

**AN ORDINANCE TO AMEND THE TEXT OF SEC. 218-13 (STANDARDS OF USE AND DEVELOPMENT) OF THE UNIFIED DEVELOPMENT ORDINANCE OF ROCKDALE COUNTY, AS AMENDED; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Title 2 the Unified Development Ordinance of Rockdale County (Subpart B – Planning and Development of The Code of Rockdale County, Georgia), as amended, governs land use and zoning; and

**WHEREAS**, provisions within the Unified Development Ordinance zoning district and standards of use and development, as well as definitions related thereto; and

**WHEREAS**, provisions within the Unified Development Ordinance pertaining to supplemental standards of use and development require revision in order to create standardized regulations and criteria governing uses so as to protect the health, safety, and welfare;

**WHEREAS**, public hearings were held following public notice and all other requirements of Sec. 238-4 of the Unified Development Ordinance;

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of Rockdale County, Georgia, and it is hereby ordained by the authority of same as follows:

**Section I**

That Sec. 218-13 “Standards of use and development” is hereby amended by deleting the current section 218-13 in its entirety and replacing same with the following:

**Sec. 218-13. – Supplemental standards of use and development.**

(a) ***Adult entertainment establishments.*** This use is subject to all provisions of chapter 22, article V, the provisions of the Rockdale County Code of Ordinances, and all of the following:

- (1) No adult entertainment establishment shall be located within 1,000 feet of any school, place of worship, public park, hospital, government building, library, licensed adult day center, child care learning center, group day care home, family day care home or pre-kindergarten (Pre-K), establishment licensed to sell alcoholic beverages, or property zoned for residential purposes. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed adult entertainment establishment to the nearest point on the property line of such school, place of worship, public park, hospital, government building, library, licensed adult day center, child care learning center, group day care home, family day care home or pre-kindergarten (Pre-K), establishment licensed to sell alcoholic beverages, or property zoned for residential purposes.
- (2) No adult entertainment establishment shall be located within 1,000 feet of any other licensed adult entertainment establishment. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the proposed adult entertainment establishment to the nearest point on the property line of any adult entertainment establishment.
- (3) No adult entertainment establishment shall sell or dispense alcoholic beverages upon the premises of the adult entertainment establishment.

(a1) ***Adult day care center.***

- (1) The use shall comply with all applicable State of Georgia, Department of Human Resources requirements and regulations.

(b) ***Air transportation—Airport, private.***

- (1) All such uses proposed by a public authority shall include a certified copy of the law, regulation, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
- (2) All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by agencies such as the Federal Aviation Administration and all other applicable federal, state, or local statutes.
- (3) A statement shall be provided detailing noise abatement procedures, methods and devices that will be employed on the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
- (4) All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent areas, particularly with respect to noise levels.
- (5) All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.
- (6) A map shall be presented showing the landing and take-off corridors as projected, with the map to cover an area within at least a 5,000-foot radius of the boundaries of the proposed facility.
- (7) Prior to receiving zoning approval by Rockdale County at least one Public Information Meeting in Rockdale County shall be conducted by the applicant, in addition to that required in chapter 238.
- (8) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(c) ***Amusement arcade; amusement theme park.***

- (1) An outdoor recreation facility consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation shall be limited as follows:
  - a. Minimum lot size: Five acres.
  - b. Maximum lot size: 20 acres.
  - c. Outdoor rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, water slides or other similar commercial outdoor recreation facilities and equipment must be enclosed within an eight feet high fence with gates that are to be locked except when the facility is open to the public.
  - d. Outdoor activities are limited to the hours of 10:00 a.m. to 10:00 p.m.
  - e. A site plan shall be prepared at a scale of one inch = 50 feet to indicate access and egress, type, location and height of recreation facilities, buildings and other structures and lights, parking areas, landscaping, buffers, and drainage. A site location plan at a scale of one inch = 200 feet shall illustrate surrounding property uses and the location of the nearest residence.
  - f. The site shall have at least one approved entrance to a street classified by Rockdale County as an arterial.

- g. All outdoor equipment, rides, vehicles, and structures taller than 35 feet shall be setback at least 75 feet from property lines.
  - h. Lighting must be designed to direct light downward and away from adjacent properties.
  - i. An environmental-acoustical study shall be submitted to the director for review and approval. The study shall be prepared by an acoustical engineer indicating compliance with all Rockdale County noise ordinances. It shall identify and analyze all sources of noise emanating from the site including outdoor speakers, sound effects or sound systems as well as rides, vehicles, and mechanical equipment. Noise levels shall not exceed 65 decibels, dbA measured at property lines.
  - j. If any structure taller than 35 feet is proposed, the development shall prepare a view shed analysis to be reviewed and approved by the director to demonstrate that such structures will not be visible year-round from the windows or yard of any single-family residential property.
  - k. A 100-foot buffer shall be maintained adjacent to all abutting residentially zoned property.
- (2) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (d) ***Antennae, amateur radio.***
- (1) No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.
  - (2) Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by the board of adjustment subject to all of the requirements of the UDO.
  - (3) Amateur radio service antennae shall be located a distance of at least one-half the height of the tower from all property lines.
- (e) ***Antennae, satellite.***
- (1) Satellite antennae shall be located as follows:
    - a. In any office, commercial, industrial, or multifamily residential district, satellite antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.
    - b. In other districts, satellite antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.
    - c. In the event that usable satellite communication signals cannot be received by locating the antennae in the rear or to the side of the principal structure, such antennae may be placed in the front yard or on the roof of the dwelling, provided that approval of the director shall be obtained prior to such installation. The director shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.

- (2) Satellite antennae shall comply with the following regulations for height, screening, and grounds:
- a. In any district other than office, commercial, industrial, or multifamily residential, a satellite antenna shall not exceed 36 inches in diameter.
  - b. A ground-mounted satellite antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite antennae shall not exceed 35 feet in height.
  - c. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite antenna may be installed at a greater height, provided the greater height is approved by the director. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed 50 feet in height.
  - d. Except in office, commercial, industrial, or multifamily residential districts, satellite antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
  - e. All satellite antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
  - f. All satellite antennae shall be adequately grounded for protection against a direct strike of lightning.

(e1) ***Apiary(s); All Classes.***

- (1) Hives shall adhere to the following density and location requirements:
- a. For a property to consist of an apiary, it must contain a minimum of 10,000 square feet. For every additional 5,000 square feet thereafter, a beekeeper is permitted to have 2 additional hives.
    - i. Exceptions:
      1. Acknowledging normal honeybee management, a beekeeper may also keep, in addition to the allowable number of standard hives, additional nucleus colonies per standard (fixed) hive, provided they are used for managing colony strength and swarm prevention.
  - b. Hives shall only be permitted in the rear of property, behind any existing front yard lines and 20 feet away from any side or rear property line.
- (2) Hives shall also adhere to the following landscaping requirements:
- a. Apiaries must include a reasonably sized water source within 60 feet of the hive(s), including, but not limited to a water fountain or existing water source.

(f) ***Automotive repair and maintenance, minor.***

- (1) Minor repair shall be limited to routine maintenance, alignment, installation of oil, filters, batteries, installation of tires, carburetors, fuel injection, ignition parts, brake repairs and

other motor accessory parts and repair services that do not require disassembly of major vehicle components, transmission, glass, painting or body work.

- (2) All repair and maintenance activities shall be carried on entirely within an enclosed building.
- (3) There shall be no outdoor storage.
- (4) Battery exchange stations. Electric vehicle battery exchange stations shall be considered for zoning purposes the same as minor automotive repair and maintenance businesses (NAICS 8111).
  - a. Battery exchange stations shall be allowed in the same zoning districts as minor and major automotive repair and maintenance businesses as described in Section 218-1 of the Code of Rockdale County, Georgia, as amended, entitled "Table of permitted uses".
  - b. Battery exchange stations shall comply with all the supplemental standards listed in this subsection (f).

(g) ***Automotive repair and maintenance, major.***

- (1) Outdoor storage shall be in rear yard, screened by an eight-foot high fence or wall and be limited to 25 percent of parcel area.
- (2) A property that includes outdoor storage and repair shall be no closer than 200 feet from a property zoned or used residentially, measured along a straight line connecting the nearest points of the two properties in question.
- (3) There shall be no junkyards.

(g1) ***Banquet hall, events center.***

- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.
- (2) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(h) ***Bed and breakfast inn.***

- (1) The operator of the establishment shall reside on the site.
- (2) The use requires conditional use approval by the planning commission, board of commissioners and fire marshal.
- (3) The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.
- (4) No guest shall reside in a bed and breakfast inn for a period in excess of 14 days.
- (5) One parking space shall be provided for each guest bedroom, and one space shall be provided for the operator's or owner's unit in the building.
- (6) The residential character of the neighborhood shall not be changed as a result of increased traffic in the neighborhood caused by the use.

- (7) The structure shall be compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
  - (8) The proposed use shall maintain acceptable residential noise standards.
  - (9) No restaurant use shall be permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast inn.
  - (10) Rooms may not be equipped with cooking facilities.
  - (11) The Bed and breakfast inn use shall comply with all other applicable provisions in the UDO.
- (i) ***Building material and garden equipment and supplies dealers.***
- (1) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
  - (2) Security fencing, a minimum of six feet in height, shall be provided around the outside of all storage areas.
  - (3) All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.
- (j) ***Car washes.***
- (1) Paved stacking lanes with the capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes.
  - (2) No storage or repair of vehicles shall be allowed within the car washing facility.
  - (3) The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
  - (4) Commercial car wash water recycling requirement.
    - a. All commercial in-bay and conveyor car washes that are constructed after July 11, 2017, must utilize a recycling system where a minimum of 50 percent of water utilized must be recycled.
    - b. Self-service car washes are not required to install recycled water systems.
- (k) ***Cellular and other wireless telecommunications.*** See article IV of this chapter for applicable regulations.
- (l) ***Cemeteries.*** Private and public cemeteries shall comply with all provisions of state law. In addition:
- (1) A plat of the cemetery shall be recorded in the office of the Rockdale County Clerk of Superior Court.
  - (2) Any new private cemetery shall be located on a site containing not less than 20 acres.
  - (3) The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.
  - (4) Any new cemetery shall be enclosed by a fence or wall not less than four feet in height.

