

Starter Version of the Model Land Use Management Code (Alternatives to Conventional Zoning)

Prepared for:

**State of Georgia
Local Governments
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Dublin, Georgia**

Prepared by:

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**ARTICLE 1
GENERAL PROVISIONS**

County of _____
State of Georgia

AN ORDINANCE

AN ORDINANCE ENTITLED

LAND USE MANAGEMENT CODE OF

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the County [City] may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment and vital areas; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Board of Commissioners [Mayor and City Council] has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the County's [City's] land use regulations; and

WHEREAS the Board of Commissioners [Mayor and City Council] desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Board of Commissioners [Mayor and City Council] desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the County [City] and its citizens; and

WHEREAS, the Board of Commissioners [Mayor and City Council] desires to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Board of Commissioners [Mayor and City Council] desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Board of Commissioners [Mayor and City Council] desires to establish procedures and regulations for the subdivision and development of land, and regulate the distribution of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Board of Commissioners [Mayor and City Council] desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the General Assembly of the State of Georgia enacted the Zoning Procedures Law, O.C.G.A. 36-66, so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, Pursuant to Georgia Code Section 36-70-3, the governing bodies of municipalities and counties are authorized to develop, establish, and implement land use regulations which are consistent with the comprehensive plan of the municipality or county; and

WHEREAS, The Georgia General Assembly has adopted the Erosion and Sedimentation Act of 1975, (Georgia Code Section 12-7-1 et seq.), as amended, which requires in 12-7-4(a) that the governing authority of each county and each municipality shall adopt a comprehensive ordinance establishing the procedures governing land-disturbing activities which are conducted within their respective boundaries, and that such ordinances shall be consistent with the standards provided by Georgia Code Section 12-7-4. Furthermore, the Georgia Board of Natural Resources pursuant to Georgia Code Section 12-7-8(c) has promulgated rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority in accordance with the Erosion and Sedimentation Act of 1975; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the Board of Commissioners [Mayor and City Council] finds that the regulations contained in this Resolution [Ordinance] are the minimum necessary to accomplish the various public purposes;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners [Mayor and City Council], and it is hereby ordained by the authority of the same, that the following ordinance and its articles and sections is hereby enacted into law.

§1-1 TITLE

This Ordinance shall be known as and may be cited as the Land Use Management Ordinance of _____ County [City of _____] _____ [insert name].

§1-2 PURPOSE AND INTENT

The purposes of this Ordinance include but are not limited to the following:

- (a) Implement the comprehensive plan including goals and policies not currently implemented by land use regulations of the County [City];
- (b) Promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens in the County [City];
- (c) Promote responsible growth, lessen congestion in the public streets, secure safety from fire and health dangers, and promote desirable living conditions;
- (d) Provide adequate access to natural light and air;
- (e) Regulate the height, bulk, and the size of buildings, structures and land activities;
- (f) Classify land uses, set out land use and overlay districts, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population;
- (g) Prevent the encroachment of incompatible land uses within residential areas, protect property against blight, preserve property values, and promote desirable living conditions and stable neighborhoods;
- (h) Maintain the integrity and individual character of established communities and settlements, and promote desired character in new developments;
- (i) Attain attractive and functional business and employment areas, reserve suitable land for industry, and prevent land-inefficient and poorly functioning strip-type development;
- (j) Protect and preserve sensitive natural areas and vital natural resources and avoid environmental degradation and other undesirable consequences of irresponsible or shortsighted land management;
- (k) Those additional purposes and intentions as articulated in the various sections of this ordinance.

§1-3 DEFINITIONS AND INTERPRETATIONS

§1-3-1 DEFINITIONS

Except as specifically defined herein, or in other sections of this ordinance containing definitions, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

Appeal: A request for a review of the Land Use Officer’s interpretation of any provision of this ordinance, or a request for a review of an action taken by the Land Use Officer in the application or enforcement of this ordinance.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any land-disturbing activity which alters the elevation of the land, removes significant vegetation, or causes structures of any kind to be erected or removed.

Improvement: The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

Land Use Officer: That person authorized by the Governing Body to administer and interpret this ordinance, or authorized designee.

Land use permit: An official authorization issued by the Land Use Officer in accordance with this ordinance to proceed with land disturbance and grading, or to occupy land for a use or activity, or to authorize any other activity regulated by this ordinance.

Occupy: The word "occupy" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this ordinance, swimming pools, tennis courts, signs, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Driveways and parking lots are not considered structures.

Used: The word "used" as applied to any land, building or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Variance: A grant of relief from the requirements of this ordinance which permits construction or use in a matter otherwise prohibited by this ordinance, which may be approved in individual cases upon application and applied to specific property where compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit. A variance is a minimal relaxation or modification of the strict terms of the regulations of this ordinance which are dimensional in nature as applied to specific property.

§1-3-2 INTERPRETATIONS

In the interpretation and application of this Ordinance all provisions shall be considered as minimum requirements. Where the literal interpretation is clear to the Land Use Officer, it shall be construed literally. Where the section or subsection has a statement of purpose and intent, the Land Use Officer shall consider said purpose and intent in making the interpretation. Where ambiguity exists the Land Use Officer shall interpret this ordinance in favor of the least restrictive use of property.

§1-3-3 USE OF WORDS AND PHRASES

For the purpose of this ordinance, the following shall apply to the use of words and phrases:

- (a) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense.
- (b) The masculine person "he" or "his" also means "her" or "hers."

- (c) The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, county, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- (d) The words “shall” and “must” are always mandatory and not discretionary, while the word “may” is permissive. The word “should” is suggestive but not required.
- (e) Where a term is defined in this section, it shall be construed to have meaning and application throughout all other sections of this Ordinance, unless the context clearly indicates otherwise.
- (f) Where a term is defined in any section other than this section, it is generally the intent that such definition applies only within the section it appears, since it is positioned in the section to which it most readily refers; provided, however, that this provision shall not prevent the Land Use Officer from interpreting that defined term as applying outside the strict context of the section in which it appears, and to that end, all definitions, regardless of location within this ordinance, apply equally to the use of such terms throughout the ordinance.

§1-3-4 USE OF FIGURES

Figures associated with defined terms or regulatory paragraphs in this Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

§1-4 APPLICABILITY

Unless this ordinance clearly indicates otherwise, this ordinance shall apply within the unincorporated limits of _____ County [city limits of the city of _____,] Georgia.

§1-5 EXEMPTIONS

The following uses and activities are hereby exempted from the requirement of Section 1-6 of this ordinance to obtain a Land Use Permit:

- (a) Public buildings, uses, and structures and semi-public uses and structures, along with the land disturbance associated with such buildings and/or uses.
- (b) The plowing of fields, the cultivation of crops, or timber/forestry management operations, regardless of area disturbed, provided such activities do not involve the preparation of land for a building or structure with an area of 150 square feet or more.
- (c) Any structure less than 150 square feet in area, when not attached to an existing building or made part of a new building (i.e., “accessory” structures).
- (d) The addition of appurtenances, including antennas, satellite receiving dishes, and chimneys, and the installation of ancillary equipment, to existing buildings.
- (e) The removal of trees, grading, or other land disturbance of an area less than 200 square feet, or grading less than 50 cubic yards, provided such activities do not involve the preparation of land for a building or structure with an area of 150 square feet or more.
- (f) The resurfacing or graveling of a driveway serving a single-family residential use or manufactured home.
- (g) Signs, whether freestanding (ground) or attached to a building.

- (h) Temporary sale or other temporary activity, including but not limited to yard sales, garage sales, and rummage sales, provided that the duration of such sale or other temporary activity does not exceed seventy-two (72) consecutive hours and does not occur more frequently than once in any consecutive ninety (90) day period.
- (i) Erection of fences, provided that they are not comprised of materials prohibited by this Ordinance.
- (j) Fallout shelters.
- (k) Replacement of existing septic tanks and septic tank drainfields; provided, however, that such uses must meet applicable requirements of the _____ County Health Department.
- (l) The installation, relocation, or replacement of utility lines serving individual buildings or uses.
- (m) Land disturbance related to the installation of a well; provided, however, that such uses must meet applicable requirements of the _____ County Health Department.

§1-6 REQUIREMENTS

§1-6-1 LAND USE PERMIT REQUIRED

Unless specifically exempted or otherwise provided by this ordinance, no building, ~~sign~~, or other structure shall be erected, moved, added to, or structurally altered without a Land Use Permit issued by the Land Use Officer. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, land, water, or premises, without a Land Use Permit for such use or occupancy. Unless specifically exempted or otherwise provided by this ordinance, no land use activity including land disturbance or improvement shall be initiated without a Land Use Permit issued by the Land Use Officer, and except in conformity with said Land Use Permit. It shall be unlawful to erect, move, add to, structurally alter any building or structure, use or occupy or permit the use of any occupancy of any building, structure, land, water, or premises, or initiate any land use activity that is in violation of an approved Land Use Permit.

§1-7 PROCEDURES

The Land Use Officer is hereby authorized to establish administrative procedures for the handling of applications for permits, variances, appeals, and other actions necessary to administer this ordinance, where such procedures are not already fully set forth in this ordinance.

§1-8 ADMINISTRATION

It shall be the duty of the duly appointed Land Use Officer to administer and interpret this ordinance. To this end, the Land Use Officer is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this ordinance, and to implement the provisions of this ordinance. The Land Use Officer may delegate administrative functions, powers and duties assigned by this ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

§1-9 ENFORCEMENT AND PENALTIES

§1-9-1 GENERALLY

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to any or all of the enforcement actions and remedies described in this section.

§1-9-2 STOP WORK ORDER

The Land Use Officer, upon learning or discovering a violation of this ordinance or any approved site plan or permit issued pursuant to this ordinance, may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant shown on the permit or approved site plan. In cases where the Land Use Officer discovers that a violation is clearly imminent, he may issue a “cease and desist” order to prevent such a clearly imminent violation from occurring. Such “cease and desist” order shall have the same effect as a stop work order.

The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

§1-9-3 NOTICE OF VIOLATION

Prior to or concurrent with the issuance of a Stop Work Order, if the Land Use Officer determines that an applicant or other responsible firm, person or corporation has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, he shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the required permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

§1-9-4 CONTENT OF NOTICE OF VIOLATION

Notices of violation shall contain the following:

- (a) The name and address of the owner or the applicant or the responsible person;
- (b) The address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action, and a date set forth for completion of remedial measures, after which further enforcement action will be taken; and
- (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

In preparing notices of violations, the Land Use Officer is authorized to require, as remedial measures, the restoration of land or property disturbed to its original condition or to undertake mitigation in another location where irreversible damage has occurred.

§1-9-5 FAILURE OF REMEDIAL MEASURES

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more actions or penalties described in this section as appropriate may be taken or assessed against the person to whom the notice of violation was directed.

§1-9-6 SUSPENSION, REVOCATION OR MODIFICATION OF PERMIT

The Land Use Officer may suspend, revoke or modify any permit or approval authorizing an activity or land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

§1-9-7 WITHHOLDING OF UTILITY SERVICE

The Land Use Officer may request or direct any utility service provider to withhold utility service to any property on which a violation has occurred.

§1-9-8 CITATION

The Land Use Officer shall have authority to issue citations and to prosecute violations before a court of competent jurisdiction. Violations of ordinances in the County [City] may be tried upon citation with or without a prosecuting attorney as well as upon accusations.

§1-9-9 CIVIL PENALTIES

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this ordinance, or any site plan approval or permit issued pursuant to this ordinance shall be guilty of a misdemeanor. Any violation of any such provision of this ordinance shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of this ordinance shall continue shall constitute a separate offense.

§1-9-10 COMPLAINTS

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state clearly and fully the causes and bases of the complaint and shall be filed with the Land Use Officer. The Land Use Officer shall record properly such complaint, investigate, and take action thereon as may be appropriate to enforce this ordinance.

§1-10 BOARD OF APPEALS, VARIANCES AND APPEALS

§1-10-1 PURPOSE

This Section establishes a Board of Appeals and provides a mechanism for relief in an individual case where certain dimensional requirements of this code pose undue hardship. The grant of authority and powers delegated by the Governing Body is limited to the provisions herein and shall be used sparingly by the Board of Appeals.

§1-10-2 BOARD OF APPEALS

A Board of Appeals is hereby established. The Planning Commission as established in this Ordinance shall serve as the Board of Appeals, and the Planning Commission shall have all those powers and shall exercise the authority of the Board of Appeals.

§1-10-3 MEETINGS

The Board of Appeals shall adopt rules of procedure as are necessary to carry out the purposes of its authority. The Board shall establish a regular meeting date and time for its meetings; however, meetings shall be held only on an as-needed basis and shall be open to the public. The Board shall appoint a secretary, who shall be the Land Use Officer unless otherwise designated, to record the minutes of its proceedings, showing the action of each board member upon each question. The Board shall keep records of its examinations and other official actions, all of which shall be filed with the County [City] Clerk and be public records. The Land Use Officer shall serve as the advisor to the Board, except in cases of an appeal from a decision of the Land Use Officer. The Board may adjourn any public hearing or meeting in order to obtain additional information, or to serve further notice upon such other property owners as it decides may be interested in the application or appeal; provided however, that the Board shall act on all applications within 32 days of the date the initial public hearing on the matter was scheduled.

§1-10-4 AUTHORITY TO GRANT VARIANCES

The Board of Appeals is authorized to receive, consider, grant, grant with conditions, or deny applications for variances to the dimensional or other requirements of this code, after a public hearing and after making written findings of fact that the conditions for variances specified herein have been fulfilled. In granting a variance, the Board may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest. Decisions of the Board of Appeals shall be final; there shall be no appeal to the Board of Commissioners [Mayor and City Council], but the applicant aggrieved by a decision of the Board of Appeals may pursue appeals to the Courts of proper jurisdiction of the State of Georgia as provided by law.

§1-10-5 VARIANCE APPLICATIONS

A property owner or his authorized agent may initiate a request for variance by filing an application with the Land Use Officer. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Land Use Officer may require other drawings or materials essential to an understanding of the

proposed use and variance requested and its relationship to the surrounding properties. A fee shall accompany variance applications as established by the Governing Body by Resolution from time to time.

