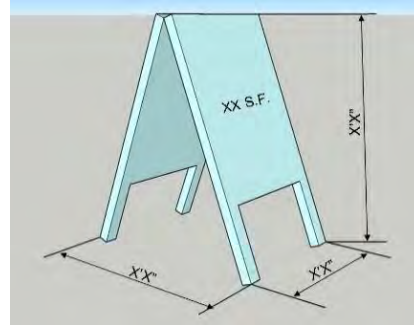
Road frontage: The distance in linear feet of a parcel where it abuts the right-of-way of any public street.

Roof sign: A sign projecting to a greater height than the front building wall, or any sign supported by or attached to a roof, including a sign painted on or adhered to a roof. A sign placed on the fascia portion of a mansard roof is not a roof sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Sandwich board sign: A portable sign that typically consists of two faces connected and hinged at the top and with a message targeted to pedestrians. They are also commonly referred to as A-frame signs.



Scoreboard: A sign contained within an athletic venue and which is directed so as to be visible to the attendees of an athletic event.

Scroll: A mode of message transition on an electronic changeable copy sign in which the message appears to move vertically across the display surface.

Sign: A lettered, numbered, symbolic, pictorial, visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. The term sign includes but is not limited to “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign area: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed, measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

The following provisions shall also apply to determinations of sign area:

1. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
2. Sign area for ground signs does not include the structural support for the ground sign (e.g., pole or monument base), unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

3. When a sign incorporates a property address, the area devoted to the property address shall not be included in any calculations for purposes of determining the maximum permissible sign area.

Sign copy: The physical sign message including any words, letters, numbers, pictures, and symbols.

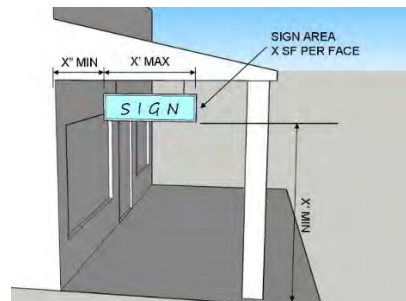
Sign height: The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within fifty (50) feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Sign in need of maintenance: Any sign or advertising device that includes any of the following or similar condition as identified by the county: lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned; painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended; a significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned; or one or more illumination devices are not working and have not been replaced.

Streamers: See “Pennants.”

Subdivision entrance monument: A freestanding monument sign pertaining to a subdivision designed for single-family residences each on their own lot.

Suspended sign: A sign that hangs or is suspended beneath an awning or the cover of a walkway or beneath a support extending from a building. A suspended sign is not a wind-blown device, even if the sign copy area is attached to a building or structure in a way that can be set in motion with wind pressure. This term does not include any freestanding signs.



Temporary ground sign: A sign of a nonpermanent nature and erected for a limited duration. This term includes signs constructed from coated paperboard, or corrugated plastic and which are either attached to a wooden post or stake in the ground, or set with a wire metal frame in the ground.

Transition: A visual effect used on an electronic changeable copy sign to change from one message to another.

Travel: A mode of message transition on an electronic changeable copy sign, in which the message appears to move horizontally across the display surface.

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner that can be viewed from the public right(s)-of-way; provided, however, that this definition shall not apply when (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business; or (2) such conveyances are actively being used for storage of construction materials for, and on the same parcel where a construction project for which building is underway and required permits have been issued. Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a vehicular sign for purposes of this chapter.

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

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, in a parallel fashion, and which does not project more than 14 inches from the outside wall of such building or structure.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Windblown device: Any device that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. This device includes banners (except where otherwise specifically authorized), streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. Air-blown devices, suspended signs, and flags are defined separately. For purposes of this Chapter, windblown devices are advertising devices.

Window sign: A sign that is placed on or behind a windowpane or a glass door or a sign installed within two (2) feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two (2) feet from an exterior window or door are “interior signs” and shall not be classified as window signs.