- (5) All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
- (6) All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way lines and not less than 50 feet from any collector, arterial, expressway or freeway right-of-way line.
- (7) The entire cemetery property shall be landscaped and maintained.
- (8) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the department.

(11) ***Childcare learning center.***

- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules for Child Care Learning Centers.

(12) ***Civic and social organization.***

- (2) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.
- (3) The accessory use shall be permitted by right in the zoning district where the organization is established. It shall be clearly subordinate to and supportive of the principal activities of the civic or social organization and located on the same lot as the organization. The organization shall be established, registered as a non-profit with Rockdale County, and in operation prior to the occupancy of accessory uses and facilities.
- (4) The following not-for-profit uses may be permitted as accessory to a civic or social organization only upon approval of a special use permit in accordance with section 238-6, provided that they meet all regulations specific to the proposed use or facility contained in this section and each of the additional standards provided in subsections (3) and (4) of this section.
  - a. Outdoor recreation facilities 5,000 square feet or larger.
  - b. Non-profit day care center, adult, or child, maintained and operated by the civic or social organization.
    - i. Shall comply with section 218-13, Supplemental use standards for adult day center (a1), childcare learning center (11), group day care home (bb1), or pre-kindergarten (Pre-K) (ccc1).
  - c. Soup kitchen.
  - d. Food bank, clothes closet, and other redistribution of goods of a similar nature.
- (5) Standards for approval of special use permits for uses listed in subsection (2):
  - a. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m.
  - b. Additional parking shall be required at one space per 1,000 square feet of accessory use.
  - c. The scale, intensity and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous properties.

- d. No signage shall be allowed to advertise accessory uses requiring a special use permit.
- (m) ***Colleges, universities, and professional schools.***
- (1) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (n) ***Compost facility.***
- (1) Composting materials shall be limited to tree stumps, branches, leaves, grass clippings or similar putrescent vegetative materials; not including manure, animal products or inorganic materials such as bottles, cans, plastics, metals, or similar materials.
- (2) Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence, or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- (3) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (o) Reserved.
- (p) Reserved.
- (q) ***Drug rehabilitation center or Other Facility for Treatment of Drug Dependency.***
- (1) The location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, shall conform to the public hearing requirements of O.C.G.A. § 36-66-4(f).
- (2) The operator shall be licensed to provide treatment and rehabilitation services for persons with drug and alcohol dependency by the State of Georgia.
- (3) If in a residential district or abutting a residential district, the following standards shall apply:
- a. The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration, and floor area with buildings on the same block.
- (4) If located within a residential district, at least 1,000 feet shall separate a drug rehabilitation center from another drug rehabilitation center, transitional housing facility, rooming and boarding house, or personal care home.
- (r) ***Dwelling, caretaker/employee.***
- (1) The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light, and traffic that are detrimental to adjacent properties.
- (2) The size of the house can be no more than 800 square feet.
- (s) ***Dwelling, multi-family.*** In approving the site plan for a multifamily development, the county shall determine that the streets, driveways, parking areas and other public and private drives shown on the plan meet the following standards:
- (1) Multi-family developments with more than 50 units must have access to a collector or arterial street.



- (2) Private streets may be permitted, provided such streets meet the standards of public streets as specified in chapter 332, article I.
  - (3) Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures and parking areas on the premises; including firefighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service and other public and private services and individuals who would require access to the premises.
  - (4) Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than 100 feet, by the most direct pedestrian route, from a door of the dwelling unit it intends to serve.
  - (5) Multifamily developments may not abut a single-family residential zoning district on more than 75 percent of the boundary of the site.
  - (6) Not more than 50 percent of the lot area shall be occupied by buildings.
  - (7) Open space and recreation.
  - (8) Multi-family residential developments with more than 50 dwelling units shall provide a minimum of 400 feet of open space or outdoor recreation per dwelling unit.
  - (9) A residential sprinkler system for the suppression of fire shall be installed in each residential unit in all multi-family dwellings permitted in the county. No waiver or variance to this requirement shall be permitted.
- (t) ***Dwelling, single-family zero lot line.***
- (1) Adjacent interior lots on the block face shall be developed as zero lot line dwellings.
  - (2) The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.
  - (3) Each lot shall meet the minimum area requirements of the zoning district.
  - (4) Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
  - (5) When the minimum side yard is used, a privacy fence at least six feet high is required between buildings.
- (u) ***Electric power generation.***
- (1) Structures shall be placed not less than 50 feet from any property line.
  - (2) Structures are to be enclosed by a chain link fence at least eight feet high.
  - (3) The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side, and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.
- (u1) ***Electric vehicle charging station.***
- (1) ***Location.*** Charging stations shall be located in off-street parking lots subject to Chapter 222, Off-street parking standards of the Code of Rockdale County, Georgia, as amended.
    - a. Parking spaces associated with charging stations count towards the minimum and maximum space requirements and must remain available to all vehicles for parking.

- b. Charging stations shall be located outside of congested areas such as main access points to the roadway, and sufficient space must be provided for hoses and cords not to impede pedestrian pathways, driving lanes or adjacent parking spaces.
  - c. Charging stations may be installed in landscape areas but shall be excluded from area calculations pursuant to section 222-9, Landscaping in parking lots and section 328-25, Requirements for other developments.
  - d. Charging stations must be protected from vehicular impact by wheel stops, curbs, or bollards.
- (2) *Signage.* Each charging station space must be adequately posted, stating days and hours of operation, time limit for charging, voltage/amperage available, charging fees and instructions for safe use. Signs shall comply with chapter 230, Sign regulations.
  - (3) *Maintenance.* The name and phone number of the party responsible for maintenance of the equipment must be labeled on the stations.
  - (4) *Accessibility.* At least one charging station per parking lot must meet the American Disability Act standards.
- (u2) ***Electric vehicle charging unit.***
- (1) *Location.* Charging units shall be installed on an interior or exterior wall of a building.
  - (2) *Signage.* On properties other than single-family homes or duplexes, each charging unit must be adequately posted, stating days and hours of operation, time limit for charging, voltage/amperage available, charging fees and instructions for safe use. Signs shall comply with chapter 230, Sign regulations.
  - (3) *Maintenance.* On properties other than single-family homes or duplexes, the name and phone number of the party responsible for maintenance of the equipment must be labeled on each unit.
  - (4) The installation of a charging unit providing voltage over 120V requires an electrical permit delivered by the department of planning and development.
- (v) ***Electric, petroleum or gas substation.***
- (1) Structures shall be placed not less than 50 feet from any property line.
  - (2) Structures are to be enclosed by a chain link fence at least eight feet high.
  - (3) The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side, and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.
- (v1) ***Equestrian Training and Sales Facility.***
- (1) Provided, when in the WP and AR districts:
    - a. Any structure, pen, or corral shall be located no closer than 100 feet from any property line.
- (v2) ***Family day care home.***
- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules and Regulations for Family Day Care Homes.

- (2) The use shall maintain a residential appearance compatible with the neighborhood and shall not negatively impact adjacent or nearby properties as a result of traffic, noise, light, refuse, parking or other hazard or nuisance.
- (3) No signage shall be allowed for a family day care home.

(w) ***Farming, general.***

- (1) All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.
- (2) Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (3) All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(x) ***Fitness and recreational sports centers.*** This regulation shall apply equally to outdoor tennis courts, neighborhood recreation centers, basketball courts, ice rink, hockey rink, soccer, field hockey and football fields, baseball and softball fields, gymnasiums, spas, group exercise and fitness centers, yoga, karate and similar facilities.

If in a residential district or abutting a residential district, the following standards shall apply:

- (1) Hours of operation shall be limited to the hours of 6:00 a.m. to 11:00 p.m.
- (2) Outdoor recreation activities shall be limited to the hours of 8:30 a.m. to 10:00 p.m.
- (3) No outdoor loudspeakers or sound amplification systems shall be permitted.
- (4) No outdoor storage shall be permitted.
- (5) No building, swimming pool, tennis court, ball field or other form of outdoor recreation shall be closer than 50 feet from abutting property zoned for single-family residential use. Outdoor lights shall be no more than ten feet in height nor closer than 25 feet from a property line. Outdoor lighting fixtures shall be cut-off luminaries designed to cast light downward and away from adjacent property.
- (6) Property lines abutting property zones for single-family residential use shall provide a minimum 25 feet buffer continuous except where penetrated from driveways or utility lines that shall be located perpendicular to property lines.
- (7) Swimming pools shall meet applicable regulations contained elsewhere in this article.
- (8) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(y) ***Flea market.***

- (1) The market must provide adequate off-street parking for its employees, dealers, and customers.
- (2) The market must provide adequate restroom facilities located within the structure or building.
- (3) A building permit shall be required for interior spaces.
- (4) For outdoor flea markets, see (uuu) *Temporary use, commercial retail* for applicable regulations.

(z) ***Forestry, logging, and timber harvesting.***

- (1) See section 328-37 (Timber harvesting) for other applicable regulations.
- (2) Forestry and logging activities taking place on commercially zoned property shall preserve undisturbed buffers.
- (3) Forestry and logging activities taking place on property that is adjacent to occupied residential property shall preserve a 50 feet undisturbed buffer.

(z1) ***Fruit and vegetable market.***

- (1) Shall be located on an arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same arterial road. Fruit and vegetable markets shall be excluded from residential properties located on arterial roads that are a part of a recorded subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.
- (2) Shall be located no closer than 100 feet from a property zoned or used residentially, measured along a straight line connecting the nearest points of the properties.
- (3) Shall obtain a Food Sales Establishment License from the Georgia Department of Agriculture.