§1-10-6 CONDITIONS AND CRITERIA FOR GRANTING A VARIANCE

The Board of Appeals, in cases where specifically authorized, may grant a variance only after consideration and adoption of findings of fact that one or more of the following conditions exist and criteria are met:

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty in complying with the provisions of this code.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this code.
- (d) The variance approved is the minimum variance that will make possible the legal use of the land, building or structure.

§1-10-7 STAFF INVESTIGATION AND REPORT

The Land Use Officer may make an investigation of all variance applications and may prepare a report thereon, considering applicable criteria specified herein. Said investigation shall if prepared be submitted to the Board of Appeals. Said investigation if prepared shall also be made available to the applicant prior to any public hearing scheduled on the matter.

§1-10-8 APPEALS OF ADMINISTRATIVE DECISIONS

Any person who alleges there is an error in, or who is aggrieved by a decision of the Land Use Officer in the administration, enforcement, and/or interpretation of this code, may file an appeal with the County [City] Clerk stating the grounds for such appeal. The Board of Appeals is hereby authorized to hear and decide said appeals, after proper application, public hearing and adoption of relevant findings of fact.

An appeal from a ruling of the Land Use Officer shall stay all proceedings in furtherance of the action being appealed. The Board may affirm, overrule or modify, in whole or in part, the rulings of the Land Use Officer. In cases where an appeal is granted, the Board shall have all necessary powers of the Land Use Officer and may issue land use permits, or direct the issuance of land use permits not otherwise inconsistent with this code and any other code, resolution, or ordinance adopted by the Governing Body.

§1-10-9 NOTICE AND HEARING

Upon the filing of any complete application with the Land Use Officer, for a variance or for appeal, a public hearing shall be scheduled and notice provided of such public hearing in accordance with this subsection. Prior to acting upon an application for variance or appeal, the

Board of Appeals shall convene and conduct a public hearing on the application. The Board of Appeals shall establish its own procedures for conducting public hearings.

For any application for a variance or appeal, a public notice shall be published in a newspaper of general circulation in the local jurisdiction at least 15 days, but not more than 45 days prior to the scheduled public hearing. Such notice shall state the purpose, location, time and date of the public hearing, and the nature of said application. For variance applications, the public notice shall specifically include the location of the property and the provision or provisions of the ordinance proposed to be varied. For appeals, the public notice shall specifically include the action of the Land Use Officer that is the subject of the appeal.

For all variance applications, in addition to the public notice published in a newspaper, the Land Use Officer shall post a sign, which shall be not less than 4 square feet in area, in a conspicuous place on said property not less than 15 days prior to the date of the public hearing. Said sign shall contain information concerning the location of the property, the provision or provisions of the ordinance proposed to be varied, and the date, time and location of the public hearing before the Board of Appeals.

§1-10-10 ACTION ON VARIANCES AND APPEALS

The Board of Appeals shall make findings and render a decision in writing within 32 days after conducting the public hearing on the proposed variance or appeal. The Board’s Secretary shall notify the applicant, in writing, of its decision within five days after the Board has rendered its decision.

§1-11 LEGAL STATUS PROVISIONS

§1-11-1 CONFLICT WITH OTHER LAWS

Whenever the regulations of this ordinance impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this ordinance, the provisions of such more restrictive statute or ordinance shall govern.

§1-11-2 VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, 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.

§1-11-3 REPEAL OF CONFLICTING ORDINANCES

All ordinances and resolutions and parts thereof in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect, except that any ordinances or resolutions repealed by this provision shall not limit or impair the county’s [city’s] authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

§1-11-4 CODIFICATION

It is the intention of the Board of Commissioners [Mayor and Council], and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the official code of the County [City] of _____, and the sections of this ordinance may be renumbered or reorganized to accomplish such intention.

§1-11-5 ADOPTION AND EFFECTIVE DATE

This ordinance is hereby adopted this ___ day of _____, _____, and shall be effective immediately upon its adoption, the public welfare demanding it.

BOARD OF COMMISSIONERS [MAYOR AND CITY COUNCIL]

_____, Chairman [Mayor]

ATTEST:

County [City] Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

County [City] Attorney

**ARTICLE 2
[RESERVED FOR FUTURE USE]**

ARTICLE 3 ENVIRONMENTAL PROTECTION

§3-1 SOIL EROSION AND SEDIMENTATION CONTROL

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- §3-1-16 LIABILITY
- §3-1-17 INCORPORATION CLAUSE

§3-1-1 TITLE

This Article shall be known and may be cited as the Soil Erosion and Sedimentation Control Ordinance of the County [City] of _____.

§3-1-2 DEFINITIONS

As-built survey drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Available head: The depth of water that is present at the entrance to a pipe during a 100-year storm.

Best Management Practices (BMPs): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sediment control. The term “properly designed” means designed in accordance with the hydraulic design specifications contained in the “Manual for Erosion and Sedimentation Control in Georgia” specified in O.C.G.A. 12-7-6 subsection (b).

Board: The Board of Natural Resources.

Bond: A bond, letter of credit or approved surety method approved by the Land Use Officer.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Buffer, stream protection: An undisturbed natural vegetative buffer, measured horizontally from the top of the stream bank, on both banks (as applicable) of the stream.

Commission: The State Soil & Water Conservation Commission.

Construction: Any building or erection of a structure or preparation of a property for same.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as “excavation.”

Cutting: The removal of any soil or other solid material from a natural ground surface.

Department: The Department of Natural Resources.

Design head: The depth of water at the entrance to a pipe that was used in design to force a rate of flow through the pipe needed in the design.

Detention facility: A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Development: (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Development permit: The authorization necessary to carry out the planned development of land and structures, which may include authorization to initiate and conduct a land-disturbing activity. The land development permit is issued by the Land Use Officer.

District: The _____ County Soil and Water Conservation District.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

Drainage structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drainage system: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

Elevation: The vertical height or heights above a datum plane which for purposes of this Ordinance shall be the Mean Sea Level datum of the United States Coast and Geodetic Survey of 1929 or other customarily accepted source.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

Excavation: The mechanical removal of earth material.

Extended detention: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Filling: The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Land development: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land development activity: Those actions or activities which comprise, facilitate or result in land development.

Land disturbance: Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbance activity: Those actions or activities which comprise, facilitate or result in land disturbance.

Land-disturbing activity: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including agricultural practices as described in this ordinance.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For purposes of this paragraph, “plan” means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Live detention: The quantity of water capable of being effectively contained by a stormwater detention facility for a specified period of time.

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural drainage: Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided ordinances of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed ordinances are present.

One-hundred-year flood: A flood that has the probability of occurring once every 100 years and thus has a 1 percent chance of occurring each year.

One-hundred-year flood plain: The land area adjacent to a river, stream, watercourse or lake that has a probability of being flooded once each hundred years and, thus, has a one-percent chance of occurring in any given year.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Qualified personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Reach: A curvilinear segment of a stream or river measured longitudinally between specified points on the stream or river.

Riparian: Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Roadway drainage structure: A device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Runoff: The portion of precipitation on the land that reaches the drainage system.

Runoff rate coefficient: The numerical factor which, when multiplied with the average slope for a particular site, will give the release rate of water from that site.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Soil and Water Conservation District approved plan: An erosion and sediment control plan approved in writing by the _____ County Soil and Water Conservation District.

Soils: The upper layer of earth that can be dug or plowed; the loose surface material of the earth in which vegetation normally grows.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be

amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. Code Section 12-5-30.

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Static head: The depth of water at the entrance to a culvert when the depth is greater than the diameter of the pipe.

Stream: A stream is defined as beginning at :

- (a) The location of a spring, seep, or groundwater outflow that sustains streamflow; or
- (b) A point in the stream channel with a drainage area of 25 acres or more; or
- (c) Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the Land Use Officer may require field studies to verify the existence of a stream.

Stream bank: The sloping land that contains the stream channel and the normal flows of the stream.

Stream buffer setback: An additional setback, measured horizontally, beyond the undisturbed stream buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Stream channel: The portion of a watercourse that contains the base flow of the stream.

Stream protection area, or protection area: The combined areas of all required buffers and setbacks applicable to such stream.

Structural erosion and sedimentation control measures (structural practices): Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Ten-year, twenty-five-year and one-hundred-year storms: Rainfall events having a probability of occurrence once every 10, 25 or 100 years, respectively, or a 10%, 4% or 1% chance of occurring each year, respectively.

Trout streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Utilities: All public and private, above or below ground, infrastructure systems providing water, stormwater, sewer, gas, telephone or cable television, and any other service controlled by the Georgia Public Services Commission.

Vegetation: All plant growth, such as trees, shrubs, mosses and grasses.

Vegetative erosion and sedimentation control practices: Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§3-1-3 EXEMPTIONS

§3-1-3.1 Generally. This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for those uses specifically identified in this ordinance. Where this ordinance requires compliance with the section of this ordinance titled “Minimum Requirements for Erosion and Sedimentation Control,” the County [City] shall enforce compliance with the minimum requirements as if a land development permit had been issued and any violations of said minimum requirements shall be subject to the same penalties as violations by land development permit holders.

§3-1-3.2 Mining and Quarrying. Surface mining, as same is defined in O.C.G.A. § 12-4-72 and granite quarrying and land clearing for such quarrying are exempt from compliance with this ordinance.

§3-1-3.3 Minor Activities. Minor land-disturbing activities, such as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities, which result in minor soil erosion are exempt from compliance with this ordinance.

§3-1-3.4 Single-family Detached Dwellings. Single-family detached dwellings when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph are exempt from compliance with this ordinance; provided however, that construction of any such residence shall conform to the minimum requirements of this Article titled “Minimum Requirements for Erosion and Sedimentation Control.” In addition, such residences and residential construction shall comply with the following:

- (a) Buffer zone along trout streams. There shall be a buffer between the residence and any state waters classified as trout streams pursuant to the Georgia Water Quality Control Act.
- (b) Land disturbance within buffer zone. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters.
- (c) Width for primary trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted.
- (d) Width for secondary trout waters. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted.
- (e) Enforcement. The minimum requirements for erosion and sedimentation control as specified in this ordinance shall be enforced by the issuing authority.

§3-1-3.5 Agriculture. Exempt from the requirements of this ordinance are those agricultural operations defined in O.C.G.A. § 1-3-3 and which include raising, harvesting, or storing of products of the field or orchard; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep and rabbits or for use in the production of poultry, including but not limited to chicken, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs, and apiarian products; forestry land management practices, including harvesting and farm buildings and farm ponds.

§3-1-3.6 Forestry. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in this ordinance, other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

§3-1-3.7 NRCS Projects. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture shall be exempt from compliance with this ordinance.

§3-1-3.8 Small Projects. Any project involving less than one acre of disturbed area shall be exempt from compliance with this ordinance; provided, however that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, “State Waters” excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round. Any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project that is not specifically exempted by this Section.

§3-1-3.9 State and Local Projects. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, the Georgia Tollway Authority or any water or sewerage authority established by the Georgia General Assembly; or any road construction or

maintenance project, or both, undertaken by any county or municipality; provided, however, that projects which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. 12-7-7.1, except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

§3-1-3.10 Electric and Public Utilities. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power shall be exempt from the requirements of this ordinance, except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

§3-1-3.11 Public Water System Reservoir. Any public water system reservoir shall be exempt from the requirements of this ordinance.

§3-1-4 MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL

§3-1-4.1 General Provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion and sediment control measures and practices which shall be incorporated into erosion and sediment control plans that conform to the requirements of this ordinance.

The application of such measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

§3-1-4.2 Best Management Practices.

- (a) Required. Best management practices as set forth in this subsection shall be required for all land-disturbing activities.
- (b) Defense to enforcement action. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the EPD Director or to any other allegation of noncompliance with this Section or any substantially similar terms contained in a land development permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the “Georgia Water Quality Control Act.”
- (c) Definitions. As used in this section, the terms “proper design” and “properly designed” mean designed in accordance with the hydraulic design specifications

- contained in the “*Manual for Erosion and Sediment Control in Georgia*” specified in O.C.G.A. 12-7-6 subsection (b).
- (d) Violations. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the State Environmental Protection Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the “Georgia Water Quality Control Act,” for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Environmental Protection Division pursuant to subsection (f) of Code Section 12-5-30, the “Georgia Water Quality Control Act,” for each day on which such failure occurs.
- (e) Requirements by EPD Director. The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

§3-1-4.3 Minimum Requirements. Land-disturbing activities shall, as a minimum, require protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, an no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- a. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- b. Cut-fill operations must be kept to a minimum;
- c. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- e. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- f. Disturbed soil shall be stabilized as quickly as practical;
- g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- h. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
- i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when

- it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. Seq;
- j. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;
 - k. Cuts and fills may not endanger adjoining property;
 - l. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
 - m. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 - n. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this Section.
 - o. Except as otherwise provided in this Section, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the “Georgia Water Quality Control Act,” shall remain in force unless a variance is granted by the EPD Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - i. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - ii. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented (i) stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

- p. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as “trout streams” pursuant to Article 2 of Chapter 5 of Title 12, the “Georgia Water Quality Control Act,” except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner’s property and the landowner complies with the buffer requirement for any adjacent trout streams. The EPD Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following shall apply to such buffer:
- i. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - ii. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented (i) stream crossings for water lines; or (ii) Stream crossings for sewer lines.

§3-1-5 INJURY NOT PROOF OF A VIOLATION

The fact that land-disturbing activity for which a land development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of any development permit issued.

§3-1-6 APPLICATION/PERMIT PROCESS GENERALLY

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this

ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party who may obtain a permit.

§3-1-7 APPLICATION REQUIREMENTS

- (a) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Local Issuing Authority without first obtaining a permit from the Land Use Officer to perform such activity.
- (b) The application for a permit shall be submitted to the Land Use Officer and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of this ordinance. Applications for a permit will not be accepted unless accompanied by the number of copies of the applicant's soil erosion and sedimentation control plans specified by the Land Use Officer. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to the creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Board of Natural Resources.
- (c) A fee, in the amount of \$100.00 per acre, shall be charged for each acre or fraction thereof in the project area.
- (d) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to the issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the State Environmental Protection Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the State Environmental Protection Division, regardless of the existence of a local issuing authority in the jurisdiction.
- (e) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A district shall approve or disapprove a plan within 35 days of receipt. Failure of a district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by this ordinance, and bonding, if required pursuant to this Article, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the district.
- (f) If a permit applicant has had two or more violations of previous permits, this Article, or the Erosion and Sedimentation Act, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.