ARTICLE 15-3 SIGN ALLOWANCES BY SIGN TYPE

- Sec. 15-301. Principal ground and multi-tenant property ground signs.
- Sec. 15-302. Accessory ground signs.
- Sec. 15-303. Wall signs.
- Sec. 15-304. Window signs.
- Sec. 15-305. Signage when for sale or under construction.
- Sec. 15-306. Banner, interim.
- Sec. 15-307. Changeable copy sign, electronic, static display.
- Sec. 15-308. Changeable copy sign, electronic, multiple message display.
- Sec. 15-309. Directory signs.
- Sec. 15-310. Drive-through lane signage.
- Sec. 15-311. Flags.
- Sec. 15-312. Projecting signs.
- Sec. 15-313. Sandwich board signs.
- Sec. 15-314. Special event signage.
- Sec. 15-315. Subdivision entrance monuments.
- Sec. 15-316. Suspended signs.
- Sec. 15-317. Temporary banner during graduation season.

Sec. 15-301. Principal and multi-tenant property ground signs.

A lot containing a non-residential principal permitted use shall be allowed principal ground signage as follows (a principal ground sign is not permitted on a vacant lot or for residential use).
 Note: NP = not permitted

Zoning District	# Principal Ground Signs Permitted	Maximum area per sign (square feet)					
		Local street		2 or 3-lane state highway		4-lane state highway or interstate	
		Principal ground	Multi-tenant	Principal ground	Multi-tenant	Principal ground	Multi-tenant
AI and AG districts	1 per road frontage	16	NP	24	NP	36	NP
RR districts	1 per road frontage	16	NP	24	NP	36	NP
LR districts	1 per road frontage	16	NP	24	NP	36	NP
SR districts	1 per road frontage	16	NP	24	NP	36	NP
MFR districts	1 per road frontage	24	24	32	32	48	48
INST districts	1 per road frontage	32	40	40	48	64	64
NC districts	1 per road frontage	32	48	64	72	72	96
HB districts	1 per road frontage	48	56	72	96	128	160
LI and HI districts	1 per road frontage	64	72	96	128	160	200

Sec. 15-302. Accessory ground signs.

Accessory ground signs shall be permitted by zoning district by use as follows: Except as permitted otherwise in this section, only one accessory ground sign is permitted for a vacant lot

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or a lot containing a single-family dwelling. Two accessory ground signs are permitted for properties in any zoning district developed for any non-residential permitted use.

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway or Interstate		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
AI, AG districts	4	4	8	8	8	16	16	8	32
RR districts	8	8	12	8	8	12	16	8	40
LR districts	8	8	12	10	10	16	12	12	48
SR districts	8	8	12	10	10	16	12	12	48
MFR districts	12	12	48	24	24	36	48	48	64
INST districts	16	16	32	32	32	40	48	48	72
NC districts	16	16	32	32	32	40	48	48	72
HB districts	36	36	48	64	64	96	72	72	128
LI and HI districts	72	72	96	96	96	128	128	128	160

The limitation on the number of signs imposed by this section shall not apply within 180 days before and 90 days after a local, state, or national election or referendum, during which time accessory ground signs shall not be regulated as to number. Area limitations still apply.

Sec. 15-303. Wall signs.

Wall signage allowances apply only to properties developed for non-residential permitted uses and shall be as follows. Wall signage is not permitted for dwellings. The allowance is per linear distance of the building wall, but with a cap, not to exceed the maximum square footage shown for certain zoning districts. Where more than one wall sign is allowed, the maximum square footage shown is the aggregate for all wall signs placed on the building. Note: N/A = not applicable/ no maximum.

Zoning District	# Wall Signs Permitted	Maximum allowance for wall Signs (nonresidential uses only)					
		Local street		2 or 3-lane state highway		4-lane state highway or interstate	
		Sq. ft. per linear feet of wall	Maximum aggregate sq. ft.	Sq. ft. per linear feet of wall	Maximum aggregate sq. ft.	Sq. ft. per linear feet of wall	Maximum aggregate sq. ft.
AI, AG districts	1 per wall	1	n/a	1.5	n/a	2	n/a
RR districts	1 per wall	1	n/a	1.5	n/a	2	n/a
LR districts	1 per wall	1	n/a	1.5	n/a	2	n/a
SR districts	1 per wall	1	n/a	1.5	n/a	2	n/a
MFR districts	2 per wall	1	n/a	1.5	n/a	2	n/a
INST districts	2 per wall	1	n/a	1.5	n/a	2	n/a
NC districts	2 per wall	1	n/a	1.5	n/a	2	n/a
HB districts	2 per wall	1	n/a	1.5	n/a	2	160
LI and HI districts	2 per wall	1	160	1.5	192	2	256

For any freestanding canopy, 1 sign per canopy wall is permitted, not to exceed 20% of the canopy area.

