

Community Development Department

38 West Main Street, Forsyth, Ga 31029 – 478-994-7040 – kfortner@monroecoga.org

January 30, 2024

TO: Jim Hedges County Manager
 Greg Tapley Chairman
 Eddie Rowland Vice Chair
 Lamarcus Davis Commissioner
 John Ambrose Commissioner
 George Emami Commissioner

RE: Ordinance Amendment

Attorney Ben Vaughn
The attached ordinance has a few amendments.
Section A, One, Section M., A., and Section N. H.

The Planning and Zoning Board recommends these changes 3-0.

Thank you,



Kelsey Fortner
Community Development Manager

** Request for Ben
to present*

AN ORDINANCE OF MONROE COUNTY, GEORGIA, PROVIDING THAT THE UNIFIED DEVELOPMENT CODE OF MONROE COUNTY, GEORGIA, BE AMENDED AT THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF MONROE COUNTY, HELD ON _____, 2023.

WHEREAS, Monroe County, Georgia, has experienced considerable growth and development, and the Board of Commissioners adopted a Unified Development Code to regulate such growth and development in accordance with the police power and the best interests of the citizens, and to preserve the public health, safety and welfare; and

WHEREAS, the Board of Commissioners wishes to amend that Unified Development Code to better regulate said growth while recognizing and balancing the rights of property owners within the County; and

NOW THEREFORE BE IT ORDAINED, AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the Board of Commissioners of Monroe County, Georgia, that the Unified Development Code of Monroe County shall be amended as follows:

SECTION ONE

The Unified Development Ordinance of Monroe County is hereby amended as follows:

~~A. In Chapter 1, Section 1.10.00, the definition of Subdivision is hereby amended to add the following sentence at the end of the definition:~~

~~Division of tracts or parcels into lots each of five (5) acres or more shall not be deemed a subdivision for the purposes of these regulations.~~

~~*Note, with this addition, divisions creating lots of 3 acres or less will be subdivisions, small divisions of 3-5 acres will be minor subdivisions, and divisions where lots are 5 acres or more will not be treated as subdivisions at all.*~~

B. In Chapter 4, Section 4.03.02, pertaining to General design standards for subdivisions, shall be amended to add the word residential to paragraph E(2) and to delete subparagraphs (1) and (2) of paragraph F. Henceforth, Section 4.03.02 shall state as follows:

4.03.02 General design standards for subdivisions

A. All development shall be on a designated, platted, and recorded lot that meets all standards set forth in this UDO.

B. The standards for design and layout of conventional subdivisions are contained in this section. The standards for the design and installation of public improvements and infrastructure for subdivisions and all other developments are contained in Chapter 6.

- C. A subdivision shall have at least two (2) entrances if the subdivision is planned to have 75 or more lots.
- D. Submittal and procedural requirements regarding preliminary plats and final plats are set forth in Chapter 10.
- E. General requirements for potable water system:

- 1. Water mains properly connected with a County approved public water supply system shall be constructed in such a manner to adequately serve all lots shown on the subdivision plat for both residential use and fire protection.
- 2. All residential subdivisions shall be required to connect to a County approved public water system when said water system is within 200 feet radius of the property line of a lot created by a new subdivision development.
- 3. The subdividing of property resulting in the creation of no more than one (1) additional lot, parcel, or tract of land shall be allowed to utilize a domestic primary water supply (on-site well water) in accordance with the rules and regulations of the state Department of Community Health, environmental health division. The subdividing of property resulting in the creation of more than one (1) additional lot, parcel, or tract of land shall be required to utilize a County approved public water system.
- 4. All public water facilities shall be installed subject to the policies and procedures of the applicable water and sewer utility provider.

- F. General requirements for public sewer system:

- 1. Where sanitary sewer service is not available, all lots without connection to the public system shall be developed with a private septic tank system or decentralized wastewater management system consistent with the zoning and minimum lot area requirements of this UDO or other such larger lot area requirement as may be required by the board of health at the time of preliminary plat.
- 2. The standards for a public sewer system are set forth in Chapter 6.

- G. General requirements for all other utilities

The applicant shall make the necessary arrangements with the appropriate utility companies for the installation of utilities to assure that all lots have adequate gas, if available, electrical, cable, and telephone communication services.

C. In Chapter 4, paragraph B of Section 4.05.04 shall be restated as follows:

B. Each individual dwelling unit within the development shall be located on a separate lot, which shall be subject to the following minimum standards:

1. Minimum front setback: 35 feet.
2. Minimum side setback for lots within development: 20 feet.
3. Minimum rear setback: 30 feet.
4. Minimum dwelling unit lot area: 7,500 square feet.
5. All manufactured homes must be installed in accordance with the Georgia State Manufactured Housing Code.