- (g) The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. In particular, the Land Use Officer shall require a bond for “habitual violators” (defined as 3 or more convictions in the previous year) and may require such a bond for persons who have violated soil erosion regulations one or more times in the last three years. If the applicant does not comply with this Article or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

§3-1-8 PLAN REQUIREMENTS

Plans must be prepared to meet the minimum requirements of this Article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide, or through the use of more stringent, alternative design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws.

§3-1-9 DATA REQUIRED FOR SITE PLAN

The site plan shall include the following:

- (a) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- (b) Description of existing land use at project site and description of proposed project.
- (c) Name, address, and phone number of the property owner.
- (d) Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
- (e) Size of project in acres. If a multi-phase project, provide size of each phase also.
- (f) Activity schedule showing anticipated starting and completion dates for the project. Include the statement, in bold letters, that “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.”
- (g) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- (h) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
- (i) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.

- (j) Maintenance Statement – “Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.”
Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

§3-1-10 CONTENT OF PLANS

Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain the following:

- (a) Graphic scale and north point or arrow indicated magnetic north.
- (b) Vicinity maps showing location of project and existing streets.
- (c) Boundary line survey.
- (d) Delineation of disturbed areas within project boundary.
- (e) Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 feet or larger scale	Flat, 0-2%	0.5 or 1
	Rolling, 2-8%	1 or 2
	Steep, 8%+	2, 5 or 10

- (f) Adjacent areas and feature areas such as streams, lakes, residential areas, etc. which might be affected.
- (g) Proposed structures or additions to existing structures and paved areas.
- (h) Delineate the 25-foot horizontal buffer adjacent to state waters.
- (i) Delineate the specific horizontal buffer along designated trout streams, where applicable.
- (j) Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.

§3-1-11 PERMITS

- (a) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- (b) No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this Article, any variances required are obtained, bonding requirements, if necessary, are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (c) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (d) The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of

this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

§3-1-12 EDUCATION AND CERTIFICATION

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the State Soil & Water Conservation Commission in consultation with the State Environmental Protection Division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

§3-1-13 INSPECTION

- (a) The Land Use Officer, or designee including Soil Erosion Inspector, shall have the power to conduct such investigations and inspections as it may reasonably deem necessary to carry out the duties as prescribed in this ordinances, and for that purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the State Soil and Water Conservation Commission, the District, or State Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties. To this end, the Land Use Officer or designee is authorized to evade, alter, or remove any physical barriers to his access. If access is denied, the Land Use Officer shall be authorized to seek aid from law enforcement agencies to acquire access, if necessary.
- (b) The Land Use Officer or designee will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit.
- (c) Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.
- (d) Secondary permittees shall be responsible for the installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.

§3-1-14 NOTICE TO COMPLY

If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined in this ordinance has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

§3-1-15 REMEDIES

If any person commences land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, or violates this Ordinance in any other way, that person shall be subject to any and all enforcement and penalty methods available in the enforcement of this Code, as indicated in Section 1-9.

In addition to enforcement methods authorized in Section 1-9, a violator of this ordinance shall be deemed to have forfeited his performance bond, if required to post one under the provisions of this ordinance. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

§3-1-16 LIABILITY

Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.

§3-1-17 INCORPORATION CLAUSE

This ordinance is intended to comply with the provisions of the Georgia Soil Erosion and Sedimentation Act of 1975, as amended, and the qualifications required for _____ County [City of _____] to be a Local Issuing Authority. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

Where any provision of this ordinance is in conflict with any provision of that Act, the Act shall control. Or where this ordinance is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, or for qualification as a Local Issuing Authority, such provision of the Act or qualification, so as to meet the mandate of the Act or qualification, shall be fully complied with.

**ARTICLE 4
SUBDIVISIONS AND LAND DEVELOPMENT**

§4-1 SUBDIVISIONS AND LAND DEVELOPMENT

- §4-1-1 TITLE
- §4-1-2 PURPOSES
- §4-1-3 DEFINITIONS
- §4-1-4 AUTHORITY AND DELEGATION
- §4-1-5 APPLICABILITY AND GENERAL PROVISIONS
- §4-1-6 EXEMPTIONS FROM PLAT APPROVAL
- §4-1-7 LOT COMBINATIONS
- §4-1-8 BOUNDARY LINE ADJUSTMENTS
- §4-1-9 DESIGN REQUIREMENTS FOR BLOCKS
- §4-1-10 DESIGN REQUIREMENTS FOR LOTS
- §4-1-11 EASEMENTS
- §4-1-12 SURVEY MONUMENTS FOR ALL LOTS REQUIRED
- §4-1-13 PRELIMINARY PLAT
- §4-1-14 CONSTRUCTION PLANS AND DEVELOPMENT PERMIT
- §4-1-15 FINAL PLAT
- §4-1-16 DEDICATIONS OF STREETS AND PUBLIC LANDS
- §4-1-17 SUBDIVISION IMPROVEMENT GUARANTEES
- §4-1-18 LIMITATIONS ON MINOR SUBDIVISIONS
- §4-1-19 STANDARDS FOR CONFIGURING NEW STREETS
- §4-1-20 REQUIREMENTS FOR STREETS
- §4-1-21 CURB CUTS AND ACCESS SPECIFICATIONS
- §4-1-22 STREET LIGHTING
- §4-1-23 STREET SIGNS
- §4-1-24 CURBS AND GUTTERS
- §4-1-25 SIDEWALKS
- §4-1-26 PRIVATE STREETS
- §4-1-27 DRAINAGE AND STORMWATER MANAGEMENT
- §4-1-28 WATER
- §4-1-29 SEWER
- §4-1-30 UTILITIES
- §4-1-31 OVERSIZING OF IMPROVEMENTS AND UTILITIES
- §4-1-32 ADMINISTRATION

§4-1-1 TITLE

This Article shall be known and may be referred to as the Subdivision and Land Development Ordinance of _____ County [City of _____].

§4-1-2 PURPOSES

This ordinance is adopted for the following purposes:

- (a) Promote the orderly, planned, efficient, and economic development of the County [City] and to guide future growth in accordance with the Comprehensive Plan.

- (b) Ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) Prevent the pollution of air, land, streams, and ponds, as well as encourage the wise use and management of natural resources throughout the County [City], and preserve the topography and beauty of the community and the value of land.
- (d) Ensure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) Provide for open spaces through the most efficient design and layout of the land.
- (f) Establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) Provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) Help eliminate the costly maintenance problems that develop when streets and lots are established without proper consideration given to various public purposes.
- (i) Facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.

§4-1-3 DEFINITIONS

Access: A way or means of approach to provide physical entrance to a property.

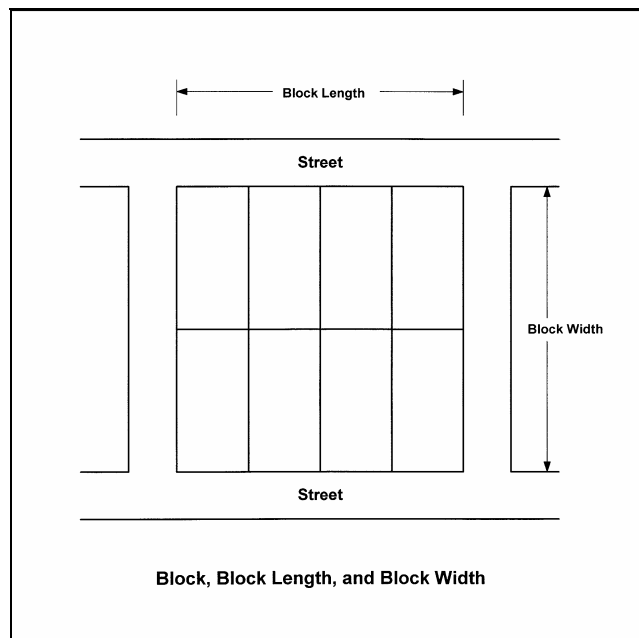
Access easement: An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the County [City].

Agricultural facility: Includes, but is not limited to, any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, timber, forest products, or products which are used in commercial aquaculture. Such term does not include any farm labor camp or facilities for migrant farm workers.

Agricultural operation: Those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; the construction of farm buildings; The plowing, tilling, or preparation of soil at an agricultural facility; The planting, growing, fertilizing, harvesting, or otherwise maintaining of crops; The application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, timber, livestock, animals, or poultry; The breeding, hatching, raising, producing, feeding, keeping of livestock, hogs, equines, chickens, turkeys, poultry or other fowl normally raised for food, mules, cattle, sheep, goats, dogs, rabbits, or similar farm animals for commercial purposes, but not the regular slaughtering, or processing of such animals; The production and keeping of honeybees, the production of honeybee products; The production, of eggs or egg products; The manufacturing of feed for poultry or livestock; The rotation of crops, including without limitation timber production; Commercial aquaculture; and the application of existing, changed, or new technology, practices, processes, or procedures to any agricultural operation. Agricultural operation does not include a roadside stand or agricultural processing.

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a road or street.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries. (See Figure).



Comprehensive plan: Any plan adopted by the _____ County Board of Commissioners [Mayor and City Council of the City of _____], or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the local governing body.

Conservation: The management of natural resources to prevent waste, destruction, or degradation.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, soils subject to slumping, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes; and any “sensitive natural area” as defined.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the County [City] Attorney and recorded in the office of the Clerk of Superior Court of _____ County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive

recreation, or other use approved by the _____ County Board of Commissioners [Mayor and City Council] and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract's or lot's special resources from negative changes.

Conservation subdivision: A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Contiguous common parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cross-section: A profile of the ground surface perpendicular to the centerline of a road, stream, or other feature.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, temporary: A nonpermanent vehicular turn around located at the termination of a street or alley.

Curb radius: The curved edge of a road at road intersections.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the Land Use Officer that permits vehicles to slow down and leave the main vehicle stream.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Detention: The temporary restraining of storm water on-site.

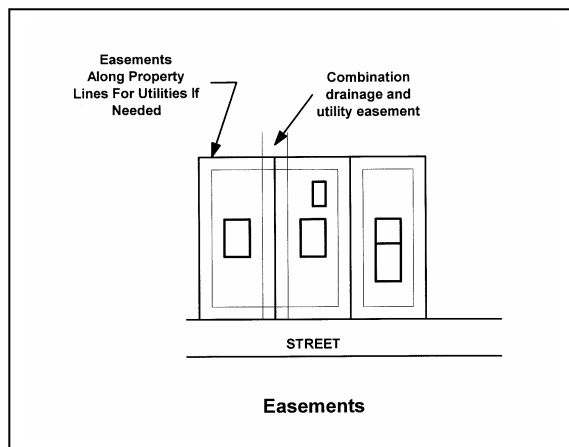
Detention pond: A pond or pool used for the temporary storage of storm water runoff and which provides for the controlled release of such storm water.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Development plan: Any plan containing substantial information required to be filed by this ordinance, which shows how the property to be affected by the development will be changed and improved in a specific manner, including the installation of roads and utilities and the erection of buildings and structures, among other specific requirements.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. (See Figure)



Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Land Use Officer to cover the costs of required improvements.

Excavation: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "cut."

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the _____ County Superior Court, and containing all elements and requirements set forth in this ordinance.

Fire flow: The flow of water required to extinguish the largest probable fire served by a water facility.

Forestry: An operation on a tract or parcel of land involving the growing, conserving, and managing of forests and forest lands (includes the term "silviculture"). Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes. Incidental uses to forestry include the erection of accessory structures and improvements normally associated with timber production, including but not limited to storage buildings, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development. This definition does not include processing of timber into finished or semi-finished products or other than temporary storage of logs.

Gated community: Residential areas containing lots and that restrict access to roads and spaces. Gates can include guard houses, electronic arms operated by card, codes, or remote control devices. Visitors must stop to be verified for entry.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Gradient: The rate of vertical change between two distance points, determined by dividing the vertical distance by the horizontal distance (i.e., rise over run).

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Greenway: A linear park or open space conservation area that provides recreational opportunities, pedestrian and/or bicycle paths, and/or conservation of open spaces or natural areas.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as; 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and, 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this ordinance.

Half street: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Impact: The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

Improvements: The physical addition and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

Intra-family land transfer: A division of land within one or more specified land use districts that creates at least one additional lot but not more than four additional lots, each of which is not less than one acre nor more than five acres in size, where each and every lot within the subdivision is conveyed to the children, spouse and children, surviving heirs, in-laws, or immediate relatives of the property owner, or some combination thereof, and where no more than one (1) lot in the subdivision is deeded to any one individual. Each lot created in an intra-family land transfer is conveyed by final plat, and each lot meets the requirements of this ordinance for access, lot size, and lot width. This definition shall not include or authorize any land subdivision that involves or will involve the creation of lots for sale or otherwise involves a property transfer for money,

tangible or intangible personal property, real property exchanges, or other conveyances for consideration.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community- wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Land trust: A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the County [City]. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

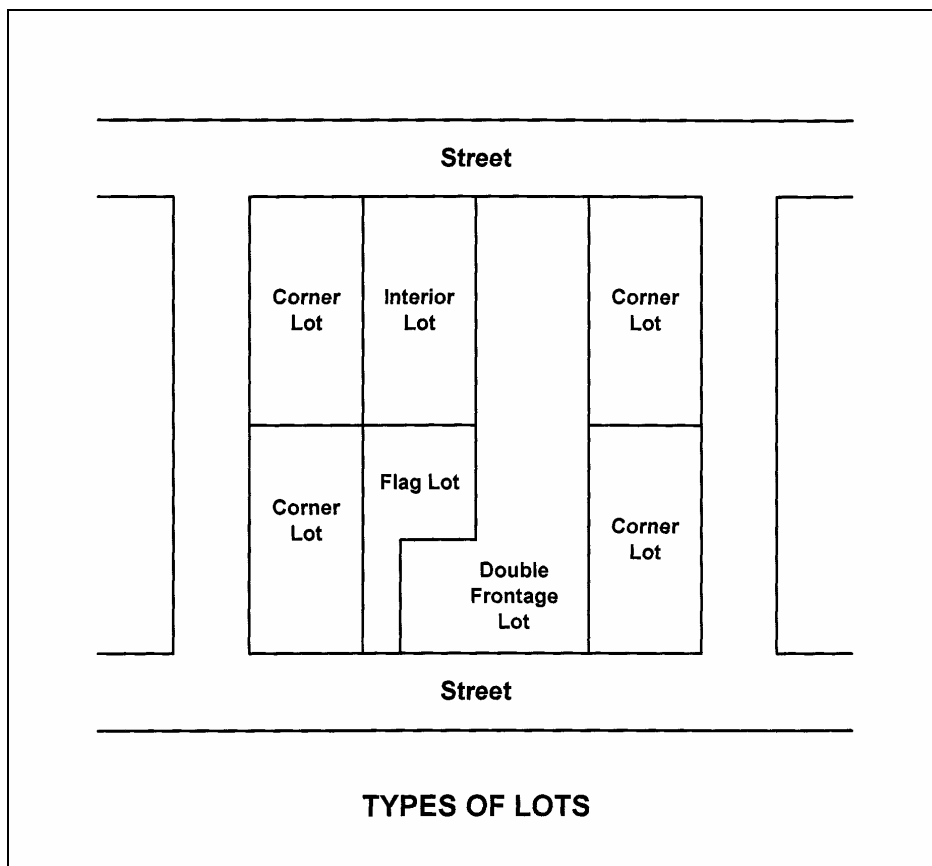
Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way.