Sec. 15-304. Window signs.

- (a) Window signage is not regulated by this chapter.
- (b) Notwithstanding other limitations of this chapter on illumination, in INST, NC, HB, LI, and HI zoning districts, one illuminated sign that flashes is permitted within a building window for non-residential permitted uses only, not to exceed three (3) square feet in area, but only when the business or establishment is open (i.e., during business hours). No such sign shall be illuminated after the close of the business or establishment.

Sec. 15-305. Signage when for sale or under construction.

During the time a property (whether vacant or not), building, portion of a building, or dwelling unit is under construction, or for rent, sale or lease, additional signage shall be permitted as follows: Said additional signage is permissible as a temporary ground sign, or a wall sign, or a window sign, or combination thereof. Two signs are permitted per frontage. The maximum square footages shown are the aggregate for all such signs measured along a property frontage.

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway or interstate		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
AI, AG districts	8	8	12	12	12	24	16	16	32
RR districts	8	8	12	16	16	30	20	20	40
LR districts	8	8	12	24	24	40	24	24	48
SR districts	8	8	12	24	24	40	24	24	48
MFR districts	12	12	24	32	32	48	32	32	64
INST districts	18	18	36	40	40	56	36	36	72
NC districts	18	18	36	48	48	56	36	36	72
HB districts	24	24	48	64	64	72	64	64	128
LI and HI districts	36	36	64	72	72	96	80	80	160

Sec. 15-306. Banner, interim.

- (a) The occupant or prospective occupant of a building or leased space, may erect a temporary banner not exceeding thirty-six (36) square feet in area on a front building wall, prior to the issuance of a certificate of occupancy, provided that the occupant or prospective occupant has contracted for a permanent wall sign for the building or leased space.
- (b) The occupant or prospective occupant of a building or leased space may erect a temporary banner not exceeding thirty-six (36) square feet in a freestanding location (between two poles or stakes), prior to the issuance of a certificate of occupancy,

provided that no principal ground sign exists on the site and the occupant or prospective occupant has applied for a principal ground sign permit for the building or leased space.

- (c) Any such interim banner shall be removed upon installation and operation of the permitted wall sign or principal ground sign, as the case may be.

Sec. 15-307. Changeable copy sign, electronic, static display.

Sign copy changed by electronic means that is static (“changeable copy sign, electronic, static display”), may be incorporated into a principal ground sign or multi-tenant sign in INST, NC, HB, LI and HI zoning districts, provided that the area devoted to changeable copy shall not exceed 50% of the sign copy area.

Sec. 15-308. Changeable copy sign, electronic, multiple message display.

- (a) **Permissions.** Subject to compliance with this section, changeable copy signs, electronic multiple message display, shall be authorized in whole or in part on any principal ground sign, any accessory use ground sign, any window sign, or any wall sign permitted by this chapter for the zoning district and use, except as otherwise limited in paragraph (b) of this Section; provided further, that no such sign shall exceed the area or height specified for the type of sign for which it is defined and permitted under the terms of this chapter.
- (b) **Nature of display.** Except for changes during transition time and scrolling, sign content/messages shall not blink, animate, flash, or vary in light intensity.
- (c) **Duration of message.** Each message on such an electronic multiple message display shall remain fixed for at least eight (8) seconds.
- (d) **Transition time.** The change sequence of messages shall either occur immediately, or there shall be a transition time of no more than one second between different messages. A “fade” or “dissolve” mode, may be used to accomplish a gradual transition from one message to another.
- (e) **Freeze of display when malfunction occurs.** Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.
- (f) **Illumination.** No electronic multiple message display may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver’s operation of a motor vehicle. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 250 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduces nighttime brightness levels (compared to daytime

brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels shall not be permitted.

Sec. 15-309. Directory signs.

