

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE

WHEREAS, following a public hearing and meeting advertised in accordance with O.C.G.A. §§ 36-66-4 and 50-14-1 *et seq.*, the Douglas County Planning and Zoning Board and Douglas County Board of Commissioners has considered and adopted various amendments to the Unified Development Code.

NOW, THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the Unified Development Code is amended as follows:

SECTION ONE

The text of Section 313(b)(6)(c) of Article 3 regarding Customary accessory uses to a dwelling in the Unified Development Code is amended to include the following as shown by the underlining of text:

c. *In all residential districts, dogs and cats raised outside for the personal pleasure of the resident of the lot, not to exceed a total of four such mature animals per dwelling. **The keeping of domesticated animals in the home for companionship are not restricted in number, however keeping of said indoor animals is for the personal pleasure of the resident of the lot and accessory to the use as a residence.***

SECTION TWO

The text of Section 510 of Article 5 regarding Property owners' association in the Unified Development Code is amended to include the following as shown by the underlining of text:

510 (a) Homeowners' association; when required.

For any residential development composed of individual properties held in fee simple ownership and containing common open space or other lands in common ownership, a Homeowners' Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

(1)

The open space shall be owned by a nonprofit homeowners' association composed of all of the property owners in the subdivision containing the open space. The homeowners' association shall be formed under the provisions of O.C.G.A. 44-3-220, which is known as the "Georgia Property Owners' Association Act."

(2)

Membership in the Homeowners' Association must be mandatory for each property in the development.

(3)

Such associations must also include homeowners' declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(4)

The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.

(5)

The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one-year period following transfer of control.

*Prior to that time that control of the Association transfers from the developer to the purchasers of homes in the development, monthly statements of income and expenditures by the Association shall be maintained in the Association's headquarters or office, and made available upon request to any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof. Additionally, developers shall cause a financial review by a registered Certified Public Accountant to be performed on the Association's finances one year after approval of the final plat of the subdivision, or the first phase of the subdivision in the case of multiple phases, and again annually after that, for as long as the developer controls the Association, and shall file the report from the financial review in the Development Services office. **Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof.** (Amended 09/01/2009 - TXT-2009-04, § 1)*

(6)

The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

a.

Equal access and right of use to all shared facilities;

b.

*Perpetual and continued maintenance of open and shared space, specifically including, **but not limited to**, storm water detention facilities, **dams, and lakes;***

- c.
Tax liability in the case of default;
- d.
The method of assessment for dues and related costs;
- e.
Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
- f.
Animals, including household pets;
- g.
Signs;
- h.
Exterior items such as fences, lawn ornaments, and landscape areas and zoning buffers;
- i.
Building improvements;
- j.
Outside storage;
- k.
Overnight parking of vehicles;
- l.
Decorations and holiday lighting; and
- m.
Trash collection containers.

(7)

For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.

(8)

While the developer is in control of the Homeowner's Associations, before said control is turned over to the homeowner's of the subdivision, copies of the homeowner's declaration and bylaws, including covenants, conditions and regulations, shall be displayed in the

subdivision's construction office. Homeowner's Association headquarters office, or other common building within the subdivision, and shall be made available to prospective buyers of subdivision lots. (Added 09/01/2009 - TXT-2009-04, § 1)

(8)

The control of Category I Dams shall not be turned over to the homeowners' of the subdivision until formal acceptance of at least seventy five percent (75%) of all actual homeowners has been obtained.

510 (b) Owners' association.

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.

510 (c) Condominium association.

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

(1)

Specific maintenance responsibilities for storm water detention facilities, **dams, and lakes** are included; **Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any prospective unit owner who is a party to a contract to purchase unit(s) in the development, or any thereof;** and

(2)

The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association;

(3)

The control of Category I Dams shall not be turned over to the Condominium Association until formal acceptance of at least seventy five percent (75%) of all actual purchasers of units in the development has been obtained.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

The text of Section 1025 of Article 10 regarding Dams in the Unified Development Code is amended to include the following as shown by the underlining of text:

The provisions of O.C.G.A. 12-5-370 “Georgia Safe Dams Act of 1978”, all applicable federal and state laws, and administrative rules and regulations shall apply to all dams located in Douglas County. Any person who desires to construct a dam shall be required to obtain a permit from the Georgia Environmental Protection Division and the owner(s) of all dams shall operate and maintain existing dams as per regulations set forth in the Act. In the event proposed development(s) could be affected by existing dams located on-site and/or upstream as determined by the Development Services Director or his/her designee, prior to the issuance of a Land Disturbance Permit the developer shall provide a detailed engineering analysis, including but not limited to a dam breach analysis, hydraulic and hydrologic evaluations, which shall be performed by a professional engineer licensed by the State of Georgia and any geological investigations are required to be performed by a professional geologist registered to practice in the State of Georgia demonstrating the dam is sufficient to protect against probable loss of human life and/or property damage downstream. Such analysis and evaluation shall find the dam to be in a safe and stable condition, with no foreseeable deterioration in condition or safety.

1025(a) PERMANENT POOL IMPOUNDMENTS

1025(a)(1) General Criteria

Douglas County Dam Regulations shall apply to all new, rebuilt, or modified stormwater impoundments, including appurtenant works, with the exception of:

- (a) Any Category I Dam requiring permitting under the control of the Georgia Safe Dams Program**
- (b) Any dam owned and operated by any department or agency of the United States Government**
- (c) Any newly constructed dam financially assisted by the United States Natural Resource Conservation Service or any other department or agency of the United States Government when such department or agency designed or approved plans and supervised construction and maintains a regular program of inspection of the dam; and**
- (d) Any dam licensed by the Federal Energy Regulatory Commission or for which a license application is pending with the Federal Energy Regulatory Commission.**
- (e) Any dam currently constructed and operating is hereby grandfathered in its present state with the owner assuming all rights, responsibilities, and liabilities thereof. Any existing dam that is modified, other than for maintenance activities, becomes subject to these requirements.**

All new dams of 25 vertical feet in height (or greater), impoundments containing a maximum storage volume of at least 100 acre-feet, or dams which have been ruled Category II by the

Safe Dams Program shall be designed and constructed according to Category I Spillway Standards, as promulgated by the Safe Dams Program under the direction of a Georgia Licensed Civil Engineer and a Georgia Licensed Geotechnical Engineer, both experienced in the design and construction of dams. All dam heights will be measured from the streambed at the downstream toe to the top of dam.

Prior to construction of any dam over 15 vertical feet or any dam impounding more than 50 acre-feet, the contractor shall provide to Douglas County sufficient documentation of his/her qualifications to construct dams.

A pre-design meeting shall be held with representatives of the Development Services Department, to review any proposed dam or proposed dam changes for any dam over 15 vertical feet or impounding more than 50 acre-feet.

Residential or commercial structures may not be constructed or re-constructed on any dam and may not be constructed within the limits of the flood failure zone of any dam. Douglas County must be satisfied that a dam failure will not result in a probable loss of life downstream.

Depending on the level of downstream risk and size of impoundment, Douglas County may require a dam breach analysis to be submitted for any proposed or existing dam impacting a proposed development, utilizing the National Weather Service's DAMBREAK Program or other methodology approved by the Georgia Safe Dams Program. A DAMBRK analysis will be required for all Category I and II dams. When a dam breach analysis is required by Douglas County, as a minimum a sunny day dam breach analysis shall be performed under full pool conditions.

Guidelines are available from the State of Georgia Safe Dams Program (EPD) to assist the design/ construction professional. Dam design documents shall include, but not be limited to:

- (1) Technical specifications
- (2) Hydrology/hydraulic report
- (3) Geotechnical report (with borrow study applicable)
- (4) Drainage basin map with land use and land improvement parameters
- (5) Existing topography of site

Dam = Plan view

= Sections at all critical points

= Details, complete

(6) Names and professional seals of design civil engineer and geotechnical engineer with 24-hour contact

(7) Designated contractor, if available.

Because of the variables associated with selecting spillway(s), outlet device(s) or appurtenant structure(s) to suit a given site condition, the design consultant is responsible for the selection, subject to the review and approval of the Development Services Department. The Development

Services Department will include in its consideration the ease of maintenance, longevity of the system, blockage potential, and practicality of operations.

No orifice shall be less than 3 inches in diameter unless it is installed to meet a State or local requirement.

All risers (standpipes) shall be equipped with a debris deflector (trash rack) and an anti-vortex device. To facilitate outlet operation, curved or inclined trash racks designed to allow debris to rise with the water level are preferred. In all cases, trash racks shall be either hinged or removable to facilitate maintenance operations. Corrugated metal pipe is not permitted for standpipes.