Lot area: The total horizontal area within the lot lines of a lot, exclusive of public road right-of-ways or private road or access easements, where they exist.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.



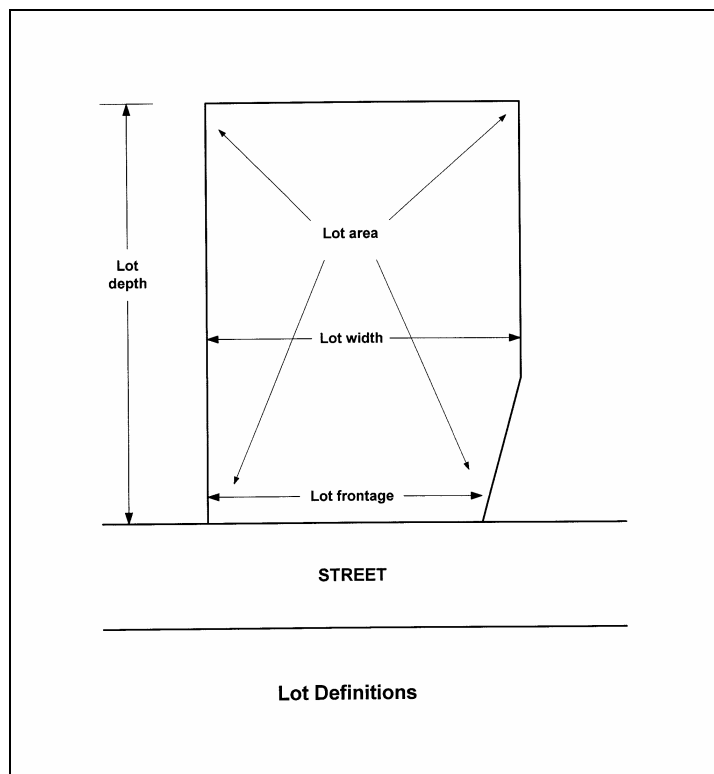
Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. Such lots have elongated access from the road and a conventionally proportioned building site at the rear of the lot.

Lot, through: See “Lot, double frontage.”

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the _____ County Superior Court; or a parcel of land, the deed of which was lawfully recorded in the same office prior to _____.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot.



Metes and bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting roads.

Model home: A principal residential building, temporarily open to viewing by prospective homebuyers, on property containing or proposed to contain a residential subdivision, and which may also be used temporarily as real estate sales office for lots in the residential subdivision.

Mortgage Lot: A lot which is created for the primary or sole purpose of meeting the requirement of a bank or lending institution for a loan or mortgage in cases where property descriptions must be smaller than the total acreage of the tract on which the principal building that is the subject of the loan is located.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as 25 percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above ground improvement

shall not be considered open space. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Land Use Officer, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this ordinance, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Pavement width: The width of a given lane, road, or other road pavement, measured from back-of-curb to back-of-curb, or to the edge of pavement where no curbs are required or exist.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the Land Use Officer to cover the costs of required improvements, and payable to the County [City]. The County [City] may call in the performance bond in the event the subdivider defaults on required improvements.

Performance guarantee: Any financial deposit or other security that may be accepted by the County [City] as a guarantee that improvements required as part of an application for subdivision or land development are satisfactorily completed in conformance with approved plans.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Potable water: Water that is suitable for human consumption, human contact, or in the preparation of foods for human consumption.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Planned unit development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a slightly more dense setting than allowable on separate lots.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Registered land surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Reservation: The designation by plat or deed of a certain area reserved for possible future public purposes. A reservation does not transfer title of the reserved area to the public unless the local governing body accepts the area for public purposes.

Resubdivision: The act of changing an existing lot created by a plat and recorded in the Office of the Clerk of Superior Court of _____ County, Georgia.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Retaining wall: A wall or similar structure used at a grade change to hold soil on the up-hillside from slumping, sliding, or falling.

Retention: The permanent maintenance of storm water on-site.

Retention pond: A pond or pool used for the permanent storage of storm water runoff.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use; Generally, the right of one to pass over the property of another.

Right-of-way, public: That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title by the local governing body or other government, for the present or future use of roads, roads and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or a private association rather than the local governing body or another governmental entity.

Riprap: Rocks, rubble, or stones, irregularly shaped and at least six inches in diameter, used for erosion control and soil stabilization.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan, or by other reasonable means.

Sensitive natural area: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; and/or other areas so designated by the Department of Natural Resources that are sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Sewer: An artificial and usually subterranean conduit designed to carry off sewage and/or water. The term includes any pipe, manhole, connection, or other appurtenances thereto, located in a public right-of-way or easement that is designed to transport sewage and/or water.

Sewer, sanitary: A sewer that carries sewage and residential, commercial or industrial waste.

Sewer, storm: A sewer that carries storm, surface, and ground water drainage but excludes sewage and residential, commercial, and industrial wastes.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Site plan: A drawing of a multi-family residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including among other features the location of buildings, parking areas, and buffers and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Sight visibility triangle: The areas at the corners of an intersection of two roads, or at the intersection of a road and any driveway, which may vary based on type of road involved, that are to be kept free of vegetation, trees, shrubs, ground covers, berms, fences, buildings, structures, or other materials or objects that may impair or impede a person's ability to observe other persons or traffic on the adjacent intersecting roadway and/or driveway.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least 35 percent, as indicated in the Comprehensive Plan of the County [City], or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that:

- (a) Is an existing federal, state, county or municipal roadway;

- (b) Is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
- (c) Is constructed and open to vehicle travel as approved by other official action of the Board of Commissioners [Mayor and City Council]; or
- (d) Is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, _____ County Superior Court prior to the effective date of this ordinance. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, collector: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, local: Unless otherwise defined in the Major Transportation Plan or Comprehensive Plan, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, major arterial: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.

Street, private: A road or street that has not been accepted for maintenance by the County [City] and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person, as defined by this ordinance, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this ordinance, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word “subdivision” includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, minor: A subdivision of four or fewer lots, which does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Land Use Officer as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this ordinance, shall be done according to plans and permit requirements of this ordinance, but said requirements shall not

subject the minor subdivision to the requirements for a major subdivision as specified in this ordinance.

Subdivision, major: The division of a tract or parcel of land into four or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street. Because major subdivisions involve construction of a new public or private street or the upgrade of an existing private access way to County [City] standards, construction plans and development permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of development permits, and final plat approval.

Trail: A way designed for and used by equestrians, pedestrians, and/or cyclists using non-motorized bicycles.

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of three (3) inches or more which normally attains a mature height of a minimum of fifteen (15) feet.

Tree, flowering ornamental: A tree that produces seasonal flowers and blossoms and is used primarily for aesthetic or ornamental purposes (e.g., flowering dogwood; eastern redbud).

Tree, hardwood: Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Tree, shade: A broadleaf tree having an average height at maturity of at least 20 feet and having a broad spread relative to its height (excluding trees with pyramidal, conical, or columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

Undergrounding: The placement of utility lines below ground, with the removal of above-ground poles, wires and structures as applicable.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by the County [City]. As appropriate to the context, the term “utility” may also include all persons, companies, or governmental agencies supplying the same.

Vacation: The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Vicinity map: A map, not necessarily to scale, showing the general location of the proposed subdivision or land development in relation to major roads, government boundaries, and/or natural features.

Well: A hole or shaft excavated, bored, drilled, dug, or driven to tap an underground supply of water.

§4-1-4 AUTHORITY AND DELEGATION

§4-1-4.1 Authority. These regulations are adopted pursuant to powers vested in counties [cities] by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

§4-1-4.2 Delegation of Powers to Planning Commission. The Planning Commission is vested with the authority to review, approve, conditionally approve, and disapprove preliminary plats of major subdivisions, and to grant variances from the requirements of this ordinance.

§4-1-4.3 Delegation of Powers to Land Use Officer. The Land Use Officer is vested with the authority to review, approve, conditionally approve or disapprove final plats of minor subdivisions and minor re-subdivisions, lot combination plats, lot line adjustments, dedication plats, construction plans and final plats of major subdivisions when preliminary plat approval has been obtained from the Planning Commission. The Land Use Officer shall also be authorized to review major subdivisions and major re-subdivisions for conformity to the requirements of this ordinance, and to make reports and recommendations to the Planning Commission on major subdivisions and major re-subdivisions, and to administer, interpret, and enforce the provisions of this ordinance.

§4-1-4.4 Delegation of Powers to County [City] Engineer. The County [City] Engineer is vested with the authority to require and approve land development improvements and to require improvement guarantees for public improvements as specified in this ordinance.

§4-1-5 APPLICABILITY AND GENERAL PROVISIONS

§4-1-5.1 Applicability. This ordinance shall apply to all real property within unincorporated _____ County [corporate limits of the City of _____].

§4-1-5.2 Land is One Tract Until Subdivided. Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

§4-1-5.3 Subdivision of Land. No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this ordinance. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this ordinance. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of _____ County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this ordinance.

§4-1-5.4 Development or Improvement of Land. No person shall disturb or develop land or engage in development except in accordance with this ordinance. It shall hereafter be unlawful for any person to disturb or develop any land until construction plans submitted and development permit, if required, has been approved by the Land Use Officer in accordance with this ordinance. No person shall begin construction of any improvement on any lot prior to the approval of a preliminary plat, if required by this ordinance, nor prior to approval of a development plan for said improvement as required by this ordinance. The Land Use Officer shall not authorize or permit the clearance of trees and vegetative materials, except for grubbing, outside approved construction limits.

§4-1-5.5 Exemption from Development Permit. Any development or activity that is exempt from the Soil Erosion and Sedimentation Control Ordinance (see Section 2-1-7 of this

ordinance)) shall be similarly exempt from the development permit requirements of this ordinance.

§4-1-5.6 Preliminary Plat and Plans Required Prior to Construction. No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this ordinance, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this ordinance.

§4-1-5.7 Building and Other Permits. No building permit or certificate of occupancy, if required by the local government, shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this ordinance that has not been approved in accordance with the provisions of this ordinance.

§4-1-5.8 Public Streets and Lands. No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this ordinance and said land and/or improvements are formally approved and accepted as public improvements by the Board of Commissioners [Mayor and City Council] in accordance with procedures established in this ordinance.

§4-1-5.9 Appeals. Any person aggrieved by an interpretation or decision of the Land Use Officer or other official responsible for the administration of this ordinance may file an appeal to the Board of Appeals in accordance with Section 7-2 of this code.

§4-1-5.10 Special Review of Subdivisions along State Routes. No subdivision plat containing land that abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151. When the County [City] receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Land Use Officer or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30 day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given the Land Use Officer in writing. A recommendation for rejection shall be binding on the Land Use Officer and the Planning Commission unless the Planning Commission, by official action recorded in its minutes, overrules the recommendation for rejection.

§4-1-6 EXEMPTIONS FROM PLAT APPROVAL

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this ordinance; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this ordinance.

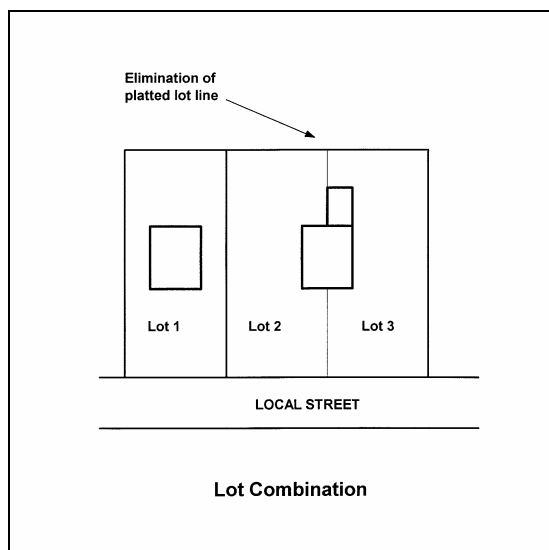
- (a) The creation and sale of cemetery plots.
- (b) The sale of lots consistent with previously approved and recorded plats or deeds.
- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (d) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not

require the County [City] to issue permits if the resulting lots or parcels fail to meet any applicable regulations of the local jurisdiction concerning lot size, lot width, and other dimensional requirements.

- (f) Intra-family land transfers and mortgage lots, as defined by this ordinance.

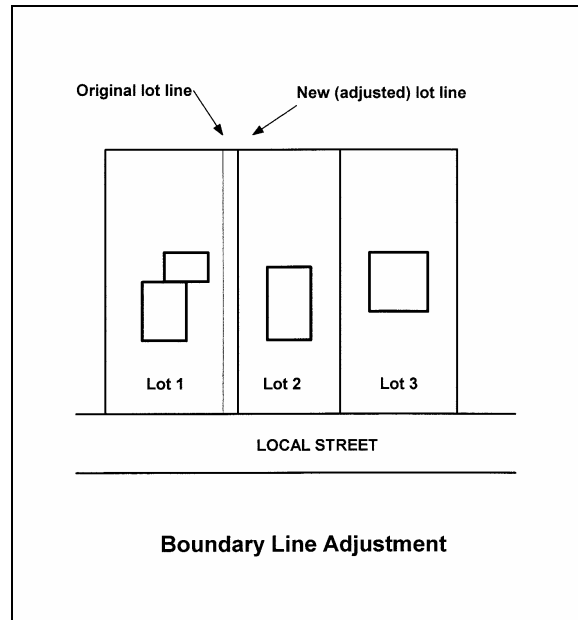
§4-1-7 LOT COMBINATIONS

An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the requirements of this ordinance. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Land Use Officer and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots. (See Figure).