(aa) ***Gasoline station and gasoline station with convenience store.***

- (1) The use shall not be established on any lot that is adjacent to any residential district.
- (2) The use shall not be within 100 feet of a residential district.
- (3) All repair and maintenance activities shall be carried on entirely within an enclosed building.
- (4) Outdoor storage is prohibited.
- (5) Only minor automotive repair and maintenance is allowed and shall be confined within the principal structure, out of public view.
- (6) The use shall have a minimum frontage on the primary street of 150 feet and shall meet the applicable minimum lot size requirement found in section 214-1.
- (7) Gas pumps, canopies, air hoses and other accessories, appurtenances and equipment shall be set back at least 25 feet from the right-of-way.
- (8) Vehicular entrances or exits:
  - a. Shall not be allowed more than one curb cut for the first 200 feet of street frontage.
  - b. Shall contain an access width along curb line of the street of not more than 35 feet, as measured parallel to the street at its narrowest point and shall not be located closer than 50 feet to a street intersection or closer than ten feet to the adjoining property.
  - c. Shall provide for adequate acceleration and deceleration lanes, if required by the Georgia Department of Transportation or Rockdale County.
- (9) All drives, parking, storage, and service areas shall be paved and curbed.
- (10) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.

- (11) Overnight accommodations, showers, and overnight customer parking are prohibited.
  - (12) The use shall not be combined with any other use(s) or facility so as to create a truck stop. See section 106-1.
- (bb) **Greenhouse, nursery, and floriculture production.**
- (1) Any structure shall be set back at least 100 feet from any residential property line.
- (bb1) **Group day care home.**
- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, Rules and Regulations for Group Day Care Homes.
- (cc) **Halfway house.** Prohibited in all residential districts. If abutting a residential district, the following standards shall apply.
- (1) No more than 15 residents, not including attendants and employees of the operator.
  - (2) Operator must be licensed for treatment of drug and alcohol dependency.
  - (3) Parking must be provided in an enclosed garage or in the rear or side yard.
  - (4) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration, and floor area with buildings on the same block.
  - (5) Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection (1) above.
  - (6) At least 1,000 feet shall separate the halfway house from another halfway house, transitional housing facility, rooming and boarding house, or personal care home.
  - (7) If a rezoning or special use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. § 36-66-4(f).
- (dd) **Home occupation.** A home occupation, as defined by the UDO shall be governed by the following requirements:
- (1) Only residents of the dwelling containing the home occupation may be engaged in the home occupation. The home occupation shall not involve group assembly or group instruction on the premises.
  - (2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.
  - (3) No products may be produced, stored or sold on the premises except bona fide agricultural products grown on the premises in the A-R and W-P districts and cottage foods produced on the premises in those districts indicated in the table of permitted uses, section 218-1. The following standards shall apply to all cottage food production:
    - a. The use shall comply with all of the Cottage Food Regulations, Chapter 40-7-19, of the Rules of the Georgia Department of Agriculture, Food Safety Division for standards, licensing, and inspections.
    - b. Cottage food production shall be restricted to the following non-potentially hazardous foods, as defined by the Georgia Department of Agriculture:
      - i. Loaf breads, rolls, and biscuits;

- ii. Cakes and cupcakes (except those that require refrigeration due to cream cheese icing, fillings, or high moisture content such as tres leche);
  - iii. Pastries and cookies;
  - iv. Candies and confections;
  - v. Fruit pies;
  - vi. Jams, jellies, and preserves (not to include fruit butters whose commercial sterility may be affected by reduced sugar/pectin levels);
  - vii. Dried fruits;
  - viii. Dry herbs, seasonings, and mixtures;
  - ix. Cereals, trail mixes and granola;
  - x. Coated or uncoated nuts;
  - xi. Vinegar and flavored vinegars; and
  - xii. Popcorn, popcorn balls, and cotton candy.
- c. The sale of cottage food products must be to the end consumer. No distribution or wholesale allowed including, but not limited to, hotels, restaurants, convenience stores, or institutions.
  - d. The cottage food operator shall provide to the department of planning and development a copy of the cottage food license issued by the Georgia Department of Agriculture, Food Safety Division, prior to obtaining a county business license.
  - e. Rockdale County reserves the right of entry to the residence during normal business hours, or at other reasonable times, for investigation of consumer complaints, a foodborne disease outbreak, or other public health emergency. Refusal to allow entry during normal business hours or at other reasonable times shall result in revocation of the business license issued by the county.
- (4) Use of the building for the purpose of a home occupation shall not exceed 25 percent of the square footage of one floor of the principal building.
  - (5) No internal or external alterations inconsistent with the residential use of the building shall be permitted. No exterior evidence of the conduct of a home occupation shall be allowed. No signage of any kind for the home occupation is allowed.
  - (6) The home occupation shall not constitute a nuisance to the neighborhood. Furthermore, except as would be caused by a typical residential use, no noise, vibration, dust, odor, smoke, glare, or electric disturbance that is perceptible beyond any property line will be permitted to occur as a result of the home occupation.
  - (7) No accessory buildings or outside storage shall be used in connection with the home occupation.
  - (8) Only one vehicle shall be permitted in connection with the home occupation. That vehicle must be one that is designed and used primarily as a passenger vehicle with a carrying capacity of less than three-fourths ton.
  - (9) No earth-moving equipment or heavy construction or hauling equipment shall be allowed on the premises.

- (10) Pursuant to the above requirements, a home occupation includes, but is not limited to, activities such as the following:
- a. Art studio.
  - b. Dressmaking.
  - c. Teaching of any kind, provided instruction is limited to not more than two pupils at a time.
  - d. However, a home occupation shall not be interpreted to include any occupation or profession providing medical or mental health services including, but not limited to, physician, veterinarian, dentist, psychiatrist, or psychologist.
- (11) No more than one vehicle used in the home occupation may be parked on the premises overnight, and no more than one additional vehicle connected with the home occupation may be parked on the premises during the day, provided the gross vehicle weight of each such vehicle shall not exceed two tons. Material kept on such vehicles shall be enclosed or kept in the bed of the vehicle, but not stored on exposed racks on the vehicle.
- (ee) ***Horse stables: riding and boarding.*** See (oo) Livestock quarters and enclosures or see (v1) Equestrian Training and Sales Facility for applicable regulations.
- (ff) ***Hospital.***
- (1) The lot shall have access to a major thoroughfare.
  - (2) Side and rear setbacks shall be at least 25 feet, or the minimum required by the zoning district, whichever is greater.
  - (3) Front building setback shall be at least 50 feet.
  - (4) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (gg) ***Hotels, motels, and extended-stay hotels.***
- (1) Hotels, motels, and extended-stay hotels must be constructed on a tract of land containing no less than two acres.
  - (2) Hotels, motels, and extended-stay hotels are limited to no more than 25 guest rooms per acre.
  - (3) All guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of 700 square feet in size.
  - (4) Each guest room must contain a minimum square footage per unit of 300 square feet and shall be accessed with a magnetic keycard entry/locking device.
  - (5) Hotels, motels, and extended-stay hotels must contain an enclosed, heated, and air-conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
  - (6) Daily maid service must be included in the standard room rate.
  - (7) Hotels, motels, and extended-stay hotels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.

- (8) No extended stay motel/hotel may be located within 1,000 feet of another extended stay hotel.
- (9) No guest shall register, reside in, or occupy any room or rooms within the same licensed facility for more than 60 days. Upon approval by the hotel management, a guest may be allowed to stay a maximum of 60 additional days.
- (10) Management must be on the property 24 hours a day, seven days a week.
- (11) A 75-foot natural buffer, enhanced with an additional 25-foot landscaped buffer, shall be provided adjacent to residentially zoned property.
- (12) No business license shall be issued for any business operating from any guest room of the facility.
- (13) No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
- (14) Any application for an extension or expansion of a building or other place of business where an extended-stay hotel is located shall require inspection and shall comply with the provisions and regulations of this subsection.
- (15) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(gg1) ***Indoor shooting range.***

- (1) Buildings containing ranges shall have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within it, or have internal baffling built so that the bullets cannot hit the walls or ceilings. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.
- (2) A system of ventilation shall be installed within the range in accordance with the standards and requirements of the Environmental Protection Agency (the "EPA").
- (3) The range shall be so constructed and insulated that the discharge of firearms within it shall not disturb persons outside the premises. The discharge of firearms shall be deemed to constitute a disturbance if the noise level exceeds fifty-five decibels (55dBA) at a distance of 50 feet or more from the building containing the range. Sound measurements shall be made with a sound level meter.
- (4) Hearing protectors which fully cover the shooters' ears will be provided by the range and made available for all shooters or other persons in the firing area.
- (5) There shall be a minimum of one instructor for each five firing points in use. All instructors will be required to be certified by the National Rifle Association or similar organization. The owner of the range shall require personnel, instructors, and attendants to be at least 18 years of age.
- (6) No person under the age of 18 years shall be permitted to enter a range unless accompanied by an adult.
- (7) No weapons other than handguns or rimfire rifles with a .22 caliber or less shall be allowed on the premises. All weapons brought into the range shall be in a case designed for the weapons so that no part of the weapon will be visible. Certified law enforcement officers are exempt from the provisions of this article.



- (8) Loaded weapons shall only be allowed in the firing area of the range and shall not be permitted in any other place inside the building or premises or within the property boundaries outside the building.
  - (9) Not more than one person shall shoot from a firing point at one time. All of the persons except instructors must stand behind the firing point. No person shall be allowed in front of a firing point at any time during operating hours except instructors and/or employees and law enforcement officers.
  - (10) An emergency system shall be installed within each range, capable of alerting the people on the range to stop firing immediately.
  - (11) It shall be unlawful for any person operating a range to permit any person or persons to bring any alcoholic beverages on the premises of any range, or to permit the consumption of alcoholic beverages on the premises or to permit alcoholic beverages to be left at any place on the premises. It shall also be unlawful for any person operating a range to permit any intoxicated person to be or remain in the premises of a range.
  - (12) It shall be unlawful for any person operating a range to permit any form of gambling or wagering.
  - (13) It shall be the responsibility of the licensee or instructor to brief patrons concerning the rules and regulations in the range before they are permitted to use the firing range. The licensee shall keep posted in a conspicuous place inside the building and outside the building a sign stating the rules and regulations of the range.
  - (14) All ranges shall be subject to all requirements of the Occupational Safety and Health Act, and the National Institute for Occupational Safety and Health.
- (hh) ***Industrialized home.*** All industrialized homes must comply with the following regulations for dwelling units:
- (1) At the time an application for installation of any industrialized home is presented for review, the applicant must present evidence of the following:
    - a. The serial number for the home as provided by the manufacturer.
    - b. Proof of the identity of the manufacturer.
    - c. Proof of inspection of the home at the date of manufacture, including DCA insignias.
  - (2) No industrialized home shall be in a state of disrepair at the time of its installation at the intended location within the unincorporated areas of the county. Proof of an approved department of community affairs insignia may be accepted as evidence of a new industrialized home's compliance with this subsection.
  - (3) It shall be the responsibility of the director or his designee to inspect industrialized homes being placed or relocated within the unincorporated areas of the county. Public services and engineering staff shall conduct such inspections necessary to ensure the following:
    - a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all county building codes.
    - b. Each industrialized home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the state department of human resources and the county health department.