Spillways: Every dam shall be provided with a principal spillway, fully capable of passing at least the 50-year flood, with excess spillway capacity provided by the emergency spillway(s) capable of handling excess flows up to the design storm. The principal spillway can be sized for floods of less magnitude than the 50-year flood only if the emergency spillway is appropriately armored against scour with concrete or other suitable lining as protection against more frequent usage.

Principal Spillway: All spillways shall be analyzed (hydraulically rated) for both inlet and outlet control conditions using appropriate tailwater ratings. If a control-box or weir-box is affixed, then the total system (inlet control box and outlet conduit) shall be hydraulically rated to determine the stage-discharge relationship.

Emergency Spillway(s): For every type of water impounding facility, a planned safe flow path must be provided for conveyance of flows of water in an emergency. In many instances, this function can be provided through installation of an emergency spillway. Emergency spillways may be excavated open channels, either vegetated or paved with reinforced concrete, weir sections of concrete walls, or appropriately designed conduit.

Any portion of an open channel spillway excavated into a dam embankment or other fill section must be paved with reinforced concrete equipped with appropriate seepage controls, underdrainage, and cut-off walls.

Any portion of any spillway excavated into undisturbed residual soil shall be vegetated in accordance with the practices described in the "Manual for Erosion and Sediment Control in Georgia" or protected against scour and erosion by other suitable measures if vegetation does not provide adequate stabilization. If the spillway is activated by storms smaller than the 50-year frequency, then vegetation alone will not be considered sufficient protection against scour according to these standards.

A 12 foot combined drainage and permanent access easement shall be established around the pond at the 100 year pool level or at the elevation of top of dam, whichever is greater to provide access and permanently prevent usage or modification of this flood storage area. A 12 foot combined easement shall also be provided along the toe of the dam. A 20-foot access easement from the public right of way shall be provided.

Emergency Draining of the Lake: Upon obtaining evidence which indicates that a potentially hazardous condition may exist, such as:

- (1) Excessive leakage transporting soil from the dam interior (i.e., piping);**
- (2) Slope failure, excessive scouring, or other apparent soil instability;**
- (3) Longitudinal cracks, bulging, or shifts in alignment;**
- (4) Excessive sloughing or seepage; or**
- (5) Failure of the spillways and/or outlet devices to function properly (due to clogage, damage, or other deficiency).**

The County Administrator has the authority to order the immediate and complete draining of the lake in whatever manner deemed necessary at the time and to require the owner to keep the pool down until remedial work, as is deemed most appropriate to create a safe dam condition, is completed and approved by the Development Services Department.

All lakes shall have a permanent lake drain.

No public roadways shall be constructed over any permanent water impoundment structure. Private roadways and driveways over any permanent impoundment structure (including full indemnification to the County) shall be reviewed on a case-by-case basis by the County Administrator (access for public safety vehicles must be addressed in said indemnification).

No utilities are permitted to pass through any dam, either longitudinally or transversely, unless approved by the Development Services Department.

1025(a)(2) Specific Criteria
(Dams with vertical heights less than or equal to 6 feet.)

Earthen Dams:

Any earthfill dam equal to or less than 6 feet in height is an exempt structure according to Georgia Safe Dams Act. The following minimum design criteria shall apply:

- (a) Design shall be by a professional engineer registered and licensed to practice engineering in the State of Georgia;**
- (b) Plans shall be submitted to the Development Services Department for review and comment;**
- (c) Construction shall be performed by a qualified contractor who has sufficient skills and experience to perform this work;**
- (d) Design storm shall be at least SCS 24-hour 100-year event or equivalent approved by the Stormwater Management Division;**
- (e) A minimum freeboard of two feet is required from the design flood pool to the top of the dam;**
- (f) All soil shall be CL or ML material, compacted to 95% standard proctor; and**

(g) Side slopes shall be no steeper than 3:1 unless approved by the Development Services Department. Under no circumstance shall the slope exceed 2:1.

Reinforced concrete or masonry dam:

Design and construction supervision must be performed by civil engineer licensed to practice in the State of Georgia. Construction verification checklist to be submitted to the Development Services Department;

Design shall address and account for overturning, sliding uplift, and seepage with adequate safety factor (2.0 for over-turning, 1.5 for sliding) and adequate freeboard (0.5 feet above 100 year pool). Steel design shall conform to American Concrete Institute Code. Uplift loads can be reduced by 70%, if an under-draining system is provided. Construction verification checklist must be provided by design engineer or approved alternate. Design storm shall be at least SCS 24-hour 100-year event or equivalent approved the Development Services Department.