§4-1-8 BOUNDARY LINE ADJUSTMENTS

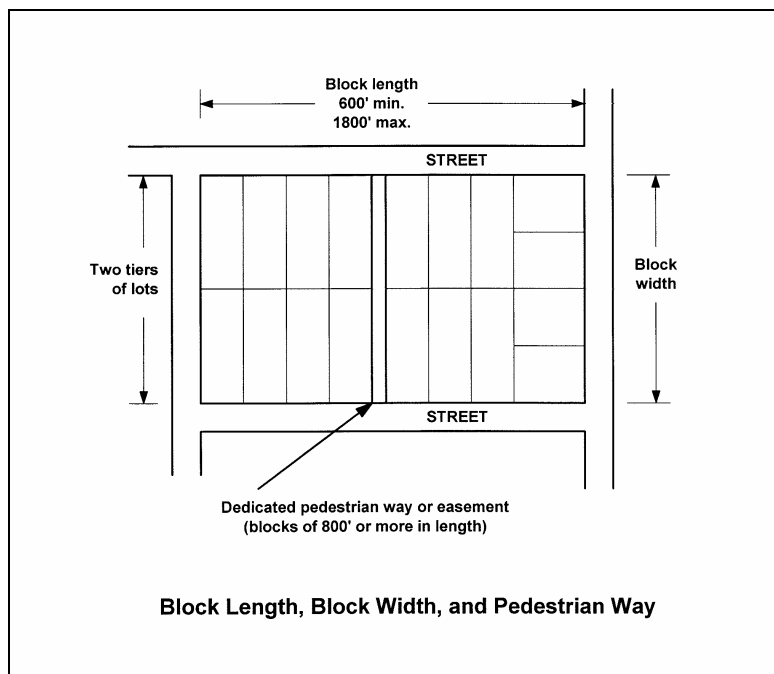
One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Land Use Officer and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Land Use Officer and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots. (See Figure)



§4-1-9 DESIGN REQUIREMENTS FOR BLOCKS

§4-1-9.1 Block Length. Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed 1,800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from these standards. The Planning Commission may require pedestrian ways and/or easements through the block be located near the center in blocks longer than 800 feet.

§4-1-9.2 Block Width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries. (See Figure).

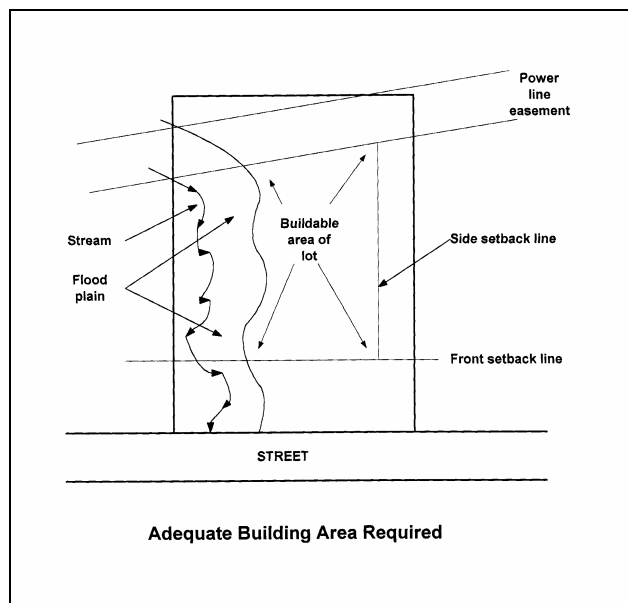


§4-1-10 DESIGN REQUIREMENTS FOR LOTS

§4-1-10.1 Natural Features and Assets. In the subdividing of land, appropriate consideration must be given to all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

§4-1-10.2 Access and Minimum Lot Frontage. Each lot shall have access to a public street and a minimum of 60 feet of lot frontage on a public street; provided, however, that the local governing body may permit one or more lots to be accessed by private streets, as more fully specified in this ordinance; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to 30 feet.

§4-1-10.3 Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body. (See Figure).



§4-1-10.4 Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size that may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Land Use Officer may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

§4-1-10.5 Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended.

§4-1-10.6 Lot Area. The minimum lot area shall not be less than that established by the land use intensity district in which the subdivision is located, or any other such ordinance provisions, if applicable.

§4-1-10.7 Lot Width. No portion of a lot shall be narrower than 60 feet, with the exception of cul-de-sac lots at the street frontage, nor shall any lot have a lot width less than that established by the land use intensity district in which the subdivision is located, if applicable.

§4-1-10.8 Lot Depth. Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.

§4-1-10.9 Flag lots.

- (a) Intent. Flag lots, as defined in this ordinance, are strongly discouraged. However, subdivisions designed with one or more flag lots may be approved where conditions of hardship make standard design or frontage impossible or impractical due to the configuration of the lot to be subdivided.
- (b) Denial if reasonable alternative exists. The Land Use Officer in the case of minor subdivisions and the Planning Commission in the case of other subdivisions shall have due cause to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is available.
- (c) Panhandle (flag pole) length restriction. If permitted, no flag lot shall be allowed to be platted that has a “panhandle” portion (i.e., portion that does not meet the required lot width) that is more than 400 feet in length.
- (d) Prohibition of abutting flag lots. If permitted, no flag lot shall abut another flag lot in any subdivision.

§4-1-10.10 Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

§4-1-10.11 Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

§4-1-10.12 Double Frontage Lots. Double frontage or “through” lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

§4-1-10.13 Mortgage Lot. This provision addresses situations where a bank requires the creation of small (e.g., 1-acre to 5-acre) tract of property from a larger existing parcel (usually farmland or timber land) in order to provide a mortgage or loan on a home or other principal building, rather than referring to the entire existing lot of record.

- (a) In cases where a person can show the Land Use Officer in writing that an application for loan or mortgage involving real property has been filed with a bank or lending institution, and said bank or lending institution requires, for purposes of the loan or mortgage, a description of property that encompasses less land area than the lot of record, one or two mortgage lots (see definition) may be lawfully created from the parcel of record without constituting a subdivision. Minimum lot sizes established by any land use district or other ordinance requirement of the County [City] shall not be construed to prevent the creation of mortgage lots pursuant to this subsection, even if the resulting mortgage lot created is less than the minimum lot size required by said land use district or other ordinance requirement. The applicant shall be required in the case of a mortgage lot to file with the Land Use Officer a copy of the survey plat creating the mortgage lot, and may be recorded in the records of the _____ County Superior Court Clerk as a mortgage lot plat of record.
- (b) If created, a mortgage lot shall be no less than one acre and no larger than five acres in size. This provision shall not allow for the creation of a mortgage lot from any lot of record that is five acres or less in area.
- (c) No mortgage lot shall be created unless it has a minimum thirty-foot wide access easement from a road abutting the property frontage of the larger lot of record to the boundary of the mortgage lot.

§4-1-11 EASEMENTS

Where a watercourse, drainage way, channel or stream traverses a subdivision, there shall be provided a stormwater or drainage easement of adequate width. Easements shall be provided for all drainage facilities as approved by the Land Use Officer. Where easements are needed for utility locations, the subdivider shall provide them to the appropriate utility provider. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the Land Use Officer. All easements required pursuant to this section shall be shown on the preliminary plat, if required, and final plat.

§4-1-12 SURVEY MONUMENTS FOR ALL LOTS REQUIRED

For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval. Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground. Permanent survey monuments shall also be installed in accordance with the most recent edition of Section 180-7-.05 Monument, of the *Rules of State*

Board of Registration for Professional Engineers & Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67).

§4-1-13 PRELIMINARY PLAT

§4-1-13.1 Purpose. The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a preliminary plat of all major subdivisions for review and approval by the Planning Commission.

§4-1-13.2 When Required. All major subdivisions, as defined, shall require the submission of a preliminary plat to the Land Use Officer for review and approval by the Planning Commission. Prior to the issuance of any permit for land disturbance or development, or the installation of any improvements, the Planning Commission must approve the preliminary plat, if required.

§4-1-13.3 Preliminary Plat Application and Specifications. Preliminary plat applications shall be made in accordance with requirements shown in Table 4-1, and preliminary plats shall meet the minimum plat specifications shown in Table 4-2.

§4-1-13.4 Procedures. Upon receipt of a completed preliminary plat application, the Land Use Officer shall schedule the application for the next public meeting before the Planning Commission and forward all pertinent materials in the application to the Planning Commission for review. An application for preliminary plat approval must be submitted as least 14 days before the regular meeting date of the Planning Commission to be considered on that agenda. The Planning Commission shall have 32 days from the date the public meeting is held to approve, conditionally approve, or deny the preliminary plat application. The basis of the Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this ordinance, and all other ordinances that relate to the proposed development.

§4-1-13.5 Disposition. Approval of a preliminary plat shall be valid for a period of one year, after which time a complete construction plans application must be submitted. If a completed application for construction plans is not submitted during that time, preliminary plat approval shall expire and be null and void.

§4-1-13.6 Amendments to Approved Preliminary Plats. The Land Use Officer is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Land Use Officer to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval.

§4-1-14 CONSTRUCTION PLANS AND DEVELOPMENT PERMIT

§4-1-14.1 Application. Upon approval of a preliminary plat, or if no preliminary plat is required, the subdivider or land developer may apply for construction plan approval and approval of a development permit. In the case of a minor subdivision, or in cases where a preliminary plat is not required by this article, the subdivider or land developer may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land development the applicant for construction plan approval should hold a pre-application conference with the Land Use Officer to ensure that plans meet the intent and specific provisions of this ordinance and other applicable regulations. The construction plan approval and development permitting process is administrative. Applications for construction plan

approval and development permit shall be made in accordance with requirements shown in Table 4-1 and Table 4-2. No application for construction plans shall be accepted for processing nor development permit approved by the Land Use Officer until a preliminary plat, if required, has been approved by the Planning Commission and the proposed construction plans are found by the Land Use Officer to be in substantial conformity with said approval and any conditions of such approval.

§4-1-14.2 Decision Criteria. The only basis upon which the Land Use Officer may deny a construction plan or development permit is the failure of the application to meet the requirements of this ordinance or any other applicable local regulations or the failure of the construction plans and application to meet the requirements of preliminary plat approval specified by the Planning Commission.

§4-1-14.3 Certificate of Approval. All copies of the construction plans shall be noted by inscription on the plan noting such approval by the Land Use Officer. Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land has been initiated, or unless the Land Use Officer approves an extension of time.

§4-1-14.4 Engineered Drawings. Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of this ordinance and the specifications of the Land Use Officer. Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, if required, a registered engineer for the subdivider/developer shall submit one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this ordinance and certifying that the plans accurately reflect actual construction and installation. The Land Use Officer shall maintain all as-built street and utility plans for future use by the County [City].

§4-1-14.5 Permits for Construction in Public Right-Of-Way. Permits from the Land Use Officer shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Land Use Officer.

§4-1-14.6 Improvements to Abutting Land. For subdivisions and land developments that abut and access an abutting public street, the subdivider or land developer shall install curb and gutter, sidewalk, other road improvements, and, if required, a deceleration lane, according to standards and specifications of this ordinance and the Land Use Officer, along all abutting public streets. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with County [City] road design standards. Said improvements shall be from the subdivision or land development entrance to the paved County [City] road which the Land Use Officer determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

§4-1-15 FINAL PLAT

§4-1-15.1 When Required. All major subdivisions, resubdivisions, minor subdivisions, and dedications shall require final plat approval. The final plat approval process is administrative. Applications shall be made in accordance with requirements shown in Table 4-1.

Table 4-1
Application Requirements

REQUIREMENT	MINOR SUBDIVISION	MAJOR SUBDIVISION		
		Preliminary Plat	Construction Plans	Final Plat
Pre-application review with staff	Recommended			
Application form completed		Required	Required	Required
Letter requesting approval with name, address, and phone of applicant		Required		
Number of copies of plat	4	8	8	10
Filing fee per Resolution/schedule	Required	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drainfield	Required	Required	Required	Required
Data on existing conditions		Required		
Hydrological or other engineering study	Per County [City] Engineer		Required	
Subdivision entrance monument and landscaping elevation/plan			Required	
Warranty deed for the dedication of streets and other public places				Required
Written approval from electric utility company regarding installation of service points and street lights				Required
As-built drawings of public improvements				Required
Subdivision improvement guarantee				Required
Certificate of title	Required			Required
Plat Certificates	Required			Required

§4-1-15.2 Criteria for Approval. The Land Use Officer may grant final plat approval if the following conditions, as applicable, are met.

- (a) The Planning Commission has previously approved a preliminary plat of the proposed subdivision, if required (not required for minor subdivision).
- (b) Where new improvements are involved in the subdivision, construction plans have been approved by the Land Use Officer, all improvements have been installed and inspected by the Land Use Officer, and subdivision improvement guarantees as required by this ordinance have been submitted.
- (c) The final plat meets all applicable requirements of this ordinance.
- (d) A complete final plat application has been submitted, including all supporting materials required by this ordinance for final plats.

The Land Use Officer shall consider final plats and applications that meet the above-referenced conditions a ministerial action of approval. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced criteria have not been met.

Table 4-2
Plat and Plan Requirements

REQUIRED INFORMATION (Required to be on the plat or construction plans)	Preliminary Plat	Construction Plans	Final Plat
Scale (minimum)	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	24" x 36"	18" x 22"
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or grid north)			Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider	Required	Required	Required
Name, address and telephone of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s), if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land	Required	Required	Required
Municipal, County and land lot lines inside the property or within 500 feet.	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Not Shown
Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required	Required
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required
Dimensions and acreage of all lots	Approximate	Approximate	Exact

REQUIRED INFORMATION (Required to be on the plat or construction plans)	Preliminary Plat	Construction Plans	Final Plat
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets	Required	Required	Required
Locations, widths and purposes of easements		Required	Required
Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required
Acreage to be dedicated to the public			Required
Street names	Recommended	Required	Required
Street mailing address for each lot			Required
Topography	Per Land Use Officer	Per Land Use Officer	Not Shown
Minimum front building setback lines for all lots	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording and signature block			Required
Pat Certificates: survey, owner, health department (see text)			Required
Signature block for Planning Commission approval	Required		Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
Statement of and reference to private covenants		Recommended	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	

§4-1-15.3 Approval Certificate. Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the Land Subdivision Regulations of _____ County, [City of _____] Georgia, and all requirements of approval having been fulfilled, this final plat was given preliminary approval by the Planning Commission on _____, 20____, and final approval by the Land Use Officer and it is entitled to recordation in the Clerk's Office, _____ County Superior Court.