D. In Chapter 4, Section 4.06.01, pertaining the Landscaping plans, shall be amended to renumber the existing language as paragraph A, and add a new paragraph B exempting bona-fide forestry activities. Henceforth, Section 4.06.01 shall state as follows:

4.06.01 Purpose

A. The purpose of this section is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multi-family residential, new residential subdivisions, and manufactured home zoning districts in order to enrich the urbanized and natural environment of Monroe County. It is the intent and purpose of this landscape section to reduce the adverse visual, environmental, and aesthetic effects of development in order to:

1. Minimize the rate of stormwater runoff;
2. Maximize the capability of groundwater recharge in urban or suburban areas;
3. Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;
4. Provide shade and noise attenuation;
5. Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;
6. Improve the appearance of parking areas and vehicular surface areas; and
7. Minimize the visual blight created by large expanses of paved surface area.

B. The requirements of this Section 4.06.00 *et seq.* pertaining to landscaping plans, buffers and tree protection are not intended to apply to or prohibit bona-fide

forestry activities or any use or maintenance of property that is not subject to development plan approval.

E. In Chapter 5, Paragraph A of Section 5.02.01 shall be amended to delete subparagraph 1 (pertaining to Private Garages) and subparagraph 11 (pertaining to pleasure boats). The remaining subparagraphs shall be renumbered accordingly, and henceforth, Paragraph A shall state as follows:

- A. The following uses are permitted as accessories in the A-R, R-1, R-2, R-3, R-4, and RMF zoning classifications:
1. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
 2. Structure for a children's playhouse and the storage of children's play equipment.
 3. Private swimming pool and bathhouse or cabana meeting the following development standards: All such swimming pools which are at least three feet deep must be completely enclosed by a fence as specified by the state minimum standard building code.
 4. Private tennis court and/or basketball facilities. If lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to 10 feet high.
 5. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet high.
 6. Deck, patio, barbecue grill, or other such facility.
 7. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
 8. Antenna: satellite, television, radio.
 9. Temporary building for storage of materials meeting the following development standards:
 - a. Permitted only in conjunction with construction of a building.
 - b. Allowed either on the same lot where construction is taking place or on an adjacent lot.
 - c. Such a use must be terminated upon completion of construction.
 10. Signs as permitted by the Monroe County Sign Regulations.

11. In the A-R district only, roadside stands for sale of agricultural products grown on the premises, but not to exceed 500 square feet in floor area. Road-side stands are prohibited as accessory uses in all other districts.
12. Except in R-4 and RMF districts, accessory dwelling unit meeting the following development standards:
 - a. No more than one is permitted on a lot with another dwelling.
 - b. Shall not be occupied by more than two adult occupants.
 - c. The property has sufficient wastewater capacity as certified by the health department or Monroe County, et al., Water and Sewer Authority.
 - d. Shall not exceed 30 percent of the total gross floor area of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or uninhabitable areas.
 - e. Two additional parking spaces which may be legally allocated to the accessory unit must be in existence and provided for the accessory unit.

In R-4 and RMF zoning districts, accessory dwelling units shall not be permitted.

F. In Chapter 5, subparagraph (B)(3) of Section 5.02.03 shall be amended to delete the comma between “parked” and “or”, such that the subparagraph states as follows:

3. The permanent resident shall be the owner of the real property where the vehicle is parked or may be a family-member of the property owner if the property owner lives on the property.

G. In Chapter 2, Section 2.02.02, the Table of Permitted Uses shall be amended to add alphabetically a row for Vehicle Storage Lot, which shall be marked as “P” for permitted in the C-2, M-1, M-2 and M-3 districts.

H. In Chapter 4, a new Section 4.02.23 shall be added, which shall state as follows:

Sec. 4.02.23. Vehicle storage yard.

A. Section specific definitions:

Operational means in a condition in which the vehicle may be driven off or, if a trailer, pulled off the premises without the need of any maintenance or repair other than inflating tires or adding electricity or fuel.

Vehicle(s) means an automobile, truck or trailer with a chassis on wheels with tires, including the following types of such vehicles: cars, recreational vehicles, pull-behind camping trailers, pull-behind boat trailers (with or without a boat), truck-tractors and semi-trailers.

Vehicle storage yard means an area of land as specified under this section for the temporary parking of operational vehicles. This term does not include residential or agricultural lots where private vehicles are parked for the use of the owner or occupant thereof.

- B. The following conditions must be met for the property to be used as a vehicle storage yard:
1. *Fencing.* Where vehicles are to be left for more than three consecutive days at a time, the vehicle storage yard shall have a fence at least eight feet in height. The fence shall be masonry, wood, or chain-link, shall be maintained and replaced when in disrepair, and shall be set back from the property line no less than ten feet.
 2. *Landscaping and screening.* The vehicle storage yard shall have a landscaped buffer which shall be planted in such a manner and with such vegetation to screen the fence from all rights-of-way and adjoining properties. Said landscaped buffer shall be planted between the property line and the required fence. Landscaping for screening purposes shall include hedges, trees, or comparable natural plantings as approved by the director that are of a rapid growth species a minimum height of five feet at time of planting and shall be maintained and replaced when the plants die.
 3. *Surface treatment.* Parking and driving surfaces inside and outside the fenced yard must be a paved surface. The surface treatment shall be constructed in accordance with the following minimum standards and subject to inspection and review by the county engineer: compacted soil subgrade; compacted graded aggregate base for storage of automobiles or vehicles similar weight or eight-inch compacted graded aggregate base for vehicles of greater weight such as tractor trailers; two-inch asphalt binder; and 1.5-inch asphalt topping.

