

AN ORDINANCE TO AMEND THE TEXT OF SEC. 106-1 (DEFINITIONS), SEC. 218-1 (PERMITTED USE TABLE), SEC. 218-13 (STANDARDS OF USE AND DEVELOPMENT), SEC. 222-11 (PARKING VEHICLES IN RESIDENTIAL DISTRICTS) OF THE UNIFIED DEVELOPMENT ORDINANCE OF ROCKDALE COUNTY, AS AMENDED, REGARDING VEHICLE PARKING; 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 pertaining to vehicle parking require revision in order to create standardized regulations and criteria governing the parking of commercial vehicles so as to protect the health, safety, climate, 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. 106-1 “Definitions”, subsection (c) (Definitions) is hereby amended as follows:

Automobile: A motorized vehicle with two axles and not more than six wheels, designed for carrying ten passengers or less and used for the transportation of persons.

Junked vehicle: Any wrecked or non-operable dismantled or abandoned automobile, truck, boat, motorcycle, or similar device.

Gross vehicle weight rating (GVWR): The rating applied by a vehicle manufacturer, and represents the maximum total weight of vehicle, cargo, people, fuel, and other fluids together.

Outdoor storage: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours whether for storage, display, processing or sale. See section 218-13.

Parking lot: Any area designed for temporary (less than 48 hours) storage of motor vehicles of the motoring public in normal operating condition.

Parking lots and structures - Commercial vehicles. A business that provides a parking area designed for the storage of vehicles that are in normal operating condition for the motoring public that may exceed 48 hours.

Parking, off-street: A temporary (less than 48 hours) storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Parking, on-street: Areas along curbs of a street that are authorized for temporary (less than 48 hours) storage of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

Parking structure: A covered or sheltered structure of **one** or more stories designed, constructed, and used for the parking of automobiles.

Recreational vehicle: A vehicle that is:

- (1) Built on a single chassis.

- (2) Four hundred fifty square feet or less when measured at the largest horizontal projection.
- (3) Designed to be self-propelled or permanently tow-able by a truck or car.
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Cannot be used as a temporary living quarters outside of an approved Recreational vehicle parks and campgrounds.

Vehicle: A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, earth moving equipment, trailers, and other similar conveyances.

Vehicle, commercial: Vehicles with a gross vehicle weight rating (GVWR) of 10,001 pounds or more used as a part of a business (including a non-profit organization). This definition also includes any vehicle which falls into one or more of the following categories:

- (1) Truck tractor;
- (2) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- (3) Tow trucks;
- (4) Commercial hauling trucks;
- (5) Vehicle repair service trucks;
- (6) Vehicles with blades attached for plowing or grading;
- (7) Construction vehicle, such as a bulldozer, backhoe, and similar vehicles;
- (8) Passenger carrying vehicles with more than 15 passengers including the driver;
- (9) Combinations of vehicles (such as a truck pulling a trailer or other equipment);
- (10) A trailer that hauls two or more passenger vehicles; and
- (11) Vehicles that carry hazardous materials.

Section II

That Sec. 218-1 entitled “Table of Permitted Uses” is hereby amended by enacting the following:

NAICS Code	Uses	Sec. 218-13	A-R	R-1	R-2	CRS	CSD	CUD	MRU	RM	CID	O-1	NC	MxD	C-1	C-2	OBP	M-1	M-2	CSO
	Outdoor Storage	(yy)											A	A		A	A	A	A	
812930	Parking Lots & <u>structures</u> - Automobile								A	A	A	A	A	A	A	P	A	P	P	
	Parking Lots & <u>structures</u> - Commercial Vehicles	(zz2)																P	P	

Section III

That Sec. 218-13 entitled “Supplemental standards of use and development” is hereby amended by deleting the existing subsection (zz2) and enacting the following:

- (zz2) ***Parking lots and structures—Commercial vehicles.***
- (1) *Truck stop* is strictly prohibited. See section 106-1 for the definition of a truck stop.
 - (2) All vehicles, equipment, and machinery shall be parked, stored, or displayed on paved surfaces, gravel, or approved pervious paving materials.
 - (3) Parking areas shall be at least 25 feet from the right-of-way line:
 - a. Shall establish and maintain a 25-foot planted adjacent to the right-of-way;
 - b. Shall be screened by a solid fence or wall at least eight feet high or as required to screen view from public streets.
 - (4) Parking areas shall be no closer than 100 feet from the nearest residence.
 - (5) When adjacent to residential zoning:
 - a. Shall establish a 50-foot, undisturbed and supplemental planted buffer against all adjoining residentially zoned properties;
 - b. Shall be screened by a solid fence or wall at least eight feet high or as required to screen view from all adjoining residentially zoned properties.
 - (6) Site development plan, along with a Traffic Impact Study, are required.
 - (7) The property shall have adequate lighting. However, all exterior lighting shall be located and designed with automatic cut-offs to minimize glare on adjacent occupied properties. Ground-mounted floodlights shall be screened with planting or other means so that the light source is not visible. The use of flashing, rotating, or oscillating lighting is prohibited in any manner that may be visible from the exterior of buildings. No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. If a commercial vehicle parking facility abuts a