- (a) In addition to other signage allowed by this chapter, for institutional, commercial or industrial campuses/parcels the zoning administrator may upon application authorize one or more directory signs and traffic directional signs along private streets, driveways, and in off-street parking lots directing residents, visitors, customers, deliveries, etc. to buildings and activities within a development. The zoning administrator may require a sign plan to be submitted consisting of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, color, shape, etc. of all ground and building signs existing and to be placed on the parcel; and
- (b) The parcel sign plan must demonstrate that there is coherence and coordination among the various signs proposed, such that the location, materials, size, letter style, color, shape, etc. present a unified design concept for signage on the parcel that is proportional to the size and characteristics of existing or proposed development on the parcel; and

Sec. 15-310. Drive-through lane signage.

A drive-through lane, where authorized by this land use management code, may have a maximum of two display boards not exceeding 6 feet in height or 36 square feet in area.

Sec. 15-311. Flags.

- (a) **Generally.** Any residence, establishment, or institution may display as many as three flags per parcel, when displayed in accordance with this section. Flags may be displayed on a freestanding pole or poles, projecting from a building or door, or placed in a window.
- (b) **Pole flags.** No flag displayed from a pole shall be flown at a height of greater than thirty six (36) feet. An individual flag shall not exceed an area of forty-eight (48) square feet.
- (c) **Projecting flags.** Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe.
- (d) **Window flags.** Flags may be hung in the window of any non-residential property, subject to the window signage requirements of this chapter
- (e) **Prohibitions.** Flags shall not be attached to light poles, fences, or vehicles, or erected on the ground except on a freestanding pole manufactured for the purpose.

Sec. 15-312. Projecting signs.

Projecting signs are permissible, subject to the limitations for wall signs and the following limitations:

- (a) Projecting signs shall project perpendicularly from the building.
- (b) Projecting signs shall not project more than three (3) feet beyond the face of the building.
- (c) Projecting signs shall be secured in place with a frame mount assembly.
- (d) Projecting signs shall have a ground clearance of no less than eight (8) feet above the lowest ground elevation.

Sec. 15-313. Sandwich board signs.

- (a) For commercial uses in buildings with a private hard-surfaced walkway in front of the building, one sandwich board sign is permitted for each one-hundred (100) feet of leased frontage of a building, during times when the business is open.
- (b) Any such signs shall be removed when the business or establishment is not operating.
- (c) No such sign shall exceed a height of four (4) feet above the ground.
- (d) No such sign shall exceed an area of eight (8) square feet per sign face.

Sec. 15-314. Special event signage.

Upon application for a special event sign permit, additional signage and advertising devices may be authorized by the zoning administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

- (a) Only two (2) temporary special event sign permits shall be issued to any 1 business or institution in any calendar year.
- (b) No more than four (4) temporary special event sign permits shall be issued for any single lot of record in a given calendar year.
- (c) At the discretion of the applicant for a special event sign permit, the following may be authorized by the zoning administrator, provided that the total square footage of special event signage shall not exceed 100 square feet or its equivalent as determined by the zoning administrator and the total number of different signs or advertising devices authorized by the permit shall not exceed four during any event: temporary ground sign, temporary wall sign, banner (freestanding or attached), feather banner, flag, hand-held sign, and inflatable advertising device.

- (d) A temporary special event signage permit shall be valid for a maximum of 35 days. It shall be a violation of this section to continue to display temporary signs or advertising devices authorized pursuant to this section, after the expiration of a special event signage permit, unless another such permit is lawfully issued.

Sec. 15-315. Subdivision entrance monuments.

- (a) In any zoning district in which detached single-family dwellings are permitted, two subdivision entrance monuments (one on each side of the street providing access to said subdivision) is permitted either on common area owned by a homeowner's association or on an individual lot (if an easement is secured).
- (b) The maximum height shall be eight (8) feet.
- (c) The area devoted to the sign copy for each sign face shall not exceed the following area limitations (square feet):

Local street	2 or 3-lane state highway	4-lane state highway
48	64	72

Sec. 15-316. Suspended signs.

- (a) An establishment with a paved and covered walkway in front of the building shall be permitted one suspended sign per establishment, not exceeding 8 square feet, in addition to permitted wall signage.
- (b) Any sign that is suspended from the underside of a canopy (including awnings), shall be located perpendicular to the wall surface of a building.

Sec. 15-317. Temporary banner during graduation season.

A banner, not exceeding thirty-two (32) square feet in area, shall be authorized to be erected on or over a subdivision entrance monument or in a freestanding location (between two poles or stakes) on the same lot as a subdivision entrance monument, no longer than 45 days before and 60 days after the annual date of county high school graduation.