Land Use Officer”

§4-1-15.4 Additional Plat Certificates. In addition to information required by Table 4-1 to be supplied on a final plat, each final plat shall contain the following certificates.

Surveyor’s Certificate. A certificate by a surveyor directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivisions and Land Development Ordinance of _____ County, [City of _____], Georgia, have been fully complied with.

By: _____
Registered Georgia Land Surveyor No.: _____”

Owner’s Certificate. A certificate by the owner directly on the final plat, signed in an appropriate manner as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all State, City and County taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the public street right-of-ways as shown on this plat.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

Health Department Approval Certificate.

“This final plat has been approved by the _____ County Health Department as being consistent with applicable state and local environmental health requirements.

Director, _____ County Health Department”

§4-1-15.4 Distribution of Recorded Final Plat. The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. The Land Use Officer shall be responsible for ensuring that each agency listed in this subsection receives a copy of the final recorded plat with assigned addresses:

1. The County Tax Commissioner
2. The County Tax Assessor
3. The County Health Department
4. The County GIS Coordinator
5. The County 911 Coordinator
6. The County Public Works Department

At the discretion of the Land Use Officer, additional agencies or persons may be added to the above list.

§4-1-16 DEDICATIONS OF STREETS AND PUBLIC LANDS

Upon completion of public improvement construction, the subdivider or land developer shall notify the Land Use Officer and request an inspection. The Land Use Officer shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Land Use Officer. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by this ordinance to be approved by the local governing body shall be forwarded to the Governing Body by the Land Use Officer following approval.

Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted and dedicated by the County [City] only upon the delivery to the Board of Commissioners [Mayor and City Council] of the general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the County Board of Commissioners [Mayor and City Council] certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by Resolution of the Board of Commissioners [Mayor and City Council].

§4-1-17 SUBDIVISION IMPROVEMENT GUARANTEES

In order to protect the County [City] and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the County [City] financial security to guarantee the installation of public improvements. The subdivider's or developer's financial guarantee may be any of the following:

- (a) An escrow of funds with the County [City];
- (b) An escrow with a bank or savings and loan association upon which the County [City] can draw;

- (c) An irrevocable letter of commitment or credit upon which the County [City] can draw;
- (d) A performance bond for the benefit of the County [City] upon which the County [City] can collect, or a certificate of deposit with assignment letter; and
- (e) Any other form of guarantee approved by the Board of Commissioners [Mayor and City Council] that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the County [City], of constructing or installing the improvements and utilities required.

§4-1-18 LIMITATIONS ON MINOR SUBDIVISIONS

§4-1-18.1 Purpose. Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Board of Commissioners [Mayor and City Council] to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than four lots. It is also the intent of the Board of Commissioners [Mayor and City Council] to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

§4-1-18.2 Common Contiguous Parcels Shown on Minor Subdivision Plats. Contiguous common parcels, as defined by this ordinance, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.

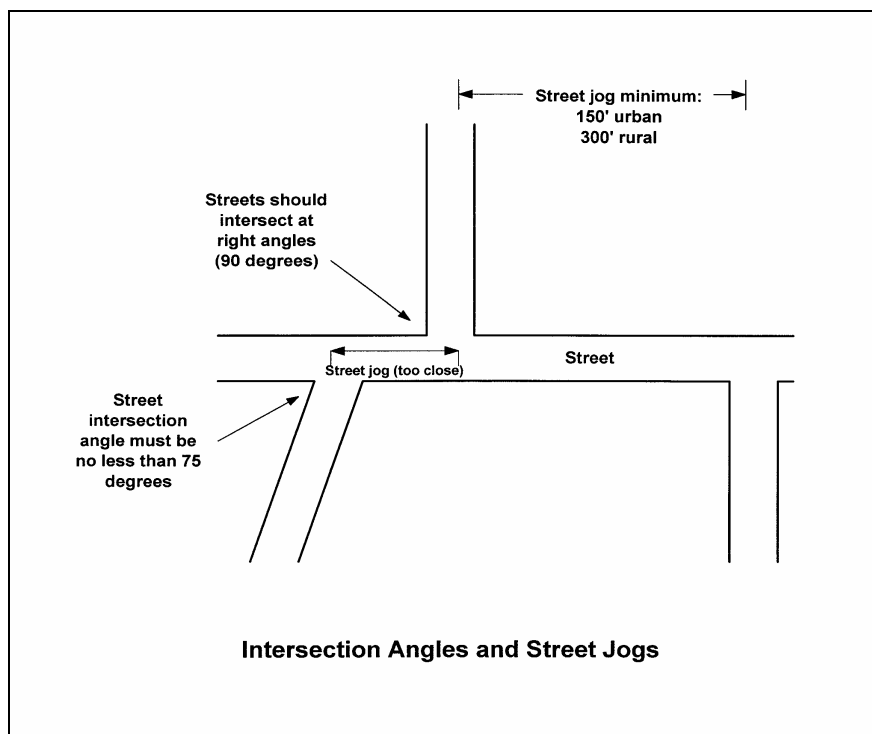
§4-1-18.3 Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this ordinance. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

§4-1-19 STANDARDS FOR CONFIGURING NEW STREETS

§4-1-19.1 Purpose and Intent. The entire community enjoys the benefits of an interconnected network of streets and roads. It is the intention of the locality that new street alignments in new developments reflect the traditional style exhibited throughout older, established neighborhoods. Interconnected streets afford easier, safer access for emergency vehicles, school buses, and sanitation trucks while distributing traffic more evenly and avoiding excess traffic on certain central residential streets. Street patterns that result in isolated pockets of development with relatively little interconnectivity are strongly discouraged. Wherever cul-de-

sacs or hammerhead turnarounds are unavoidable (typically for topographic reasons) they must always be provided with bicycle or pedestrian linkages to other nearby streets or to a neighborhood trail system. Wherever possible, cul-de-sacs should be designed to include a central island preserving existing greenery or, alternatively, planted with approved trees, shrubs, and plants.

§4-1-19.2 Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet in urban areas and 300 feet in rural areas. (See Figure).

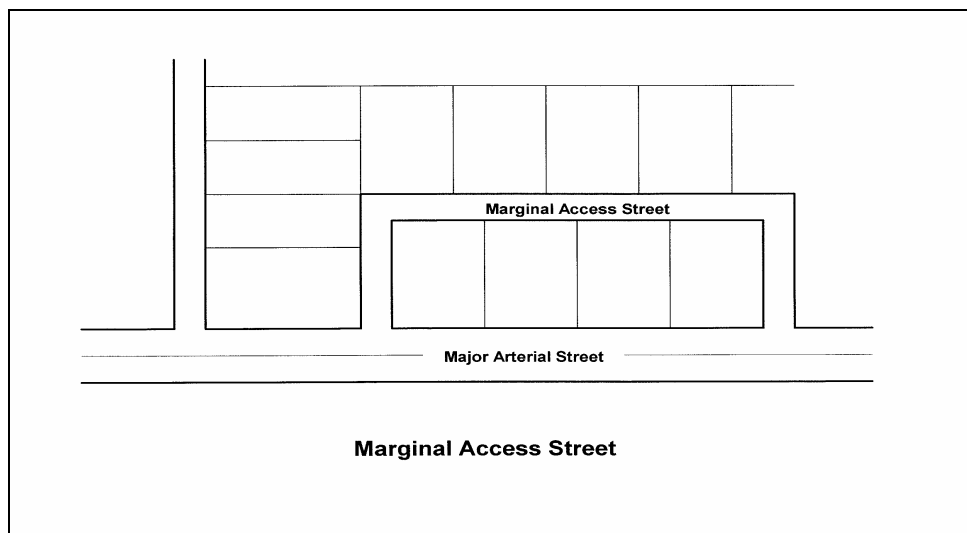


§4-1-19.3 Continuation of Existing Streets and Connections. Existing streets, and their rights-of-way, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

§4-1-19.4 Street Plans for Future Phases of the Tract. Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Land Use Officer and if required shall be prepared and submitted by the subdivider or land developer.

§4-1-19.5 Dead-End Streets and Cul-De-Sacs. Streets that dead-end shall terminate in a cul-de-sac. The maximum length of such streets shall be 600 feet in urban areas and 1,200 feet in rural areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Land Use Officer.

§4-1-19.6 Marginal Access Streets. Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Planning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning Commission may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said street do not have access thereto. (See Figure).



§4-1-19.7 Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

§4-1-20 REQUIREMENTS FOR STREETS

§4-1-20.1 Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards.

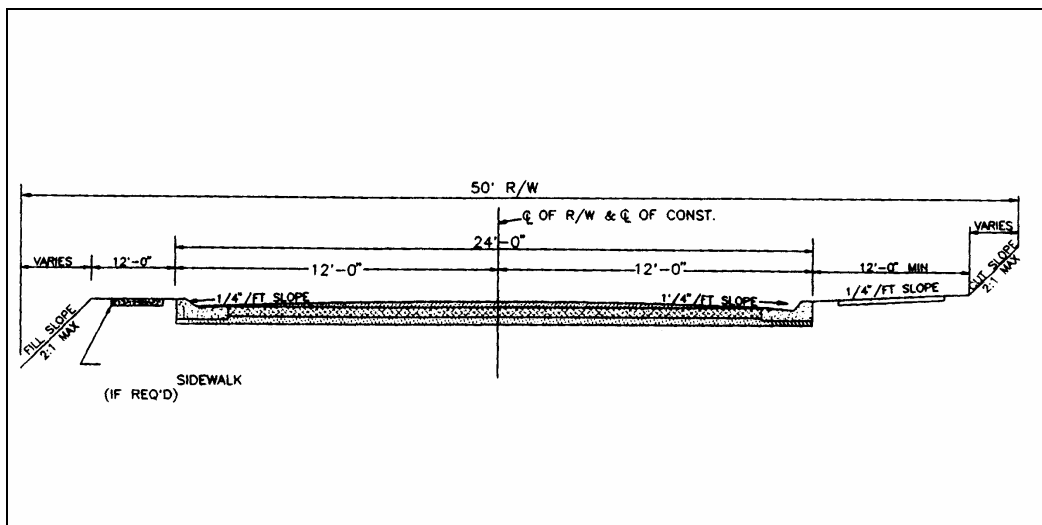
§4-1-20.2 Grading and Stabilization of Street Rights-Of-Ways. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Land Use Officer. All streets shall be graded to lines, grades and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.

§4-1-20.3 Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of 15 feet, with larger radii for streets serving nonresidential development, as approved by the Land Use Officer. The minimum pavement (curb) radius at street intersections shall be 25 feet.

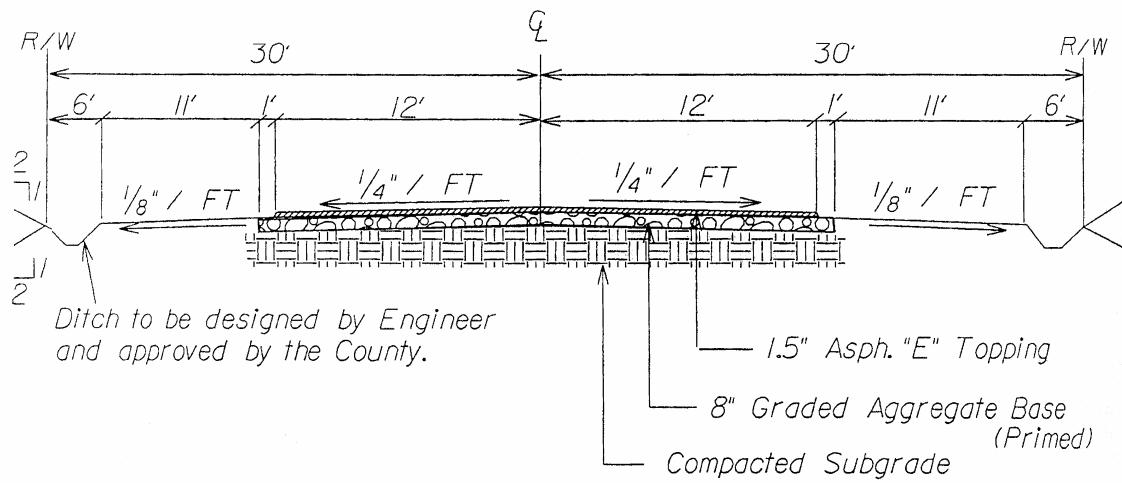
§4-1-20.4 Street Grades. No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight percent. No other local street grade shall exceed 12 percent, unless the Land Use Officer finds that due to topographic conditions, a steeper grade is necessary, in which case the street grade shall not exceed 15 percent. Grades between 12 percent and 15 percent shall not exceed a length of 150 feet.