I. In Chapter 6, Section 6.01.01, pertaining to Transportation and Parking Facilities, Generally, paragraph G shall be amended to require that new lots of less than 10 acres have frontage on public roads. Henceforth, paragraph 6.01.01(G) shall state as follows:

G. Private roads may be allowed only by authorization from the board of commissioners. Any such roads must be designed and constructed in accordance with all applicable County ordinances and specifications. Verification must be provided by the owner/developer at their own expense to satisfy the County engineer. No new lot of less than ten acres may be created unless it has frontage on a public road.

J. In Chapter 6, Section 6.01.05, pertaining to Access and Curb Cuts, shall be amended to delete Paragraphs F and G.

K. In Chapter 6, Section 6.01.08 shall be amended to strike any reference to residential developments. Henceforth, this section shall state:

**6.01.08 Improvements to existing streets and rights-of-way
commercial and/or industrial developments**

A. Existing unpaved road. Any unpaved road upon which commercial and/or industrial development has frontage and access shall be widened and paved, according to the functional class of the road, as set forth in subsection 6.01.07I. along the frontage* of the development to the nearest intersection with a paved County road. The minimum right-of-way required according to subsection 6.01.06I. shall be dedicated along the entire frontage of the development back to the nearest intersection in which the roadway is to be improved. In addition to the design, construction, and right-of-way acquisition, the developer shall also be responsible for relocation of utilities. Where a development has frontage, but does not provide access to an unpaved road, the developer shall preserve right-of-way along the development's frontage for future improvements to the roadway.

* In instances where improving a roadway to the limits of the frontage causes for an undesirable termination point for the improved roadway (i.e., alignment issues, topographic issues, etc.), the improvement shall be required to be further extended in order to provide for an acceptable tie-in to the existing roadway.

B. Existing paved road. Any existing paved County road upon which a development has frontage and access and which is deficient relative to County specifications (see Tables 6.01.07(I) and (K)) shall be widened and resurfaced from the limit of the frontage back to the nearest roadway meeting Monroe County standards as determined by the County engineer for the entire frontage of the development. The minimum right-of-way required according to subsection 6.01.06(I) shall be dedicated along the entire frontage of the development.

L. Chapter 6, Section 6.03.01, pertaining to Sanitary sewer, shall be amended and restated as follows:

Section 6.03.01 Sanitary sewer

- A. Any commercial establishment or industrial establishment shall be connected to public sewer when sewerage lines are available within two hundred (200) feet for connection. Connection shall be at the cost of the property owner and in accordance with the policies and procedures of the applicable water and sewer utility provider.
- B. Where public sanitary sewer systems are not available, onsite sewage disposal systems (i.e., septic tank) shall be installed, subject to approval by the board of health and provided that the lots conform to all requirements of this UDO.

M. In Chapter 6, Paragraph A of Section 6.03.03 shall be restated as follows:

A. Fire protection

In an all residential districts, the placement of fire hydrants within a subdivision or parcel of land deemed necessary for the protection of buildings, homes, facilities, or other property types shall be required, with hydrant placement at locations such that each structure is not further than five hundred (500) feet from such hydrant. When six inch (6") public water lines are available within two hundred (200) feet from any portion of the subdivision, the developer/property owner shall assume all costs of extending such lines to the subdivision such that no structure within the subdivision is more than five hundred (500) feet from a hydrant. Refer to the current edition of the International Fire Code, Appendix B, for minimum fire-flow requirements.

Note: this new math doesn't seem to work. Also, why limit fire hydrants to residential districts? Ben and Brandon recommend against this change.

N. In Chapter 10, Section 10.02.06, pertaining to Subdivision plats, shall be amended to add a new section H, which shall state as follows:

- H. Divisions of property into lots each of five (5) acres or more shall not be deemed a subdivision for the purposes of these regulations.

Note: we recommend some lot limitation that large subdivisions of 5+ acre lots still require a certain level of oversight and regulation.

There are couple of sections where PZ Revisions show that more language may be forthcoming:

Renting recreational vehicles 5.02.03 (Chad to suggest revisions)

Illumination (David Hunter) 5.04.03(B)

Commercial paving- 6.01.07(K) notes to update to GDOT specs – was this done?

6.04.02 Stormwater management plans – Jim Rollins to provide recommendations