- c. Steps and landings of the requisite size and composition per section 1113 of the Standard Building Code of the Southern Building Code Congress International (SBCCI), shall, at a minimum, be required of all industrialized homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
  - (4) All industrialized home sites shall conform to all regulations for the zoning district in that the property is located.
  - (5) No industrialized home may be attached to another industrialized home by means of a breezeway, corridor, or hallway. Industrialized homes designed to be part of a multi-unit residential structure are prohibited.
  - (6) Industrialized homes are not permitted to be used as accessory structures.
- (ii) ***Intermodal terminal facility.***
- (1) All such uses proposed by a public authority shall include a certified copy of the law, UDO, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
  - (2) All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by regulating agencies and all other applicable federal, state, or local statutes, UDOs, or rules or regulations.
  - (3) A statement shall be provided detailing noise abatement procedures, methods and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
  - (4) All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
  - (5) All facilities shall provide a 200-foot landscaped buffer adjacent to any residentially zoned property.
  - (6) All facilities shall complete a visibility study to ensure that no lights, structures, or storage buildings are visible from existing residences.
  - (7) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (jj) ***Kenel, hobby.***
- (1) The lot size shall be no less than two acres.
  - (2) All structures housing animals shall be located at least 100 feet from property lines or street right-of-way.
  - (3) All areas maintaining animals outside shall be located no closer than 100 feet from property lines or street right-of-way.
- (kk) ***Kenel, pet boarding.***
- (1) The lot size shall be no less than two acres.
  - (2) Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet.

- (3) All areas maintaining animals outside shall be completely enclosed by walls or fences at least six feet in height and shall be located no closer than 200 feet from property lines or street right-of-way.

(11) ***Landfill, inert waste.***

(1) *Standards.*

- a. Minimum acreage of site: 25 acres.
- b. No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
- c. A minimum 100-foot-wide buffer, meeting the requirements of this chapter, shall be maintained on all property lines including property lines abutting a public street.
- d. All facilities shall be enclosed with a security fence at least six feet in height with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
- e. Access to inert waste landfills shall be limited to authorized entrances that shall be closed when the site is not in operation. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the director of public works to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
- f. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
- g. A uniform compacted layer of clean earth no less than one foot in depth shall be placed overall exposed inert waste material at least monthly.
- h. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
- i. The property owner shall obtain a land disturbing permit for any inert waste landfill.
- j. No hazardous wastes, industrial wastes, demolition wastes, biomedical wastes, asbestos, or liquid waste shall be allowed in an inert waste landfill.
- k. This section shall not prohibit the burial of dry waste building materials on the same property of a structure currently under construction. However, hazardous materials may not be included in this disposal.
- l. Suitable means, such as stockpiled soil, shall be provided to prevent and control fires.
- m. A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not less than one month following final placement of inert waste within the lift.
- n. Notice of final closure must be provided to the inspections department within 30 days of receiving the final load of waste. Any site not receiving waste in excess of

180 days shall be deemed abandoned and in violation of this section unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

- (2) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(mm) ***Landfills, sanitary (municipal).***

(1) Standards.

- a. Minimum acreage of site: 100 acres.
- b. No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
- c. A minimum 200-foot-wide buffer, meeting the requirements of this chapter, shall be maintained against all property lines including property lines abutting a public street.
- d. All facilities shall be enclosed with a security fence at least six feet high with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside the buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
- e. *Limited access.* A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the director of public works to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
- f. The property owner shall obtain a land disturbing permit for any sanitary landfill.
- g. *Groundwater protection.* The site must be designed with adequate soil buffers or artificial lines and leachate collection and treatment systems to preclude, to the maximum extent possible, the contamination of drinking water supplies.
- h. *Erosion and sedimentation control.* All surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25-year, 24-hour storm and the sediment loading from the drainage basin for the life of the site.
- i. *Revegetation.* The plan must call for the revegetation of any disturbed area that will remain exposed for more than three months. Revegetation of final cover must take place within two weeks after final cover placement.
- j. *Sequence of filling.* The plan must define a sequence of filling the entire site that minimizes any problems with drainage or provides for all-weather access roads to the working area.
- k. *Daily cover.* The composition of daily cover shall meet the following standards:

- i. Must be capable of preventing disease vectors, odors, blowing litter, and other nuisances.
  - ii. Must be capable of covering solid waste after it is placed without change in its properties and without regard to weather.
  - iii. Must be capable of allowing loaded vehicles to successfully maneuver over it after placement.
  - iv. Must be noncombustible.
  - v. Forty percent by weight of the fragments in the daily cover shall pass through a two-millimeter, No. 10 sieve.
  - vi. Must not include rock fragments that are greater than six inches in diameter.
  - l. *Intermediate or monthly cover.* The composition of intermediate or monthly cover shall meet the same criteria for daily cover and be capable of supporting the germination and propagation of vegetative cover.
  - m. *Final cover.* The composition of final cover shall meet the same criteria as for monthly cover and must compact well and preclude the excessive infiltration of surface water.
  - n. *Final grading.* The grade of final slopes shall be designed, installed, and maintained to:
    - i. Ensure permanent slope stability.
    - ii. Control erosion due to rapid water velocity and other factors.
    - iii. Allow compaction, seeding and revegetation of cover material placed on slopes.
    - iv. Ensure minimal percolation of precipitation into and surface runoff onto the disposal area.
    - v. The grade of the final surface of the facility may not be less than three percent nor greater than 33 percent.
  - o. Fire protection, groundwater monitoring, methane gas control, liners and leachate collection, closure, post-closure care and financial responsibility shall be in conformance with chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
- (2) Any operator of any sanitary landfill shall comply with the performance requirements of chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources
- (3) No regulated quantities of hazardous waste may be accepted. The operation must have a plan for excluding regulated quantities of hazardous waste.
- (4) No person in responsible charge of a sanitary landfill which has a leachate collection system shall perform the duties of a sanitary landfill operator without being duly certified by the state.
- (5) No sanitary landfill which has a leachate collection system shall be operated in the state unless the person in responsible charge is duly certified by the state.

- (6) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (nn) ***Libraries and archives.*** When located in residential districts, such uses shall:
- (1) Be located on a collector or arterial street.
  - (2) Provide a 50 feet buffer adjacent to residential zoning.
  - (3) Set back driveways and parking areas a minimum of 25 feet from side and rear property lines.
- (oo) ***Livestock quarters and enclosures (includes poultry, horse stables: riding and boarding).*** The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the R-1 (Single Family Residential) zoning district, the A-R (Agricultural-Residential) zoning district, and the W-P (Watershed Protection) zoning district, subject to the following standards:
- (1) In the R-1 zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum of three acres outside the boundaries of any recorded subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.
  - (2) In the R-1 zoning district, the maximum number of livestock shall be limited to two adult hooved animals per three acres.
  - (3) In the A-R zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum lot size of three acres.
  - (4) In the A-R zoning district, the maximum number of livestock shall be equal to two adult hooved animals per acre.
  - (5) In the W-P zoning district, the keeping and raising of all farm animals and fowl and use of private stables shall be limited to properties with a minimum lot size of three acres.
  - (6) In the W-P zoning district, the maximum number of livestock shall be limited to two adult hooved animals per three acres.
  - (7) In the R-1 zoning district, the A-R zoning district, and the W-P zoning district, any structure, pen, corral or other building appurtenant to the keeping and raising of livestock or poultry must be located a minimum of 200 feet from any property line or state water as defined in O.C.G.A. 12-7-3.
  - (8) In the W-P zoning district, a fence shall be erected a minimum of 150 feet from any state water, as defined in O.C.G.A. 12-7-3, so as to prevent livestock from entry into any state water.
  - (9) The keeping and raising of all farm animals and fowl shall be subject to all regulations promulgated by the Rockdale County Health Department.
- (pp) ***Manufactured home.*** All manufactured homes must comply with the following regulations for dwelling units:
- (1) A scaled site plan prepared by a state-certified surveyor, landscape architect or engineer shall be required with all applications for a building permit to install a manufactured home in the unincorporated areas of the county.

- (2) At the time an application for installation of any class of manufactured home in the unincorporated area of the county is presented for review, the applicant must present evidence of the following:
  - a. The serial number for the home as provided by the manufacturer.
  - b. Proof of the identity of the manufacturer.
  - c. Proof of inspection of the home at the date of manufacture, including HUD insignias.
- (3) No class B manufactured home may be brought in and placed within the unincorporated areas of Rockdale County except in an existing manufactured home park.
- (4) No class C manufactured homes shall be brought into and placed within the unincorporated areas of the county.
- (5) No manufactured home shall be in a state of disrepair at the time of its installation at the intended location within the unincorporated areas of the county. Proof of an approved housing and urban development insignia may be accepted as evidence of a new manufactured home's compliance with this subsection. The state of repair of a manufactured home which has previously been utilized as a residential dwelling shall be determined based on the home's compliance with the following provisions:
  - a. *Sanitary facilities.* Every manufactured home shall contain not less than a kitchen sink, a lavatory sink, a tub or shower, and a toilet all in working condition when properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be in a sanitary working condition free from leaks and obstructions.
  - b. *Hot and cold-water supply.* Every kitchen sink, lavatory sink, and tub or shower in a manufactured home must be connected to a supply of both hot and cold water.
  - c. *Water heating facilities.* Every manufactured home shall have water-heating facilities in safe working condition.
  - d. *Heating facilities.* Every manufactured home shall have heating facilities in safe working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby heating appliances may be connected.
    - i. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per hour per cubic foot of room content.
    - ii. Unvented fuel burning heaters shall be prohibited in bedrooms.
  - e. *Smoke detector.* Every manufactured home shall be provided with a smoke detector approved by the state that is installed in accordance with the manufacturer's recommendations.
  - f. *Windows.* Every habitable room excluding bathrooms, kitchens, and hallways shall have at least one window that can be opened, facing directly to the outdoors. All windowpanes shall be intact and free of cracks or other structural flaws.
  - g. *Ventilation.* Every habitable room shall have at least one window or skylight which can be opened, or such other device that will ventilate the room.