residentially zoned property, outdoor lighting shall have a maximum height of 15 feet. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state, or local law.

- (8) An office, accessory to the operation of the facility shall be allowed onsite.
- (9) The business shall place signage on the property.
- (10) Guard shack/gates are allowed, subject to approval.

Section IV

That Sec. 222-11 entitled "Parking vehicles in residential districts" is hereby amended by deleting it in its entirety and enacting the following:

- (a) In any residential zoning district, it shall be unlawful for any person to park or stand any commercial vehicle as defined in Section 106-1, except while actually engaged in loading or unloading. Trailers, mobile homes, motorized homes, boats, boat trailers and utility trailers are exempt from this paragraph. For purposes of this section, trailers are defined as vehicles with or without motive power, designed for carrying persons or property and for being drawn by motor vehicles and so constructed that no part of its weight rests upon the towing vehicle.
- (b) In any residential district, the parking of any vehicle shall be within a garage, driveway, or carport or within a side or rear yard, except for moving vans that are actually loading and unloading. The parking of any commercial vehicle as defined in Section 106-1, shall be prohibited.
- (c) Disposition of commercial vehicles in residential districts. The county is authorized to remove and dispose of any commercial vehicle in a residential district, notwithstanding the fact that such vehicle may be located on private property. No such vehicle shall be disposed of in less than 30 days from the time the commercial vehicle is removed. Prior to the disposal of such vehicle and if such vehicle is affixed with a current license tag, the current owners and lienholders of the motor vehicles shall be identified by a records search in the state department of revenue; and upon the identification of the owners and lienholders, they shall be notified of the pending disposal by registered or certified mail, return receipt requested.
- (d) Enforcement.
 - (1) Enforcement of this article shall be the responsibility of the code enforcement officers of the department of planning and development or any Rockdale County Sheriff's deputy.
 - (2) When a motor vehicle is deemed to be a commercial vehicle in violation of this Code by an authorized enforcement officer, such officer may issue a written warning notice to the parties owning or in apparent possession of the commercial vehicle, or the owner of the property upon which the motor vehicle is located, to remove the vehicle within five days. If the owner or person in apparent possession of the vehicle is not ascertainable, written notice may be given by attaching such notice to the vehicle. Written notice to the property owner shall be by certified mail to the address listed in Rockdale County property tax records. If the commercial vehicle is not removed within five days, the owner of the motor vehicle or the owner of the land on which it is located shall be issued a citation. If a commercial vehicle is found in violation on the property of an owner who has been cited within the past 12 months for the same offense, then the authorized enforcement officer may immediately issue a citation to the parties owning or in apparent possession of the motor vehicle, or the owner of the property upon which the motor vehicle is located.

- (3) Each and every day that any such violation exists shall be deemed a separate offense.
- (4) The County may tow the vehicles, at the owner's expense, if not removed within 5 days of the notice.

Section V

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

Section VI

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.

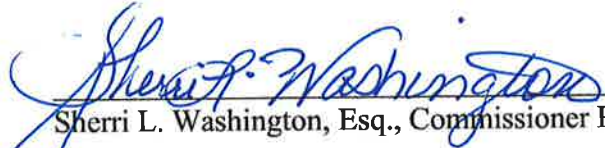
EFFECTIVE DATE: This Ordinance shall become effective as of the date hereof.

ADOPTED AND APPROVED THIS 12 DAY OF April, ~~2021~~ 2022

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**



Oz Nesbitt, Sr., Chairman



Sherri L. Washington, Esq., Commissioner Post I



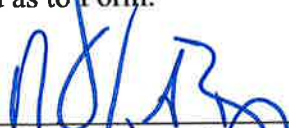
Dr. Doreen Williams, Commissioner Post II

Attest:



By: _____
Jennifer Rutledge, County Clerk

Approved as to Form:



By: _____
M. Qader A. Baig, County Attorney

First Reading: _____

Ordinance No. 0-2022-18
TEXT Case No. 2021-24

Second Reading: 4/17/2022