

The Banks County Board of Commissioners held their regular meeting on March 24, 2009 at 3:30 p.m. in the Wilson Shoals Training Room of the Banks County Courthouse Annex with Vice Chairman Joe Barefoot and Commissioner Rickey Cain present. Chairman Milton Dalton was absent due to sickness. Code Enforcement Officer Keith Covington, Finance Officer Randy Failyer and Administrative Officer Angela Sheppard were also present. Also in attendance were Banks County Planning Commission members Alicia Andrews, Keith Segars, Albert Ward, Sammy Reese and Clyde McArthur. Unified Development Code Advisory Committee Member Pat Westmoreland was also present.

1. Call to Order

Vice Chairman Joe Barefoot called the meeting to order.

2. Approval of Agenda

Comm. Cain made a motion to approve the agenda. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

3. Propane Gas Contract Bid Award

Ms. Gailey stated two bids had been received for the 2009-2010 contract as follows:

Amerigas	\$1.149 per gallon including all fees
A Better Gas	\$1.46 per gallon

Comm. Cain made a motion to approve Amerigas as low bidder. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

4. Historic Courthouse Roof Emergency Repair

Ms. Gailey stated the roof was leaking badly. She stated she had been in contact with Chip Wright, Historic Preservation Specialist at GMRDC and he had agreed to help oversee the project. He had recommended a roofing company that was certified in TAMKO roofing installation which is approved by the National Historic Register for replacement of the wooden shakes roof that is currently on the building. The repair is estimated to cost around \$50,000 which is below the \$100,000 threshold for project bidding as specified in the public works section of the Georgia Code. Ms. Gailey asked the board for permission to obtain quotes from at least three vendors and to proceed with the repair with a combination of general fund, capital fund and contingency funds. Comm. Cain made a motion to authorize Ms. Gailey to proceed with the quotes for repair and to waive the sealed bid requirement. Vice Chairman Barefoot seconded. Two aye votes and motion carried.

5. Unified Development Code

Bill Ross, Ross & Associates

Mr. Ross presented the Draft Unified Development Code and discussed changes made to the existing code as follows:

- Developed key Policy Issues with input from the Advisory Committee and County Staff.
- Refined the Policy Issues to be addressed through discussion with the Board of Commissioners.
- Prepared Organizational Draft reorganizing all existing relevant Ordinances into a new outline for the UDC.
- Prepared several Review Drafts of UDC, showing all recommended changes to existing Ordinances and new sections, reflecting:
 - Policy Issues identified by Board of Commissioners
 - Meetings with the Advisory Committee
 - Meetings with County Staff and Environmental Health
- Prepared application and permit forms for all UDC procedures.
- Prepared February Review Draft for discussion with Board of Commissioners and Planning

Commission.

NEXT STEPS

- Prepare Public Hearing Draft for public review and comment.
- Workshop with Board of Commissioners and Planning Commission.
- Finalize Public Hearing Draft.
- Public Hearing and recommendation by Planning Commission.
- Public Hearing and adoption by Board of Commissioners.

MAJOR CHANGES

Many, many changes to the County’s current Ordinances have been made, and many of these are relatively minor – clarifications to existing requirements, common use of words and definitions, updating to current County practices and procedures, etc.

The following are viewed as Major Changes for consideration by the Board of Commissioners.

Article	Section	Change
Art 1	106.04	Clearly stated responsibility of property owners if public property or infrastructure is destroyed or altered.
106.05		Applicability of new UDC to previously issued permits exempted.
108		Nonconforming uses, structures, lots and signs separately addressed.
Art 2	--	Consolidated all allowed principal uses, accessory uses and temporary uses into tables showing all zoning districts, type of approval required and cross-references to restrictions in Article 3. Changed “conditional use” to “special use” to avoid confusion over rezonings approved “with conditions.”
215		Created the QDO – Quality Design Overlay district – for application to such areas as Banks Crossing and Martin Bridge Road interchange area.
Art 3	--	Consolidated all restrictions on specific uses into a single Article.
303		Defined all regulations pertaining to Accessory Uses.
Added regulations for: 305 – Asphalt and concrete plants 306 – Churches and other non-profit institutions 308 – Home occupations 315 – Outdoor display areas 322 – Temporary offices for a development 323 – Townhouse developments		
309		Clarified Commercial Kennel (for-profit) from Personal Kennel (4+).

Article	Section	Change
Art 3		Made revisions to: 311 – Manufactured homes 319 – Recreational vehicles, parks and campgrounds
Art 4	--	Clarified definitions of yards versus minimum setbacks.
403.02		Added provisions where access by an easement would be allowed.
404		Clarified minimum setbacks for Principal buildings v. Accessory buildings.
405		Replaced height regulations with simpler maximum requirements.
Table 4.1		Consolidated all lot area, yard and height requirements into a table.
406		Added minimum standards for all single-family dwellings (including manufactured homes).
409		Inserted enhanced design standards for the QDO district.
Art 5	--	Redefined all types of subdivisions into types of “minor” (no new streets or infrastructure) and “major” subdivisions.
507		Added Open Space Subdivision (i.e., “conservation” subdivision) allowed in any district where a conventional subdivision is allowed.
509.01		Identified necessity for easements to protect Primary Conservation Areas, which are described in Article 9.
509.02		Established standards for <u>optional</u> recreation amenities.
Art 6	--	Updated parking requirements per ITE <i>Parking Generation</i> study.
Art 7	--	Rewrote the Sign Ordinance to eliminate all “content-based” regulations.
Tables 7.1 & 7.2		Inserted new sign standards where missing for freestanding signs and building signs; created standards for Project Entrance Signs.
709.05		Billboards only allowed in the I-85 and US 441 corridors.
Art 8	--	New requirements for zoning buffers and frontage landscape strips; screening of parking areas, loading areas and trash containers.