- h. *Electrical.*
    - i. *Distribution panels.* Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
    - ii. *Electrical system.* The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed and wired and in working condition. The manufactured home may be subjected to an electrical continuity test to assure that all metallic parts are properly bonded.
  - i. *Exterior walls.* The exterior of the manufactured home shall be free of loose or rotting boards or timbers and any other condition that might admit rain or moisture to the interior portions of the walls or to the occupied spaces of the manufactured home.
  - j. *Exterior siding.* The exterior siding of the manufactured home shall be free of rot and rust and must be uniform in appearance.
  - k. *Roofs.* Roofs shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.
  - l. *Interior floors, walls, and ceiling.* Every floor, interior wall and ceiling shall be kept in sound condition to prevent the admittance of rain or moisture.
- (6) For manufactured homes that are to be relocated in the unincorporated area of the county from a site outside of the unincorporated area of the county, an inspection for compliance with each of the applicable requirements set forth in subsections (5)a through (5)l of this section shall be conducted prior to the home being brought into the county. Noncompliance with any of the provisions of this subsection shall cause a manufactured home previously used as a residential dwelling to be in a state of disrepair for purposes of this section. The installation of such home shall not be permitted absent correction of the defect by the applicant and approval by the director
- (7) It shall be the responsibility of the director to inspect manufactured homes being placed or relocated within the unincorporated areas of the county. Public services and engineering staff shall conduct such inspections necessary to ensure the following:
- a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all county building codes.
  - b. Each manufactured home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the state department of human resources and the county health department.
  - c. All manufactured homes must be installed in accordance with O.C.G.A. §§ 8-2-160 through 8-2-168. All manufactured homes with the exception of those located in existing manufactured home parks shall be placed on a permanent foundation, either slab or piers on poured concrete footings, in accordance with the manufacturer's permanent installation instructions. If the manufacturer's instructions are no longer available, the rules and regulations of the safety division of the state department of insurance (chapter 120-3-7, as amended) shall be followed regarding installation.



- d. Steps and landings of the requisite size and composition per section 1113 of the Standard Building Code of the Southern Building Code Congress International (SBCCI), shall, at a minimum, be required of all manufactured homes, with such provisions being expressly incorporated by reference herein as part of this requirement.
- (8) All manufactured home sites shall conform to all regulations for the zoning district in which the property is located.
- (9) No manufactured home may be attached to another manufactured home by means of a breezeway, corridor, or hallway.
- (10) Manufactured homes are not permitted to be used as accessory structures.
- (11) The following language shall appear on the face of all permit applications for manufactured homes:
- "The applicant is advised that the use(s) and/or structure(s) associated with this application may be restricted or prohibited by private covenants or other private legal restrictions and/or agreements applicable to the property which is the subject of the application. Investigation and compliance with any such private covenants and restrictions is solely the responsibility of the applicant. Issuance by Rockdale County of any permit pursuant to this application has no effect or impact upon, and does not certify the compliance or noncompliance of, such private covenants and restrictions."
- (12) The following provisions shall apply to all nonconforming manufactured homes:
- a. Any nonconforming manufactured home that is moved shall not be relocated within the county nor replaced by another manufactured home except in conformity with the provisions of this Code.
  - b. Any nonconforming manufactured home that is destroyed to the extent of more than 50 percent of the total square footage of the preexisting structure shall not be rebuilt or replaced with a manufactured home unless such manufactured home is a class A manufactured home as currently defined, or a class B manufactured home if such nonconforming home was located in an existing manufactured home park.
  - c. A nonconforming manufactured home shall not be enlarged or expanded in size, nor shall any additions or structural alterations or changes in foundation be made thereto, unless the nonconforming home is made to conform to the provisions of this Code, or the enlargement or expansion is for the purpose of more closely complying with the requirements applicable to manufactured homes. Variances may not be granted to enlarge or expand a nonconforming manufactured home.
  - d. Whenever the use of a nonconforming manufactured home has been discontinued for a period of one year, it shall not thereafter be used, and all future use shall be in conformity with the provisions of this Code.
  - e. Nothing in this section shall be construed or interpreted to prevent the normal maintenance and repair of any manufactured home.
  - f. All manufactured homes existing and installed in the county prior to the adoption of the ordinance from which this section is derived that do not conform to the current provisions applicable to such homes shall be authorized as legally nonconforming.

- (qq) **Massage establishment.** Establishments that perform massage therapy must meet the standards of chapter 22, article III.
- (rr) **Mineral extraction; river and stream sand.**
- (1) **Standards.**
- a. Adequate land is to be available for tailing ponds, located out of the floodplain.
  - b. A hydrological and geological analysis and drainage plan of the proposed operation shall be submitted to and approved by the director of the department of public services and engineering with the applicable requirements of a land disturbing permit. The plan shall conform to the requirements of a land disturbing plan and include:
    - i. Plans for the property after the operation has ceased.
    - ii. Revegetation plans.
    - iii. Maintenance of the site during the operation.
    - iv. Return water turbidity levels.
    - v. Any other information required by the director.
- (2) Extraction along Big Haynes Creek shall be limited to the two existing mill ponds located on Big Haynes Creek.
- (3) Stabilization of the stream and riverbanks is to be ensured by a 50-foot setback from the banks for all equipment.
- (4) The use shall not be established within 1,000 feet of a residence or within 500 feet of any property line without the express written consent of the adjoining property owner directly affected.
- (5) The use shall have direct access to a state highway with any access road having six inches graded, aggregate base.
- (6) This use shall conform to all state and federal laws.
- (7) All permits will expire on the one-year anniversary of the issuance unless renewed as complying with the terms of this section.
- (8) All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted, and such notice filed with the proper county authority.
- (9) A minimum of 500 feet sight distance shall be required at the junction of access road and the state highway. Acceleration and deceleration lanes shall be required and approved by the director of public services and engineering.
- (10) Establish working hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday, to reduce the nuisance produced by the operation.
- (11) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (ss) **Reserved.**
- (tt) **Mineral extraction/rock for production and processing of crushed stone.**

(1) *Standards.*

- a. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted, and such notice filed with the proper county authority.
- b. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number filed with the director of the department of public services and engineering.
- c. A blasting limit of two inches per second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.
- d. An air blast limit of 90 decibels (linear-peak) measured at the property line of adjacent residentially used properties shall not be exceeded.
- e. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts (including total charge weight, charge weight per delay, charge depth, date and time, location, and meteorological conditions) shall be retained by the operator for a period of not less than two years. Copies of all blast records shall be forwarded to the director of the department of public services and engineering within five days following each blast. All non-instrumental blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of Interior, Bureau of Mines Bulletin 656 entitled, "Blasting Vibrations and Their Effects on Structures."
- f. Millisecond-delay blasting shall be used to decrease the vibration level from blasting.
- g. Blasting shall coincide with the period between 8:00 a.m. and 5:30 p.m. except when on-site hazards to safety dictate otherwise.
- h. The blasting and extraction shall not be established within 500 feet of any property line.
- i. These uses shall only be established on a site of not less than 200 acres.
- j. May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(uu) ***Mini-warehouses and self-storage units.***

- (1) A 75-foot-wide buffer shall be required abutting residential property.
- (2) Buildings shall have a pitched roof with pitch of at least 4:12.
- (3) No sale of merchandise or flea markets shall be conducted on the property.
- (4) Access shall be only to streets classified as arterials by Rockdale County.
- (5) No outdoor storage is permitted.
- (6) No outdoor speakers or amplification shall be permitted.
- (7) Outdoor lighting shall be directed downward and away from adjacent property.

(uu1) ***Mobile food vendor.***

- (1) Permittees selling ice cream from a motor vehicle and mobile food vendors shall be subject to this section.
- (2) Standards specific to selling ice cream from a motor vehicle.
  - a. Permittees selling ice cream from a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vehicle stops, all sound equipment or other devices used to notify customers of the presence of the permittee shall be stopped and shall not resume until the vehicle is again put in motion.
  - b. No permittees selling ice cream from a motor vehicle using sound equipment or other methods of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily.
  - c. No permittees selling ice cream from a motor vehicle shall stop or stand and do business for more than 30 minutes at the same location.
- (3) Standards specific to mobile food vendors.
  - a. No mobile food vendor shall conduct business on public streets or in the public right-of-way except as part of a county-sponsored or approved special event permit.
  - b. Mobile food vendor operations shall be limited to the parking areas of privately owned, non-residential property, except that mobile food vendors may be allowed on privately owned residential property in conjunction with a small private gathering or non-profit event which will make no use of public property, including streets, other than lawful parking.
  - c. Any and all drivers of a mobile food vending vehicle must possess a valid Georgia driver's license.
  - d. All mobile food vendors shall maintain proof of a \$1,000,000.00 liability insurance policy, issued by an insurance company licensed to do business in the State of Georgia, protecting the mobile food vendor, the public, and Rockdale County from all claims of damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name Rockdale County as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the county.
  - e. Prior to issuance of the required permit under this article, any person or entity operating as a mobile food vendor shall execute an indemnity agreement indemnifying and releasing Rockdale County, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.
  - f. Prior to the issuance of the required permit under this article, mobile food vendors shall submit the written, notarized consent of the private property owner upon whose lot it is requesting to operate, a valid food service permit obtained from the Rockdale County Environmental Health Department, proof of liability insurance, the indemnity agreement releasing Rockdale County, and a valid Georgia driver's license to the Department of Planning & Development. The mobile food vendor

permit, written consent of the property owner, food service permit, and Georgia driver's license must be readily available for inspection within the vehicle at all times during hours of operation.