(Dams with vertical heights between 6 and 25 feet with less than 100 acre-feet of storage)

Earthen Dam:

Design, construction supervision, and certification of completion according to plans and specifications to be by civil engineer and a geotechnical engineer both licensed to practice in the State of Georgia.

Design shall conform to the requirements of a Category I Spillway Standards Dam as classified by the Georgia Safe Dams Office and as published in "Georgia Safe Dams Act and Rules for Dam Safety", Act No. 796, as amended to date.

Design storm shall be at least 25% of the Probable Maximum Precipitation (6 hour) storm event.

Principal spillway shall be adequate to handle at least the 50-year flood. Emergency spillway(s) as a minimum shall be adequate to handle flows in excess of the 50- year flood, up to the $\frac{1}{4}$ PMP.

Front and back slopes shall not be steeper than 3:1 unless design includes a slope stability analysis, which confirms and documents that a steeper slope will be stable. In no condition, however, will a slope steeper than 2:1 be permitted.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation certified by a geotechnical engineer (PE).

Earthen fill shall be CL or ML material approved for use by geotechnical engineer (PE), placed, and compacted to not less than 95% standard proctor under said engineer's direction.

Compaction records accompanied by a geotechnical engineer's certification that soil compaction meets this specification should be forwarded to the Development Services Department.

The low-level outlet (lake drain) shall be concrete pressure pipe or ductile iron pressure pipe, cradled in concrete. Bedding shall be in concrete poured the full width of the exposed trench and as a minimum, up to the spring line of the pipe. Pipe and joints shall be rated for internal pressures exceeding that of the design storm and shall meet or exceed ASTM 361 or AWWA C-301. Corrugated metal pipe is not allowed.

A lake drain may also be comprised of a valve-operated siphon system designed by a registered civil engineer licensed in the State of Georgia. Piping for a siphon system shall be schedule 80 PVC in conformance with current state standards or ductile iron with mechanical joints or PV joints with adequate strength and anchoring to sustain the water forces incumbent with operation.

Freeboard of a dam, above the design storm maximum pool, shall be 3.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Cobb County reserves the right to require additional freeboard above the nominal 3-feet requirement, if supported by fetch calculations.

Crest width shall be not less than 12.0 feet.

Reinforced Concrete or Masonry Dam:

Design, construction supervision, and certification of completion according to plans and specifications to be by design civil engineer and a geotechnical engineer both licensed to practice in the State of Georgia.

Design shall address and account for overturning, uplift, and seepage with adequate safety factor and adequate freeboard.

All slab on grade concrete, including concrete footings, shall be designed and constructed to control seepage and piping of foundation soil along the underside of the slab in incorporating cutoff walls or other appropriate measures.

Design storm shall be as specified by the Development Services Department. Generally, at least 25% of the Probable Maximum Precipitation 6-hour storm event ($\frac{1}{4}$ PMP) is required.

Principal spillway shall be adequate to handle at least the 50-year flood unless the emergency spillway is appropriately armored against scouring.

Emergency spillway shall be adequate to handle flows in excess of the 50-year flood, up to the 6-hour PMP.

Freeboard of a dam, above the design storm maximum pool, shall be 3.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Additional freeboard above the nominal 3 feet required, if supported by fetch calculations.

Design shall conform to the requirements of a Category I Spillway Standards Dam as classified by the Georgia Safe Dams Office and as published in "Georgia Safe Dams Act and Rules for Dam Safety", Act No. 796, as amended to date.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation certified by a geotechnical engineer (PE).

Earthen fill (if any) shall be subject to the criteria specified above for earthen embankments.

Required 28 day compressive strength for concrete is 3000 psi.

1025(b) TEMPORARY POOL IMPOUNDMENTS

Normally dry stormwater storage basins - impound stormwater temporarily, i.e., dry detention ponds.

1025(b)(1) General Criteria

Design to be by registered civil engineer licensed to practice in the State of Georgia.

Detention pond dams equal to or greater than 15 feet in height or greater than 50 acre feet of storage must conform to the corresponding design criteria for permanent impoundments, as referenced above.