§4-1-20.5 Minimum Street Right-Of-Way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following:

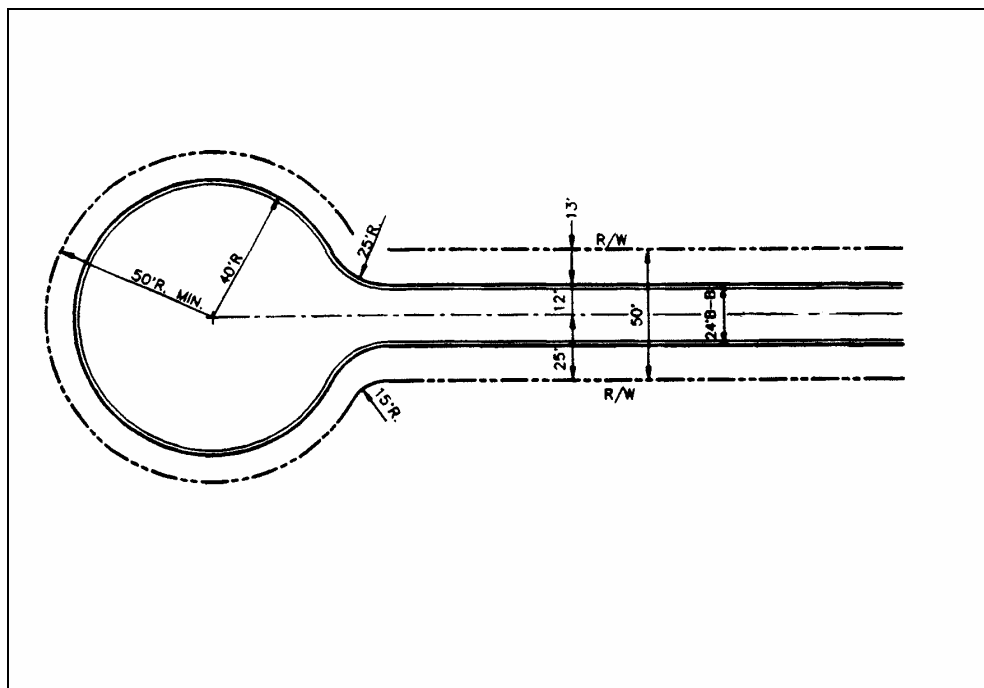
STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	60	36
Local street with curb and gutter	50	24 (back of curb to back of curb)
Local street without curb and gutter	60	24
Cul-de-sac turn around radius	50	40 (back of curb)
Alley	20	16



Residential Street with Curb and Gutter
(Cross Section Detail)



**Local Street
(Rural Cross-Section)**



Cul-de Sac Detail

§4-1-20.6 Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1,250	250
Collector street	500	100
Local street with curb and gutter	100	50
Local street without curb and gutter	100	50
Dead-end street	100	50

§4-1-21 CURB CUTS AND ACCESS SPECIFICATIONS

§4-1-21.1 Entrance Improvement Specifications. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Land Use Officer, in accordance with applicable State or County [City] specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the Land Use Officer prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any County [City] street shall be approved by the Land Use Officer prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits.

§4-1-21.2 Curb Cut Specifications. No curb cut or access driveway shall be permitted to be located closer than 100 feet to the nearest existing or proposed right-of-way of an intersecting roadway. Curb cuts or access driveways shall be no narrower than 24 feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the Land Use Officer. The Land Use Officer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

§4-1-21.3 Access Along and Near Divided Highways. Where a divided highway exists or is planned, the following access standards shall be met:

Minimum Access Separation Requirements	Distance (Feet)
Curb cut of driveway from street intersection with divided highway	600
Parallel frontage road from right-of-way of divided highway	450
Curb cut or driveway on a local road from right-of-way of divided highway	200
Curb cut or driveway on a local road from state highway	200
Curb cut or driveway on parallel frontage road from local road	150

§4-1-21.4 Interparcel Connections. New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

§4-1-22 STREET LIGHTING

Street lights may be provided in accordance with County [City] specifications by the developers of a subdivision prior to the approval of a final plat. Fixtures and standards/poles installed or used shall be approved by the County [City] and by the utility company that will be responsible for the maintenance of the facilities. The fixtures shall be mounted no more than thirty (30) feet above the ground and shall have appropriate arm length or power to place light over the street. Post top luminaries may be permitted when approved by the Land Use Officer. Fixtures shall be located no more than five hundred (500) feet apart, unless approved by the Land Use Officer, and, when provided, at least one light shall be located at each public or private street intersection within the subdivision or land development.

The developer shall pay all costs for poles, fixtures and any other related items or materials necessary for the installation of street lights, as well as arrange an agreement with the utility company for complete maintenance of all installations. The County [City] may assume the responsibility and make the monthly payments to the power company for electrical energy for each street light only after these requirements have been accomplished and improvements accepted by the local governing body. Maintenance and operation costs of street lights will be assumed by the County [City] no earlier than two years after lights have been installed.

§4-1-23 STREET SIGNS

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Land Use Officer. Street signs on exterior/boundary streets shall be installed by the County [City] with the developer paying a proportionate share determined by the County [City]. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Land Use Officer.

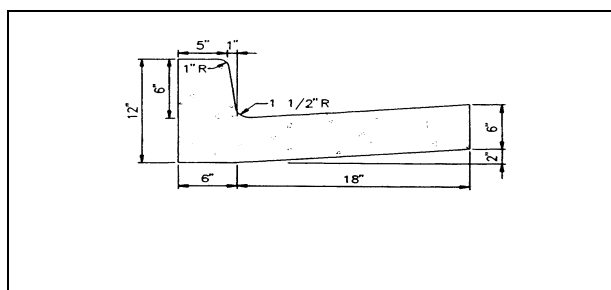
Unless otherwise provided in standards and specifications adopted by the County [City], street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven feet with a minimum burial depth of three feet.

§4-1-24 CURBS AND GUTTERS

Curbs and gutters shall be installed if required by the Land Use Officer in accordance with standards and specifications of the County [City]. Subdivisions consisting totally of lots intended for single-family residential use containing a minimum of two acres shall not require curbs and gutters, provided, however, that curbs are required for all roads when sidewalks are required by

this ordinance. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing County [City] street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by 24 inches by 12 inches (see Figure).



Vertical Curb Detail

All streets and roads not required to include curbs and gutters shall be graded, paved, and drained to meet all construction and drainage standards for ditches, slopes, and grassing according to specifications established by the County [City].

§4-1-25 SIDEWALKS

§4-1-25.1 When Required. Sidewalks shall be provided in accordance with the Comprehensive Plan, unless the Land Use Officer determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along one side of the street internal to a major subdivision, except in cases where the median lot size of the major subdivision is two acres or more.

§4-1-25.2 Location. Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Land Use Officer may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

§4-1-25.3 Specifications. Sidewalks shall be a minimum of four feet wide. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs in residential areas.

§4-1-26 PRIVATE STREETS

§4-1-26.1 Private Streets Permitted. Private streets may, upon application, be permitted by the Board of Commissioners [Mayor and City Council] within major subdivisions, subject to the requirements of this section. Applications for approval of private streets shall be considered by the Board of Commissioners [Mayor and City Council] at the time of preliminary plat approval by the Planning Commission. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Board of Commissioners [Mayor and City Council] shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets.

No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this section.

§4-1-26.2 Construction Plans Required. It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of construction plans from the Land Use Officer and a development permit issued in accordance with the requirements of this ordinance.

§4-1-26.3 Standards. All private streets shall be constructed to all standards for public streets as required by this ordinance for public streets, applicable construction specifications of the County [City], and as approved by the Land Use Officer.

§4-1-26.4 Street Names And Signs. Private streets shall be named, subject to the approval of the Land Use Officer. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation “private,” as approved by the Land Use Officer. The sign signifying the private street may be required by the County [City] to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

§4-1-26.5 Easements. Easements for private streets shall be designated on final plats as general-purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the County [City] for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by local land use regulations. In the cases of private streets, the general-purpose public access and utility easement for the private street shall either;

- (a) Be shown in a manner on the final plat such that each lot fronting the private street extends to the centerline of the private street. No lot shall be permitted to be divided by the general purpose public access and utility easement required and established for a private street; or
- (b) Shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).

§4-1-26.6 Maintenance. The County [City] shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Clerk of the Superior Court of _____ County shall be required for any private street and other improvements within general-purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms.

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.

- (e) The Covenant shall run with the land.
- (f) The Board of Commissioners [Mayor and City Council] may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Board [Council] may require that the subdivider pay an amount of money as recommended by the Land Use Officer into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

§4-1-26.7 Specifications For Final Plats Involving Private Streets. The Land Use Officer shall not approve for recording any final plat involving a private street unless and until it shall contain the following on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section;
- (b) “WARNING, _____ County [City of _____] has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.”;
- (c) “Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the County [City], and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner”; and,

- (d) (The following certificate of dedication shall be required, unless the Board of Commissioners [Mayor and City Council] waives the dedication requirement.)

“Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to _____ County [City of _____].

Signature of Property Owner.”

§4-1-26.8 Requirement for Purchaser’s Acknowledgement of Private Responsibilities. Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the county [city], the subdivider or seller of said lot shall execute a notarized purchaser’s acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser’s acknowledgement

shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“Purchaser’s Acknowledgement of Private Street and Drainage Maintenance Responsibility

(I) / (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) / (We) understand that the Declaration of Covenant applies to the lot that (I am) / (we are) purchasing and requires (me) / (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) / (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) / (us) to pay, plus their damages resulting from (my) / (our) refusal to contribute, plus reasonable attorneys fees. (I) / (We) further understand that the County [City] has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. (I) / (We) understand that a copy of this purchaser’s acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) / (we are) purchasing.

Purchaser

Purchaser”

§4-1-27 DRAINAGE AND STORMWATER MANAGEMENT

§4-1-27.1 General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor. The County [City] may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins as determined by the Land Use Officer. No building permit shall be issued for any building within a subdivision or development permit issued for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of drainage and stormwater management.

§4-1-27.2 Method of Design and Capacity. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the County [City], and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main

drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

§4-1-27.3 Location. Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the County [City]. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

§4-1-27.4 Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

§4-1-27.5 Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.

§4-1-27.6 Cross-Drainpipes. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the County [City]. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All storm drainpipes shall be minimum 18 inches in diameter. Storm sewer slopes shall be equal to or greater than one percent.

§4-1-27.7 Drop Inlets. Drop inlets shall be generally three-foot by three-foot boxes with two-foot by three-foot grates unless otherwise specified by the County [City].

§4-27.8 Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the County [City]. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

§4-1-28 WATER

§4-1-28.1 Generally. All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.

§4-1-28.2 Water Main Requirements. When a public water main is accessible, the developer shall install adequate water facilities, including fire hydrants, according to specifications of the County [City]. All water mains shall normally be at least six inches in diameter except that pipe of lesser size may be used if properly looped and adequate water

pressure is maintained in accordance with standards established by the Southeastern Fire Underwriters Association. Pipe of less than four inches shall not be used except in unusual cases. Water lines shall be installed at least 30 inches below grade. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

§4-1-28.3 Wells. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the County [City], individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to the Land Use Officer prior to final subdivision plat approval.

§4-1-28.4 Community Water System. If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 30 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the _____ County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

§4-1-28.5 Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the County [City] Fire Department. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any principal dwelling. Hydrants, fittings, valves and fire department connections shall be approved by the Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

§4-1-29 SEWER

§4-1-29.1 Generally. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No permit shall be issued for any building within a subdivision or for the development of land, if there is not present

throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

§4-1-29.2 Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible, as determined by the County [City], the subdivider or land developer shall connect with it and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any person to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated by the County [City] to be available within a period of three years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Land Use Officer may condition the approval of a subdivision or land development on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. No public sewer shall be less than eight inches in diameter. Manholes shall be installed in sanitary sewers with a maximum distance between two manholes of 400 feet, unless otherwise specified by standards of the County [City]. Sanitary sewer slopes shall be equal to or greater than 0.7 percent for eight inch lines. All sewer lines shall be designed with slopes to obtain a minimum velocity of two feet per second. Minimum 20-foot wide easements shall be provided for all sanitary sewer lines.

§4-1-29.3 Alternative Provision. If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider or land developer in conformity with the requirements of the County Health Department and according to specifications adopted by the County [City].

§4-1-29.4 Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. A minimum setback of 100 feet shall be observed between any well and any septic tank on the same lot. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the _____ County Health Department.

§4-1-30 UTILITIES

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities (other than major distribution lines) are located above ground, except when existing with public roads rights-of-ways, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least 10 feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least 10 feet in width shall be provided along side lot lines with satisfactory access.

§4-1-31 OVERSIZING OF IMPROVEMENTS AND UTILITIES

The subdivider or land developer shall construct such oversized improvements and utilities that the County [City] determines are necessary, provided that the subdivider or land developer shall

not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider agrees to a proposal by the County [City] to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the County [City] to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

§4-1-32 ADMINISTRATION

§4-1-32.1 Fees. The fees for various applications required by this Ordinance shall be as set by separate resolution of the local governing body.

§4-1-32.2 Additional Specifications. The Land Use Officer is hereby authorized to prepare and recommend standard drawings and constructions specifications for private and public improvements not specified in this ordinance. Upon their adoption by the local governing body, they shall become mandatory.

§4-1-32.3 Variances. Upon application, a variance to the terms of this ordinance may be granted, subject to the requirements of Section 1-10 of this ordinance.

§4-1-32.4 Inspections. The Land Use Officer shall be authorized to inspect premises proposed for subdivision or land development, including any improvements within such subdivision or land development, to determine compliance with the requirements of this ordinance and other laws and regulations of County [City]. No person shall refuse entry or access to any person authorized to conduct inspections who presents appropriate credentials for same, nor shall any person obstruct, hamper or interfere with any such person while in the process of carrying out his official duties. The Land Use Officer is authorized to establish procedures for inspection of land development activity at various intervals in the development process, including without limitation inspection procedures for erosion control, the initiating of grading or land-disturbing activity, installation of on-site sewage disposal systems or sanitary sewer, installation of storm drainage pipe, detention, or other storm water facilities, and installation of street curbing and gutter, road sub-grade, base, or paving.

§4-1-32.5 Enforcement, Violations, Remedies, and Penalties. Enforcement, violations, remedies and penalties shall be as specified in Section 1-9 of this ordinance.

§4-1-32.6 Amendment. The Board of Commissioners [Mayor and City Council] may amend this ordinance in a manner consistent with Georgia law. Before enacting such amendment to this ordinance, the Planning Commission shall provide a recommendation on the proposed amendment. The Board of Commissioners [Mayor and City Council] shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in the County's [City's] legal organ or a newspaper of general circulation in the County.