- g. No mobile food vendor shall be located within 150 linear feet of the property line of a lot containing a single-family home or townhouse without a special event permit, or within 150 linear feet of an entrance to a restaurant. Additionally, no mobile food vendor shall be located within 15 linear feet of any street intersection, pedestrian crosswalk, driveway, fire hydrant, alleys, handicapped parking spaces, or building entrances. Mobile food vendors shall not be located within 100 feet of gas pumps, underground gas storage tanks, and vent pipes.
- h. Mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. daily and shall not be left unattended, parked, or stored on a vending site during the restricted hours of operation or while not actively vending. All mobile food vending vehicles must return to their base of operations when not in use.
- i. Except as may be allowed during a county-sponsored event or approved special event, no more than two mobile food vendors may operate on a single property at any one time.
- j. No external speakers, sound equipment or other devices shall be used to play music or omit noises for the purpose of advertising the mobile food vendor's location while vending.
- k. No flashing, blinking, or strobe lights shall be used on or within a mobile food vendor vehicle.
- l. No mobile food vendor shall be permitted to have or operate as a vehicular drive-through facility or drive-up window.
- m. All mobile food vending vehicles shall be equipped with a reverse gear signal alarm that is distinguishable from the surrounding noise level and rear-vision mirrors, firmly attached, on each side of the vehicle.
- n. Free-standing signs or signage that projects from the body of the mobile food vending vehicle shall be prohibited. No sign used on a mobile food vendor vehicle shall be illuminated, flash, or produce motion.
- o. Mobile food vendors shall conduct business only when positioned on hard-surfaced, designated parking areas and shall not block driveway entrances, parking lot aisles, access to loading areas, or emergency access or fire lanes.
- p. At no time shall the operation of a mobile food vendor reduce the number of parking spaces available on a property below the minimum required.
- q. Each mobile food vendor shall provide at least one trash receptacle for its patrons that is regularly emptied and shall remove all such waste materials before departing from the site. Such waste materials shall be disposed of at the mobile food vendor's base of operations. The mobile food vendor shall be responsible for maintaining the area around their vehicle clear of trash and debris at all times.
- r. The dumping of gray water, grease, or other waste liquids on public or private property or into storm drains shall be prohibited.

(uu2) ***Mobile Food Court (Permanent Vending Location).***

- (1) The site must be located upon an arterial or collector roadway and have direct access upon said roadway.
- (2) The site must be serviced by public water.
- (3) All food trucks must be positioned in a designated parking space constructed of a hard surface area that is under a covered canopy. No truck can block any driveway entrance/exit, parking lot aisle, loading area, customer/ employee parking area, or fire lane.
- (4) A maximum of six (6) designated food truck parking spaces can be located on site.
- (5) Climate controlled indoor dining area shall be provided.
- (6) Outdoor covered or uncovered dining area shall be provided.
- (7) Permanent ADA restroom facilities shall be provided.
- (8) All primary and accessory structure(s) shall be limited to one (1) story in height.
- (9) All primary and accessory exterior building materials shall be constructed of brick, stone, stucco, or similar building materials as approved by the Director.
- (10) All canopy support structures shall be constructed of brick or stone.
- (11) Dumpsters shall be screened on three (3) sides by a brick or stone wall and have opaque closeable gates of a suitable height and material to adequately conceal them.
- (12) The permitted number of designated food trucks, if allowed by the Rockdale County Environmental Health Department, may remain onsite in the designated food truck parking spaces overnight. However, other food trucks shall comply with Outdoor storage in Sec. 218-13(yy).

(vv) ***Motor vehicle sales.***

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 25 feet from the right-of-way and no closer than 100 feet from the nearest residence.
- (3) Other vehicle display shall be located within a building or outside storage that is screened from public view.
- (4) Vehicle maintenance, repair, painting, and body work must take place within a building.

(ww) ***Open yard storage business.***

- (1) *Intent.* The intent of this supplemental regulation is to protect residential property values and to ensure that the community's children will not be visually attracted to or have easy access to potentially dangerous accumulations of materials stored out of doors by businesses regulated under this article.
- (2) *Site development standards.* No person shall engage in or operate an open yard storage business in the unincorporated areas of the county unless that business is in compliance with the following:
  - a. Each business shall establish and maintain a transitional buffer around the property upon which the storage area is located, measured from the right-of-way of the nearest public road to the fence, or the property line of any other real property

adjoining the property upon which the business is located, whichever is closest. Said transitional buffer shall be at least:

- i. 30 feet in depth for all storage areas under three acres in size.
  - ii. 50 feet in depth for all storage areas from three acres to ten acres in size; or for any portion of the open yard storage business adjacent to a stream or lake.
  - iii. 100 feet in depth for all storage areas over ten acres in size.
- (3) No storage or vehicle parking shall be allowed in any transitional buffer, provided entrance roadways shall be allowed in any transitional buffer.
  - (4) Each such business shall establish and maintain a fence on the inner boundary line of the transitional buffer for that business.
  - (5) Any fence required in this article shall be a substantial and solid wooden, rock, brick or masonry fence or wall of at least six feet in height approved by the director. Said fence shall have openings only for gates at entrance roadways. Each such gate shall be designed and constructed of materials compatible with the fence to which it is attached and shall be capable of being securely locked. All gates shall be approved by the director for those purposes.
  - (6) The transitional buffer shall be undisturbed except for entrance roadways, which roadways shall run generally perpendicular to the buffer zone boundaries. No road shall be built in the transitional buffer to provide access to the perimeter of the property.
- (xx) ***Outdoor recreation facility.***
- (1) Side and rear property lines shall include a 50 feet landscaped buffer that shall be continuous except for penetrations necessary to allow driveways and/or utility lines that are placed perpendicular to property lines.
  - (2) Any commercial recreation or entertainment facility that includes amusement rides, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, fully enclosed buildings shall meet requirements of amusement arcades.
  - (3) External lighting shall consist of cut-off type fixtures designed to cast light downward and away from adjacent properties.
  - (4) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.
- (yy) ***Outdoor storage.***
- (1) Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
  - (2) Use shall be screened by a solid fence or wall at least eight feet high or as required to screen view from adjacent property and public streets.
  - (3) The setback distance shall be landscaped to provide a year-round vegetative screen.
  - (4) Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
  - (5) Notwithstanding the foregoing, in the MxD and NC districts, up to 50 percent of the required front yard may be used for outdoor table service and temporary display of merchandise or items designed for exterior exposure or display. Outdoor display and

seating areas shall be set back at least ten feet behind the right-of-way, shall not obstruct sidewalks, and shall not be left out overnight.

(zz) ***Passenger car rental.***

- (1) All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- (2) All outdoor vehicle display areas shall be at least 50 feet from the right of way line and no closer than 100 feet from the nearest residence.
- (3) Vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.
- (4) Vehicle repair, painting and body work may not be conducted on the premises.

(zz1) ***Pawnshop and/or pawnbroker.***

- (1) All persons before beginning the business of operating a pawnshop or similar place for the purpose of pledging, trading, pawning, exchanging or selling property shall first file an application with a separate processing fee to cover the expense of an investigation and processing the application, which fee shall not be refundable. The application shall include verification from the Rockdale County Planning and Development Department that the proposed premises complies with all zoning and planning requirements. If more than one location is proposed, a separate application must be filed for each location and a separate license must be issued.
- (2) Every person engaged as a pawnshop operator or pawnbroker within the county shall secure from every person from whom he/she receives any used or previously owned tangible personal property, whether by purchase or through pledge, trade, pawn, or exchange; the following:
  - a. Government-issued photo identification card, such as a driver's license, military identification card, state identification card, or passport;
  - b. The name, address, telephone number, race, sex, height, weight, date of birth, and social security number or driver's license number;
  - c. A digital photograph clearly showing a frontal view of the subject's face (digital images shall be labeled with the date and time of the transaction and stored in such a manner that they are safe from corruption);
  - d. The fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger available on the right hand shall be obtained with a notation of the exact fingerprinted; and
  - e. Written description of property or item received, and digital photograph of property or item, labeled with date and time of transaction.
- (3) All pawnshops and pawnbrokers shall maintain the required information in subsection (2) above, including digital photographs and fingerprints, for a period of three years and make the same available to law enforcement personnel upon request.
- (4) No pawnshop or pawnbroker shall receive, pawn, trade, or buy from a minor goods of any character or description. A minor, for the purposes of this section, is an individual 17 years of age or under.