Article	Section	Change
Art 9	Div II	Identified Primary Conservation Areas to be protected.
Div IV		Revised Noise Ordinance to be enforceable (see particularly Sec. 913.06).
Art 10	1007.04	Related street classifications to GDOT classifications.
Table 10.4		Added street construction requirements where missing for major thoroughfares and Industrial/Business streets.
1011		Sidewalks required for any major subdivision of 10 lots or more.
1021		Added requirements for mailboxes per GDOT and the US Postal Service.
Div III		Rewrote provisions for maintenance and performance “bonds” requiring the Owner to provide a certification that the development conforms to all County specifications and to enter into an agreement to provide maintenance and performance surety. Letters of Credit preferred.
Art 11	Div I	Updated the Soil Erosion and Sediment Control Ordinance to the latest State requirements.
Div II		Added storm water management requirements per NPDES for “urban” and “rural” areas.
Div III		Added requirements for grading and erosion control on individual lots.

Div IV		Updated Flood Damage Prevention Ordinance to the latest State model; prepared for up-coming countywide FEMA study.
Art 12	1207	Added table of who to see and where to go for all reviews and permits.
1217		Added standards for conditional zoning.
Div III		Revised Preliminary Subdivision Plat to “Project Approval” in order to include site development plans for multi-family and nonresidential projects. Made Preliminary Subdivision Plat approval administrative.
Div IV		Added descriptions for all types of plans required for a Development Permit.
1236		Added requirements for digital submission of as-built engineering plans and Final Subdivision Plats.

Article	Section	Change
Art 13	1303	Created a Special Exception Variance for specific situations where hardship is not an issue; allowed administrative approval for limited, minor problems.
1307		Directed appeals of administrative decisions straight to the Board of Commissioners.
Art 14	1405	All fees to be separately adopted by Board of Commissioners.
Art 15	--	Added provisions for interpretation of terms used in the UDC. Provided a glossary of all definitions used in the UDC. (Definitions of terms specific to a particular Section are also included with those Sections for easier reference.)

Mr. Ross stated “conditional uses” will be known as “special uses” in the new code. He also stated a new overlay district would be created to bring a higher level of development to areas such as Banks Crossing entitled “Quality Development Overview District”. He stated a “home office” will be separated from a “home based business”.

Mr. Ross also stated the allowable uses of manufactured homes will be spelled out more clearly. Comm. Cain stated concerns with not allowing mobile homes - homes older than 1976 - to be moved within the county but clarified that he did not feel they should be allowed to be moved in from outside of the county. Mr. Segars agreed. Officer Covington stated concerns with safety on mobile homes built before 1976 because they were not inspected by HUD. Ms. Andrews agreed with Officer Covington. Ms. Sheppard stated that from a renter’s point of view, safety could be a factor. Mr. Westmoreland stated he felt some inspection regulations should be drawn to address substandard mobile home parks. Others agreed that any older mobile homes that are being moved must receive approval from the Board on a case by case basis. Mr. Ross also stated the new regulations would require a roof pitch of 4:12 on all manufactured homes coming into the county. This will be considered more carefully before approval.

Mr. Ross stated an Open Space Subdivision would reduce the lot size in subdivisions with county water without increasing the number of lots allowed. Mr. Segars and Mr. Reese felt that 20ft may be too short of a distance to allow between houses when considering safety in those type subdivisions. Ms. Andrews stated concerns with enforcing upkeep and maintenance in conserved areas within those type subdivisions. Mr. Ross stated Open Space Subdivisions were really designed for rural areas to help prevent urban sprawl and to protect green space. Mr. McArthur said he had rather put this type into affect sooner than later before substantial growth occurs. Mr. Ross stated the separation distance could be increased as well as minimum lot widths. Mr. Ross stated these were placed in the code by right so the developer could choose between a standard subdivision and an open space subdivision without special use permitting. However, he went on to say, a special use permit could be required. Others agreed that these type subdivisions should require a special use permit approved by the Commission Board.

Mr. Ross stated final plat approval would become more administrative than Commission Board approved. He stated the preliminary plat would still be approved by the Commission Board as well as deeds and easements linked to final plats would still have to be accepted by the Commission Board.

Mr. Ross stated billboards would only be allowed along the I-85 and US441 corridors. Ms. Andrews stated she felt it should also be allowed on state routes throughout the county such as GA Hwy 51 and GA Hwy 59. Others agreed that any billboard permits for routes other than I-85 and US441 should be considered on a case by case basis. Ms. Andrews stated abandoned signs also needed to be addressed.

Mr. Segars stated concerns with the grandfather clause being reduced from 3 years to 6 months on rebuilding of a non conforming use structure. He stated one year would be more feasible to residents. Comm. Barefoot agreed. He also stated concerns with the requirement of the removal of a site built second dwelling within 30 days after being vacated when built for the care of a sick relative. Ms. Sheppard stated this would not be applicable if the dwelling qualifies as a guest house. Mr. Westmoreland stated if the structure was located on at least 2 acres there would be no problem. Vice Chairman Barefoot stated it might be a good idea to only allow temporary manufactured or mobile homes and temporary structures for this purpose.

Additional meetings and public hearings will be held before the code is officially adopted.

6. Adjournment

With no further business, Comm. Cain made a motion to adjourn the meeting. Vice Chairman Barefoot seconded. Two aye votes and meeting adjourned at 5:45 p.m.

Chairman

County Clerk