CHAPTER 15-4
MAINTENANCE, ABANDONMENT, AND NONCONFORMITIES

- Sec. 15-401. Maintenance.
- Sec. 15-402. Procedure for non-maintained signs.
- Sec. 15-403. Derelict signs.
- Sec. 15-404. Abandoned signs.
- Sec. 15-405. Requirements to maintain an abandoned sign.
- Sec. 15-406. Nonconforming sign – replacement.
- Sec. 15-407. Nonconforming sign – replacement or modification.
- Sec. 15-408. Nonconforming sign – repairs and maintenance.
- Sec. 15-409. Nonconforming sign – duration and continuance.

Sec. 15-401. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. It shall be unlawful, after being notified pursuant to this section and after the thirty (30) days' notice has expired, for any person to display a sign in any of the following conditions, which shall not be limiting, that constitute a lack of maintenance:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the zoning administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Sec. 15-402. Procedure for non-maintained signs.

- (a) Upon discovery of a sign in need of maintenance, the zoning administrator shall give written notice of violation to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance.

- (b) The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the zoning administrator shall cause a citation to be issued.

Sec. 15-403. Derelict signs.

The Zoning administrator may cause to be removed after notice pursuant to this chapter any sign which shows gross neglect, is dilapidated, or in the opinion of the building official poses an imminent threat to public safety.

Sec. 15-404. Abandoned signs.

- (a) If the principal use or activity on a property has ceased operation for period of ninety (90) days or more, any ground signs including supports, and wall signs, which are allowed by this code in connection with said principal use or activity shall be removed by the owner.
- (b) No new sign shall be permitted to be erected on the same property until the discontinued sign, including its supports, has been removed or is converted to a lawfully conforming sign.
- (d) Upon the expiration of the 90-day time period provided in this section for the removal of abandoned signs and sign supports, said sign(s) shall be deemed unlawful abandoned signs if not removed.

Sec. 15-405. Requirements to maintain an abandoned sign.

A sign that is determined to be abandoned shall be made to conform to the following requirements:

- (a) **Sign with removable panel.** If an abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established and a sign permit is issued for a new principal ground sign.



Source: Model Sign Ordinance, Montgomery County (Pennsylvania) Planning Commission, 2014

- (b) **Sign without removable panel.** If an abandoned monument sign contains a sign copy area that is not removable without disassembling the base of the sign, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with

durable cloth or canvas flush with the sign copy area so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as it is replaced with a conforming sign.

Sec. 15-406. Nonconforming sign – replacement.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted. It shall be the responsibility of the sign owner to prove that a sign is a lawful, nonconforming sign.

Sec. 15-407. Nonconforming Sign – modification.

- (a) Nonconforming signs shall not be modified to add additional lighting or to be altered in any way that increases the value of said nonconforming sign.
- (b) A nonconforming sign that is a multiple message sign but the messages are changeable only by manual means may continue to have its copy changed, and change copy, by any manual means.
- (c) A nonconforming sign that is a multiple message sign but the messages are changeable by means of the movement or rotation of panels or slats may continue to have its copy changed, and change copy, by any such same means.
- (d) A non-conforming sign that does not meet the definition of a “changeable copy sign, electronic, multiple message display” as defined in this chapter at the time it was nonconforming shall not be changed, modified, or retrofitted in any way so as to become a “changeable copy sign, electronic, multiple message display.”

Sec. 15-408. Nonconforming sign – repairs and maintenance.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this chapter. Minor repairs and maintenance of nonconforming signs shall be permitted.

Sec. 15-409. Nonconforming sign – duration and continuance.

Signs which did not meet all requirements of this chapter when enacted, or which do not meet provisions of this chapter at the time of its amendment, may stay in place until one of the following conditions occurs:

- (a) In the case of principal and accessory signs, the business, entity, or activity for which the sign is permitted in connection therewith ceases at that location;
- (b) The deterioration of the sign or damage to the sign makes it a hazard;

- (c) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the zoning administrator, are required to restore the sign.
- (d) No ground or wall sign shall be allowed to be erected on the same property with an existing nonconforming sign until the nonconforming sign (except for billboards) has been removed or made to conform to the provisions of this chapter.