- (5) This section shall not be construed to prevent sponsorships, contributions, scholarships, or the purchase of items of de minimis cost for the purpose of contributing to nonprofit organizations, charitable organizations, churches, or school systems.
  - (6) Every pawnshop and pawnbroker within Rockdale County shall make correct and truthful entries of information as required by the ordinance from which this subsection derives as soon after the transaction as possible and in no event more than one hour after the applicable time set for closing of the business. The daily electronic reporting shall be by an electronic reporting system required by the sheriff. Every pawnshop shall enter each transaction as it occurs into the electronic reporting system via the Internet to the administrator of the electronic reporting system. In the event that the electronic reporting system becomes temporarily or permanently disabled, businesses will be notified as soon as possible by the sheriff's office. In this event, the businesses will be required to make records of transactions in paper form as prescribed by the sheriff's office. Such paper forms must include all information required under the ordinance from which this subsection derives related to the business. Businesses shall be responsible for maintaining an adequate inventory of these forms.
  - (7) All pawnshops shall comply with all applicable state regulations including those set forth in Title 44 of the Official Code of Georgia Annotated.
  - (8) Any person who willfully and intentionally fails to obtain the information and maintain the records, digital photographs and fingerprints, or to file the daily reports required by this chapter shall, be guilty of an offense and punished by a fine not to exceed \$1,000.00, incarceration not to exceed six months, or both.
- (zz2) ***Parking lots and garages—Commercial vehicles.***
- (1) *Truck stop* is strictly prohibited.
- (aaa) ***Performing arts theater, concert hall, convention center, auditorium.***
- (1) Shall be located on a collector or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same collector or arterial road.
  - (2) All structures shall be located, and all activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.
- (bbb) ***Personal care home, congregate, family, or group.***
- (1) The home shall maintain a residential appearance compatible with the neighborhood.
  - (2) The home shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in "Rules and Regulations for Personal Care Homes," Chapter 290-5-35.
  - (3) To prevent a negative institutional atmosphere created by the concentration or clustering of several community residences, no more than one personal care home shall be located on each block, and two or more personal care homes shall not be located on the same street on opposing sides of the same block.
- (ccc) ***Place of worship.***

- (1) Shall be located on a local, collector, or arterial road, as defined by the Rockdale County Department of Transportation, with the minimum lot frontage and direct access to the same local, collector, or arterial road.
  - a. If located on a local road on a residential zoned property, a Special Use Permit shall be required.
  - b. If located on a local road on a nonresidential zoned property, it shall be permitted pursuant to this subsection.
  - c. Places of worship shall be excluded from residential properties located on local, collector, or arterial roads and that are part of a recorded residential subdivision, defined as the common development of five lots or more, subject to a required preliminary plat pursuant to section 302-23.
- (2) A place of worship shall register yearly with the department of planning and development prior to establishment in Rockdale County. An annual administrative fee shall be paid to the department of planning and development as set forth by the board of commissioners.
- (3) A place of worship located in a residentially zoned district shall establish a 50-foot, undisturbed and supplemental planted buffer against all adjoining residentially zoned properties.
- (4) A place of worship signage in nonresidential zoning districts shall be limited to what is permitted in the sign table in chapter 230. In residential zoning districts, signage shall not exceed 32 square feet in area for each panel of a double-sided sign and shall be attached to a permanent wall or pilaster constructed of brick, stone, wood or textured concrete masonry units not to exceed eight feet in height. In all zoning districts the sign shall be setback at least ten feet from the right-of-way and 15 feet from an intersection right-of-way. External, downward illumination is allowed. No more than 30 percent of the sign area may be composed of a reader board. Electronic reader boards shall be permitted only on properties abutting arterial or collector roads, as defined by the Rockdale County Department of Transportation. No signage shall be permitted for accessory uses.
- (5) Accessory uses and facilities. The place of worship shall be established and occupied prior to the occupancy of accessory uses. No signage shall be permitted for accessory uses. All accessory uses and facilities require separate permitting by the department. Accessory uses and facilities shall be clearly subordinate to the place of worship and intended primarily to be used by members of the place of worship.
  - a. Not-for-profit accessory uses and facilities that are customarily associated with a place of worship are permitted by right such as a chapel, administrative offices, not-for-profit religious bookstore, religious educational facilities for worshippers (i.e., class rooms for religious education), fellowship hall and related kitchen and dining area, ornamental gardens, or outdoor recreational facilities occupying a total of less than 5,000 square feet.
  - b. Not-for-profit uses and facilities requiring a special use permit. The following additional, not-for-profit uses may be permitted as accessory to a place of worship only upon approval of a special use permit in accordance with section 238-6, and provided that they meet all regulations specific to the proposed use or facility contained in this section and each of the additional standards provided in subsection (6) of this section.

- i. Outdoor recreation facilities 5,000 square feet or larger.
  - ii. Indoor recreation facilities, such as gymnasiums.
  - iii. Cemetery or mausoleum.
    1. Shall comply with section 218-13, Supplemental use standards for cemeteries (1).
  - iv. Non-profit adult day center, childcare learning center, group day care home, or pre-kindergarten (Pre-K).
    1. Shall comply with section 218-13, Supplemental use standards for adult day center (a1), childcare learning center (11), group day care home (bb1), or pre-kindergarten (Pre-K) (ccc1).
  - v. Private school (K-12).
    1. Shall comply with section 218-13, Supplemental use standards for School K-12, private (lll).
  - vi. One dwelling for an employee/caretaker of the place of worship in residential zoning districts.
- (6) Standards for approval of special use permits for additional uses listed in subsection (5):
- a. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m.
  - b. Additional parking shall be required at one space per 1,000 square feet of accessory use.
  - c. The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous properties.
  - d. No signage shall be allowed to advertise accessory uses requiring a special use permit.
- (7) For-profit retail and wholesale sales and commercial services shall be prohibited from operating in a place of worship.
- (8) Monastery or convent.
- a. When in a residential district, any building or structure established in connection with these uses shall be set back not less than 75 feet from any property line, except where this property line is a street right-of-way line, in which case the front yard setback established for the district shall apply.
  - b. This site shall contain at least ten acres and have frontage on a collector or arterial street of at least 100 feet.
  - c. No parking area shall be established within 25 feet of all property lines in non-residential zoning districts.
  - d. Retail sales of books, gifts and products shall be permitted on-site as an accessory use to a convent or monastery provided at least 25 percent of the gross sales of all items sold result from items produced wholly on-site at the convent or monastery by the residents thereof.

- e. For the purpose of this section, the term "convent" shall be defined as the building or buildings occupied by a community of nuns bound by vows to a religious life under a superior, and a "monastery" shall be defined as a dwelling place of a community of persons under religious vows, particularly monks.

(ccc1) ***Pre-kindergarten (Pre-K).***

- (1) The use shall comply with all applicable State of Georgia, Bright from the Start, requirements and regulations for operating a Georgia's Pre-K Program, pursuant to the current School Year Pre-K Providers' Operating Guidelines.

(ddd) ***Processing plant and manufacturing facility for hazardous materials.***

- (1) Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter that causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.
- (2) The applicant shall be responsible for identifying all applicable federal and state regulations and permitting requirements and shall provide evidence of compliance.
- (3) Such uses shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.
- (4) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(eee) ***Quarry.***

- (1) Quarry areas being excavated shall be entirely enclosed within a fence located at least ten feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.
- (2) The operators and owners of the quarry shall present to the board an acceptable comprehensive plan for the reuse of the property at the cessation of operations.
- (3) In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of the UDO shall be permitted and shall not be considered a new operation, provided that the extension does not extend to within 1,000 feet of a residential or commercial zoning district boundary line, measured along a straight line connecting the nearest points of the subject district boundaries.
- (4) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(fff) ***Recovered materials processing facility (recycling center).***

- (1) Activities shall be limited to collection, sorting, compacting, and shipping.
- (2) Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of 3:1 and/or a minimum six feet high, 100 percent opaque, solid wooden fence, or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- (3) The facility shall not be located adjacent to or across the street from any property used or zoned for residential use.

- (4) Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.
- (5) Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.
- (6) No outdoor storage of non-containerized materials shall be allowed.
- (7) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(ggg) ***Recreation center and club, private.***

- (1) Buildings, courts, pools, and other structures shall be set back not less than 25 feet from any property line, except when such property line abuts a street right of way. In such case, the front setback of the district shall apply.
- (2) Swimming pools shall comply with the standards established in this article.
- (3) Outdoor activity shall cease by 10:00 p.m.

(hhh) ***Recreational and vacation camps, RV parks, and campgrounds.***

- (1) Only accessory services and parking related exclusively to the recreational operations shall be allowed.
- (2) Total floor area of all buildings shall be a minimum of 2,000 square feet. The building(s) shall be located at least 100 feet from all residentially zoned property.
- (3) The site shall be at least 20 acres in size.
- (4) All outdoor activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.
- (5) Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances.
- (6) No outdoor storage shall be allowed.
- (7) No outdoor public address system shall be allowed.
- (8) Outdoor recreation activity adjacent to residentially zoned property shall cease before 8:00 p.m.
- (9) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(iii) ***Residential mental health and substance abuse facility.***

(jjj) ***Rooming and boarding house.*** If in a residential district or abutting a residential district, the following standards shall apply:

- (1) No more than six occupants, not including owner and owner's family if residing on the premises.
- (2) Parking must be provided in an enclosed garage or in the rear or side yard.
- (3) The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration, and floor area with buildings on the same block.

- (4) If meals are served on the premises, meals may only be served to residents and owner's family members if present.
- (5) At least 1,000 feet shall separate a rooming and boarding house from another rooming and boarding house, transitional housing facility or personal care home.

(kkk) ***Salvage operation, junkyard, recyclable material wholesalers.***

- (1) The property shall contain a minimum of five acres.
- (2) Outdoor storage is to be located no closer than 300 feet to a property zoned for residential use, O-I, CID, OBP, NC, C-1, C-2, or MXD, measured along a straight line connecting the nearest points on the property lines of the two subject properties.
- (3) Outdoor storage is to be completely enclosed with a solid fence of not less than eight feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to effectively screen all storage and other operations from view.
- (4) Outdoor storage is to be located no closer than 100 feet from the right-of-way of any major arterial roadway.
- (5) Outdoor storage yard shall have a maximum slope of five percent.
- (6) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(lll) ***School K—12, private.***

- (1) *Minimum lot size.* The minimum lot size shall be five (5) acres, plus one additional acre for each 100 students (including portions thereof) based on the design capacity of the school.
- (2) *Private school in residential zoning district.* When located in a residential zoning district, the following additional standards shall apply:
  - a. A 50-foot buffer adjacent to residential zoning is required.
  - b. Driveways and parking areas must set back 25 feet from side property lines.
  - c. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties.
  - d. *Accessory uses and facilities.* In addition to the accessory uses and facilities that are permitted in section 218-7 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities occupying less than 10,000 square feet. No signage shall be allowed for accessory uses.
- (3) The following additional uses may be permitted as accessory to the private school only upon approval of a special use permit in accordance with section 238-6, and provided that they meet all regulations specific to the proposed use or facility contained in this section 218-13, and that they meet each of the additional standards provided in subsection (lll)(4):
  - a. Outdoor recreation facilities 10,000 square feet or larger.