(The following criteria apply to dry detention pond dams less than 15 feet high and less than 50 acre feet).

- (a) Design storm shall be at least the 100-year storm.
- (b) Multi-frequency outflow control shall be provided for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year frequency storms.
- (c) Principal spillway shall be adequate to handle at least the 25-year flood.
- (d) Emergency spillway(s) shall be provided to handle flows in excess of the 25-year flood, up to the 100-year flood.
- (e) No orifice shall be less than 3 inches in diameter unless it is installed to meet a State or local requirement.
- (f) Install fencing around all ponds deeper than 6 feet as measured vertically from the crest of the dam down to the invert of the pond, or around all ponds deeper than 4-vertical feet in cases where walls are utilized to create the detention pond. Gates are to be at least 12 feet wide to permit access for maintenance equipment. Douglas County is not responsible for the replacing of any non-permitted structures or plantings destroyed, removed, or otherwise damaged during maintenance operations. Fencing shall not be installed across spillways or drainage ways.
- (g) A 12 foot combined drainage and permanent access easement shall be established around the pond at the 100 year pool level or at the elevation of top of dam, whichever is greater to provide access and permanently prevent usage or modification of this

flood storage area. A 12 foot combined easement shall also be provided along the toe of the dam. A 20-foot access easement from the public right of way shall be provided.

1025(b)(2) Specific Criteria

Earthen Dam:

Front slope shall not be steeper than 2.5:1 unless design includes a slope stability analysis, which confirms and documents that a steeper slope will be stable. In no condition, however, can any slope be steeper than 2:1.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation inspected and approved by the geotechnical licensed, qualified engineer prior to fill placement.

Earthen fill shall be CL or ML material approved for use by a geotechnical engineer (PE) and placed and compacted to not less than 95% Standard Proctor under said engineer's direction.

Freeboard of a dam, above the 100-year design storm maximum pool, shall be 2.0 feet in lieu of fetch calculations of wave height justifying a lesser freeboard. Douglas County reserves the right to require additional freeboard above the nominal two feet requirement, if supported by fetch calculations.

Crest width shall be not less than 12.0 feet, unless approved by the Development Services Department.

Proprietary design products may be considered on a case by case basis.

Reinforced Concrete or Masonry Dams:

Design shall address and account for overturning, uplift, and seepage with adequate safety factor (2.0 for overturning, 1.5 for sliding) and adequate freeboard (0.5 feet above 100 year). Steel design shall conform to American Concrete Institute Code. Uplift loads can be reduced by 70%, if an underdraining system is provided. Construction verification checklist must be provided by design engineer or approved alternate.

All slab on grade concrete, including concrete footings, shall be designed and constructed to incorporate appropriate cutoff walls.

In no condition can any fill slope (if any) be steeper than 2:1.

All organics and topsoil shall be removed from the entire footprint of the dam and the foundation inspected and approved by the Development Services Department prior to gravity dam concrete or masonry placement.

Earthen fill (if required) shall be approved for use by a geotechnical engineer (PE) and placed and compacted to not less than 95% Standard Proctor under said engineer's direction.

Freeboard of a dam, above the 100-year design storm maximum pool, shall be 2.0 feet along any earthfill sections of the dam, in lieu of fetch calculations of wave height justifying a lesser freeboard. Douglas County reserves the right to require additional freeboard above the nominal two feet requirement, if supported by fetch calculations. Freeboard for the concrete section of the dam shall be a minimum of 0.5 feet.

Required 28 day compressive strength for concrete is 3000 psi.

SECTION FOUR

The text of Section 1404(a)(2) of Article 14 regarding Planning & Zoning Board in the Unified Development Code is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

(2) The County Commission shall appoint a chairman and six (6) members to the Planning & Zoning Board. Each member shall be appointed to a ~~two~~ four-year term, beginning on June 1. The terms of the Chairman and three (3) members shall terminate in odd-numbered years beginning in 2007, and the terms of the other three (3) members shall terminate in even-numbered years beginning in 2006.

This ordinance shall be effective upon adoption.

SO ORDAINED this 3rd day of February 2015.

Tom Worthan, Chairman

ABSENT

Henry Mitchell, III, District I

Kelly Robinson, District II

Michael Mulcare, District III

Ann Jones Guider, District IV

Attest:

Tracy Rye, Planning Manager