- b. Indoor recreation facilities such as gymnasiums, health, and fitness facilities.
  - c. Recreation center and club.
  - d. Health and social services; including counseling, outpatient clinics, and the like.
  - e. One dwelling for an employee of the private school.
- (4) Standards for approval of special use permits for additional uses listed in subsection (III)(3):
- a. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m., unless a temporary use permit is obtained from the director.
  - b. The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties.
  - c. No signage shall be allowed for any accessory or special use.
- (5) Retail and commercial sales uses shall be prohibited in a residential zoning district.
- (mmm) ***School, private residential.*** A private school or similar institution shall include residential facilities with accessory kitchen, dining, and recreational facilities, provided it is granted a special use permit and meets the following standards:
- (1) *Minimum lot size.* The minimum lot size shall be five acres, plus one additional acre for each 100 students (including portions thereof) based on the design capacity of the school.
  - (2) Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.
  - (3) Residential facilities, dormitories, kitchens, and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of the UDO and the applicable county and state public health and building codes.
  - (4) No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
  - (5) Provide a 50-foot undisturbed buffer adjacent to residential zoning districts.
  - (6) Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- (nnn) ***Solid waste transfer station/materials recovery facilities.***
- (1) A survey, demonstrating compliance with all standards in this section and sealed by registered surveyor, and site plan are required.
  - (2) Minimum acreage of site: Five acres.
  - (3) Maximum acreage of site: Ten acres.
  - (4) The property shall be located at least 500 feet, measured from nearest property line to nearest property line, from residential zoning districts, nonconforming residential dwellings in nonresidential zoning districts, private or public wells, lakes, medical facilities, childcare facilities, schools, or churches.

- (5) A minimum 100-foot-wide landscaped buffer, to include evergreen species and meeting all other requirements of this chapter, with access only allowed in the buffer, shall be maintained along all property lines including property lines abutting a public street.
- (6) All facilities shall be enclosed with a solid security fence at least eight feet in height parallel to all property lines and placed on the interior side of the required landscape buffer. A sight line study shall be submitted to county staff for approval.
- (7) Processing, equipment, materials, and waste shall be strictly confined to the interior of the transfer station building.
- (8) Solid waste shall not be allowed to be stored on the tipping floor in the transfer station building overnight. Vehicles containing waste materials shall not be allowed to remain on-site overnight.
- (9) All runoff from wash water and stormwater shall be discharged to an on-site wastewater treatment system approved by the county. All paved areas shall drain into the on-site wastewater treatment system.
- (10) Solid residues from sewerage or other materials treatment processes shall be excluded from transfer station facilities.
- (11) Dust, odors and similar conditions, rodents, insects, and other such pests shall be controlled in accordance with federal, state and county health codes. All necessary action shall be taken to mitigate such conditions at transfer station facilities. These conditions shall not be detectable at the boundary of the property without the aid of instruments.
- (12) All parking and queuing of vehicles shall be paved and provided on-site. In addition to the parking requirements of this chapter, a minimum of five spaces for queuing of vehicles containing waste materials shall be provided. No parking or queuing shall be allowed in any buffer area or on a public street.
- (13) Vehicular access shall not be through any residential subdivision or development. Routes and entrances shall be approved by the director of the department of public services and engineering to ensure that access is derived from paved streets, that such streets will withstand anticipated maximum load limits, and that all safety issues are satisfactorily addressed.
- (14) All vehicles containing waste materials shall enter and leave the facility in a covered condition as required in subsection m above.
- (15) Establish operating hours of 5:00 a.m. to 4:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday, to reduce the nuisance produced by the operation.
- (16) The operation of transfer station facilities will comply with any and all current and updated applicable federal, state, and local laws regarding the processing and disposal of solid waste.
- (17) All permits are required to be in force and active from the state environmental protection division prior to permitting of the facility. Permit or certificate of approval from the state environmental protection division is to be provided to the department of public services and engineering on an annual basis at the time of business licensing renewal.
- (18) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.



(ooo) ***Sports teams and clubs.***

- (1) All athletic fields shall have access to collector or arterial street.
- (2) No amplified outdoor sound system speaker may be located closer than 200 feet from the nearest residence, measured along a straight line connecting the source with the nearest point of the nearest residential structure.
- (3) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(ppp) ***Storage tank, bulk, flammable liquids.***

- (1) No above-ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.
- (2) No tank or other structure used for storage of flammable or toxic liquids shall be closer than 100 feet from a property line.
- (3) A fire prevention, evacuation and safety plan must be approved by the Rockdale County Fire Department.
- (4) A spill containment and noise and air pollution abatement plan must be approved by the department.
- (5) May qualify as a Development of Regional Impact (DRI). See Sec. 238-5 for applicable procedures.

(qqq) ***Storm shelter.*** Storm shelters are permissible as accessory uses and structures, where permitted, subject to the following conditions:

- (1) If any portion of the structure extends above the ground, that portion above the ground must comply with the minimum setback and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the director.
- (2) If the structure is completely underground, it shall comply with yard requirements of an accessory use, and the impervious surface limits or building coverage limits in chapter 206 shall not apply to an underground storm shelter which has no impervious surface extending closer than two feet below natural grade.
- (3) A storm shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.
- (4) Storm shelters may be contained in other structures or may be constructed separately.

(rrr) ***Swimming pool, home.*** Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of four feet with a gate containing a self-closing positive latch device to ensure that the pool is enclosed at all times. Health department approval shall be required prior to issuance of a building permit. The fence and gate shall be installed prior to filling the pool with water.

(sss) ***Swimming pool, nonresidential.*** Any constructed or prefabricated pool used other than in conjunction with a private residence requires health department approval. Public pools shall be enclosed by a fence of a minimum height of four feet with all gates containing a self-closing positive latch device to ensure the pool is enclosed at all times.

(ttt) ***Temporary building.***

- (1) A temporary building shall be any small building, not to exceed the size of a large house trailer (20 feet by 50 feet), or any portable, movable or mobile building or trailer, which is placed on a construction site within the unincorporated areas of the county; or any building as used for a sales office for real estate brokers and agents properly authorized to do business within the county; or any building as used as an office for the contractor who is properly authorized to do business within the county; or any other properly licensed agents within the county.
  - (2) A temporary building may be located on a particular site during the construction of houses, factories, stores, and the like as provided in this section:
    - a. A permit for the construction or location of a temporary building to be used as a real estate sales office or construction office may be issued by the department only after verification of proper zoning and approval of the construction site plans.
    - b. The permit, when issued, shall expire one year from the date of issuance or immediately upon the completion of the construction concerned or if a subdivision, when the last house is sold, if before the one-year limit.
    - c. An extension may be granted to the holder of a permit by the board of commissioners upon request, and may be granted for any length of time so approved, not to exceed a period of six months; and the fee may be prorated on a per-month basis if so deemed by the board of commissioners.
    - d. Cost of the permit shall be as established by the board of commissioners.
    - e. Any violation of this section shall constitute grounds for the refusal of the county to issue any building permit requested by the violator.
- (uuu) **Temporary use, commercial retail.** Commercial structures of a seasonal or temporary nature including, but not limited to food stands, vendors or similar uses are permitted only in those commercial districts allowing similar uses on a permanent basis. Such structures shall meet appropriate county building codes, and if connected to utility systems, shall obtain necessary permits. A commercial retail temporary use shall require a permit issued by the department for a duration not to exceed 90 days with a single three-day extension if approved by the director.
- (vvv) **Townhouse.** No more than six or fewer than three continuous townhouses shall be connected in a row within the same building.
- (www) **Transitional housing facility.** If in an RM district abutting a residential district or authorized by special use permit for a place of worship in a residential district, the following standards shall apply.
- (1) No more than six residents, not including owner and owner's family if residing on the premises.
  - (2) Parking must be provided in an enclosed garage or in the rear or side yard.
  - (3) The outer appearance of the building shall be compatible in height, style, front setback, roof type, fenestration, and floor area with buildings on the same block.
  - (4) If meals are served on the premises, meals may only be served to residents and owner's family members, if present.
  - (5) Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection (1) of this subsection.

- (6) At least 1,000 feet shall separate a transitional housing facility from another transitional housing facility, rooming and boarding house or personal care home.
- (xxx) **Timber harvesting.** See (z) Forestry and logging, including timber harvesting for applicable regulations.
- (yyy) **Utility structures and buildings.** Utility structures and buildings, including electric power generating units and natural gas substations, telephone exchanges, and similar structures must be fenced and properly screened with a six-foot high planted buffer as approved by the department.
- (zzz) **Veterinary services.**
- (1) Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least 50 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
  - (2) Medical treatment or care shall be practiced only within an enclosed building or structure.
  - (3) Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed building or structure located at least 100 feet from any property zoned or used for residential purposes, measured along a straight line connecting the nearest points of the subject properties.
  - (4) The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.
- (aaaa) **Wood product manufacturing (including sawmills and planing mills).**
- (1) The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from any right-of-way line.
  - (2) The sawmill must be at least 500 feet from the nearest residential use on an adjacent property, measured along a straight line connecting the nearest points of the subject properties.
  - (3) A portable sawmill may be permitted for up to six months if used solely to process timber removed from the parcel on which it is located.

**Section II**

That all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.

**Section III**

That should any court of competent jurisdiction declare any section of this ordinance invalid or unconstitutional, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid or unconstitutional.

**EFFECTIVE DATE:** This Ordinance shall become effective as of the date hereof.

**ADOPTED AND APPROVED THIS** 27 **DAY OF** April, 2021.

**ROCKDALE COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**



Oz Nesbitt, Sr., Chairman

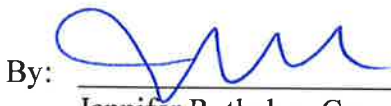


Sherri L. Washington, Esq., Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Attest:



By: \_\_\_\_\_  
Jennifer Rutledge, County Clerk

Approved as to Form:



By: \_\_\_\_\_  
M. Qader A. Baig, County Attorney

First Reading: February 23, 2021

Second Reading: April 27, 2021