ARTICLE 5 PERFORMANCE-BASED REGULATIONS

§5-1 PUBLIC NUISANCE

§5-1 PUBLIC NUISANCE

§5-1-1 PURPOSES

§5-1-2 DEFINITIONS

§5-1-3 ILLUSTRATIVE EXAMPLES OF NUISANCES

§5-1-4 NUISANCE PROHIBITED

§5-1-5 NOTICE TO ABATE

§5-1-6 CONTENTS OF NOTICE

§5-1-7 PROVISIONS FOR SPECIFIC NUISANCES

§5-1-1 PURPOSES

It is important for a community to appear clean, well kept, and generally clear of public nuisances, eyesores, and unhealthy conditions. The appearance of a community weighs heavily in the decisions of prospective residents and businesses in locating to a particular area. A clean, safe, and well-kept community can stabilize or increase property values, provide a healthy environment, and make citizens proud of the area in which they live. Accordingly, a community needs a set of regulations to keep the area clean, remove unsightly conditions, and prevent unhealthy and unsafe situations from occurring. It is therefore the purpose and intent of this Article to encourage a clean, healthy, and satisfying environment; one free of nuisances, eyesores, and unhealthy, unsafe, or devaluating conditions. To this end, this Article seeks to regulate and protect the health, safety, welfare, values, and aesthetics of properties.

§5-1-2 DEFINITIONS

For the purposes of this Article, the following words are defined:

Abandoned vehicle: A vehicle, including cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle, that meets one or more of the following conditions:

- (a) Has been left unattended upon a highway, street, or alley or other public property outside a designated parking space for a period of 48 hours; and/or,
- (b) Is within public view and is inoperable, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 30 days.

Nuisance: Anything that causes hurt, inconvenience, or damage to another, and the fact that the act done may otherwise be lawful, shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable person.

§5-1-3 ILLUSTRATIVE EXAMPLES OF NUISANCES

The following conditions, whether on occupied or unoccupied lands, public or private property, are hereby declared to be and constitute a public nuisance and shall be abated; although this section shall not be construed to be limiting with regard to its enumeration of public nuisances.

- (a) Weeds or grass allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass, or brush, that may provide safe harborage for rats, mice, snakes and/or other vermin.
- (b) Vegetation that obstructs the safe passage or line-of-sight of motorists or pedestrians at an intersection or driveway connection with a public or private street or alley, or along any street or sidewalk.
- (c) Dead or dying trees or other vegetation which may cause a hazardous situation if they fall.
- (d) Accumulation of rubbish, trash, refuse, junk, construction debris, and other abandoned materials, metals, lumber, or other such items.
- (e) The keeping or maintenance of one or more abandoned vehicles in public view or in a manner inconsistent with this Resolution [Ordinance].
- (f) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (g) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard.
- (h) All noises which may annoy or inhibit others in their enjoyment of the use of their property.
- (i) All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires.
- (j) The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, agricultural wastes, industrial wastes, or other substances.
- (k) Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of local, state, or federal law.
- (l) Any accumulation of stagnant water.
- (m) Any method of human excretion disposal which does not conform to the provisions of local ordinances, or state or federal law.

§5-1-4 NUISANCE PROHIBITED

It shall be unlawful for any person, firm, corporation or other entity to cause, permit, maintain, or allow the creation or maintenance of a nuisance, as defined or more specifically described in this Ordinance.

§5-1-5 NOTICE TO ABATE

Whenever a nuisance is found to exist within the jurisdiction of the County [City], the Land Use Officer shall give written notice to the owner or occupant of the property upon which such a nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance.

§5-1-6 CONTENTS OF NOTICE

The notice to abate a nuisance issued under the provisions of this Article shall contain the following:

- (a) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (b) The location of the nuisance, if the nuisance is stationary;
- (c) A description of what constitutes the nuisance;
- (d) A statement of acts necessary to abate the nuisance; and,
- (e) A statement that if the nuisance is not abated as directed, the County will file an action in Magistrate Court [City will file an action in Municipal Court] to abate the nuisance.

§5-1-7 PROVISIONS FOR SPECIFIC NUISANCES

§5-1-7.1 Animals. No domestic animals shall be permitted to run at large within the County [City] limits. It shall be unlawful for any domestic animal to be running at large on the streets or sidewalks of the County [City], unless said domestic pet is under the control of a leash, collar, or chain. It shall be the responsibility of the owner of any domestic animal to provide a proper enclosure or structure secured from the ground to a sufficient height so that the animal cannot escape enclosure. Structures for horses, cows, or other livestock shall not be located closer than 100 feet of any property line. All animal enclosures or yards shall at all times be kept in a clean condition to prevent any condition detrimental to the public health of the County [City]. No person shall deposit or cause to be deposited, the carcass of any dead animal in the streets, roads, alleys, woods, or waters within the County [City] limits.

§5-1-7.2 Abandoned Vehicles. It shall be unlawful to keep or maintain an abandoned vehicle as defined by this Ordinance, and any abandoned vehicle is hereby declared to be a public nuisance and shall be abated as provided in this Ordinance.

§5-1-7.3 Trees and Other Vegetation. It shall be unlawful for the owner or occupant of any lot or land lying and abutting on an intersection of two streets or the intersection of a driveway and a street to allow any trees, shrubs, or bushes lying on said lot or land to grow to a height or in a manner which restricts the line of sight, or which threatens safety or restricts passage of motorists or pedestrians within a public right-of-way or sidewalk.

§5-1-7.4 Noise. It shall be unlawful for any person to create or assist in creating, permit, or continue any unreasonably loud, disturbing, or unnecessary noise in the County [City]. Noise of such character, intensity, and duration that is detrimental to the reasonable comfort, health, or life of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises that constitute a public nuisance in violation of this Ordinance, and which shall be abated.

- (a) The keeping or maintenance of any domestic animal which, due to prolonged or habitual barking, howling, whining, or other noises, causes annoyance to neighboring residents, or interferes with the reasonable use and enjoyment of the premises occupied by such residents, is hereby declared to be a public nuisance and shall be abated as provided in this Ordinance.
- (b) The sounding of any bell, horn, whistle, mechanical device operated by compressed air, or signal device while not in motion, except as a danger signal, for an unnecessary and unreasonable period of time.
- (c) The use of any siren, other than police, fire, or emergency vehicle.

- (d) The use or operation of any musical instrument, radio, loud speaker, or sound amplifying device so loudly as to disturb persons in the vicinity thereof.
- (e) The erection, excavation, demolition, alteration, or repair of any building or structure in the vicinity of residential dwellings between the hours of 10:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public safety, and then, only with a permit from the Land Use Officer.
- (f) The creation of excessive noise on any street adjacent to any school, institution of learning, court, or religious congregation while the same are in session, or within 150 feet of a hospital which unreasonably interferes with the working of such institution.
- (g) The shouting or crying of peddlers, vendors, or residents which disturbs the peace and quiet of a residential area.
- (h) The unnecessary creation of loud or excessive noise in connection with unloading or loading vehicles or merchandise.
- (i) The use of any vehicle that is in a state of disrepair as to create loud or unnecessary grinding, rattling, backfiring, or other noise.

Any one of these enumerated nuisances, if violated, would be a misdemeanor and could be prosecuted in the local court just as the violation of any other ordinances.

ARTICLE 6 USE-BASED RESTRICTIONS

§6-1	ADULT BUSINESSES
§6-2	AIRCRAFT LANDING AREA
§6-3	COMMERCIAL RECREATIONAL FACILITY, OUTDOOR
§6-4	FENCES AND WALLS
§6-5	HOME BUSINESS USES
§6-6	JUNKED VEHICLE OR MATERIAL OR JUNK YARD
§6-7	SOLID WASTE HANDLING FACILITIES
§6-8	MANUFACTURED HOME COMPATIBILITY STANDARDS
§6-9	MANUFACTURED HOME PARKS

§6-1 ADULT BUSINESSES

§6-1-1	DEFINITIONS
§6-1-2	LOCATION RESTRICTIONS
§6-1-3	OBSCENE MATERIAL

§6-1-1 DEFINITIONS

Adult business: Any “adult bookstore,” “adult movie house,” “explicit media” outlet, or any place involving “sexual conduct” or “sexually explicit nudity” for commercial purposes, as those terms are defined in O.C.G.A. 36-60-3 and as reiterated below.

- (1) Adult bookstore: Any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct.
- (2) Adult movie house: Any movie theater which on a regular, continuing basis shows films rated “X” by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called “adult films” depicting sexual conduct.
- (3) Explicit media outlet: Any commercial establishment which has an inventory of goods that is composed of 15 percent or more of books, pamphlets, magazines, or other printed publications, films, or other median which depict sexually explicit nudity or sexual conduct, or that devotes 15 percent or more of its floor area to such inventory of goods.
- (4) Sexual conduct: Acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such a person is female, breast which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.
- (5) Sexually explicit nudity: A state of undress so as to expose the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered or uncovered male genitals in a discernibly turgid state which, to the average person, applying contemporary community standards, taken as a whole, lacks serious literary, artistic, political, or scientific value and predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity or sex.

§6-1-2 LOCATION RESTRICTIONS

No adult business shall be located:

- (a) Within one thousand (1,000) feet of a lot used for single-family, two-family or multi-family residential uses.
- (b) Within one-thousand (1,000) feet of the lot line of any library, school, park, playground, governmental building, civic center, church or place of worship.
- (c) Within one-thousand (1,000) feet of the lot line of any other adult business.

The distance restrictions set out above shall apply in any and all directions from the lot line of the proposed adult use at the point closest to the lot line of the other property, as measured in a straight line to the point on the lot line of the other property that is located closest to the lot line of the proposed adult use property. This distance shall be verified by plat showing distances furnished by the applicant, prepared by a land surveyor registered in the State of Georgia. This plat shall accompany and be made part of the application for a conditional use approval.

§6-1-3 OBSCENE MATERIAL

Nothing contained herein shall be construed to authorize or legalize the selling, lending, renting, leasing, giving, advertising, publishing or other dissemination to any person, any book, magazine, movie film, still picture or any other written material, pornographic matter, novelty, device or related sundry item which is obscene material under the law of the State of Georgia.

§6-2 AIRCRAFT LANDING AREA

- §6-2-1 DEFINED
- §6-2-2 REGULATIONS

§6-2-1 DEFINED

Aircraft landing area: Any landing area, runway, or other facility designed, used, or intended to be used for the taking off or landing of aircraft (airplanes, helicopters, gliders, ultralights, and any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air) and which may include, aircraft storage, tie-down areas, hangars, and other necessary buildings and appurtenances. This term includes private use heliports. This use may be a principal or accessory use.

§6-2-2 REGULATIONS

No person shall construct or use or authorize the construction or use of an aircraft landing area (including private use heliport) on any property owned, leased, or controlled by such person, unless and until the following requirements are met:

- (a) No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000 per claim.

- (b) The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) The owner of the aircraft landing area shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence or wall no less than six (6) feet in height and fully enclosed with a self-locking gate.
- (e) An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Land Use Officer shall review the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the Governing Body regarding approval or denial of the application.
- (f) In approving an aircraft landing area, the Governing Body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within six-hundred (600) feet of a residential land use district or existing residential use may form the basis for denial of the application.

§6-3 COMMERCIAL RECREATIONAL FACILITY, OUTDOOR

- §6-3-1 DEFINED
- §6-3-2 REGULATIONS

§6-3-1 DEFINED

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amusement parks, stadiums, amphitheatres, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, fishing ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, zoos for exotic animals or wildlife, recreational vehicle parks, and ultra-light flight parks. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

§6-3-2 REGULATIONS

Outdoor commercial recreation facilities shall meet the following requirements:

- (a) Lot Area. Such uses require a minimum lot area of two acres.
- (b) Access. Vehicular access shall be derived only from an arterial road.
- (c) Setback and Buffer. A minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines, shall be required.
- (d) Exterior Lighting. Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination.
- (e) Evaluation. A written evaluation of noise impacts is required at the time the following special uses are proposed to be established as principal uses: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. A traffic impact analysis shall be required for amphitheaters, stadiums, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

§6-4 FENCES AND WALLS

- §6-4-1 DEFINITIONS
- §6-4-2 COMPOSITION
- §6-4-3 GATES
- §6-4-4 EXEMPTION

§6-14-1 DEFINITIONS

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other approved materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

§6-4-2 COMPOSITION

Walls or fences composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.

§6-4-3 GATES

When gates for vehicular access are provided, said gates shall not be located closer than twenty-five (25) feet to a public road right-of-way, to ensure safe ingress and egress.

§6-4-4 EXEMPTION

These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security and safety or code compliance reasons. All such temporary fencing shall be approved by the Land Use Officer and shall be removed upon completion of construction.

§6-5 HOME BUSINESS USES

- §6-5-1 TITLE
- §6-8-2 PURPOSE AND INTENT
- §6-5-3 APPLICABILITY
- §6-5-4 DEFINITIONS
- §6-5-5 GENERAL PROVISIONS
- §6-5-6 LAND USE PERMIT REQUIRED
- §6-5-7 USES AND ACTIVITIES PROHIBITED
- §6-5-8 USE OF DWELLING AND PHYSICAL LIMITATIONS
- §6-5-9 VEHICLES AND PARKING
- §6-5-10 EQUIPMENT; NUISANCES
- §6-5-11 VISITATIONS
- §6-5-12 DISPLAY AND STOCK-IN-TRADE
- §6-5-13 EMPLOYEES
- §6-5-14 SIGNS

§6-5-1 TITLE

This Section shall be known and may be cited as the “Home Business Uses Regulations of the County [City] of _____.”

§6-5-2 PURPOSE AND INTENT

This Section is intended to protect residential neighborhoods, with detached single-family residences on lots containing approximately one acre or less, from use of dwellings for business uses that would detract from the peace and quiet of the neighborhood. It is also intended to allow the use of detached dwellings for limited home business uses, subject to standards that will prevent nuisances and maintain the residential character of the neighborhood.

§6-5-3 APPLICABILITY

This Section shall apply only in residential areas as follows:

- (a) Within an area or areas where there is an urban or suburban pattern of land subdivision into lots, each of which has an area of one acre or less or which lots in the subdivision average one acre or less, and which are designed primarily for construction of one detached dwelling unit per lot.
- (b) In the areas of the County [City] where the residence and/or lot in question is bounded on two or more sides by lots containing a detached single-family dwelling or a vacant lot platted as a part of the same subdivision. For purposes of this subsection, “bounded” shall mean contiguous and abutting; or any lot across a road right-of-way within the same or similar land subdivision.

§6-5-4 DEFINITIONS

Home business use: A detached single-family dwelling where a use, occupation or activity is conducted entirely within a dwelling by the residents thereof, or within an accessory building, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

§6-5-5 GENERAL PROVISIONS

Home business uses may be established in a dwelling as more specifically provided in this Section.

- (a) No more than one home business use shall be permitted within any single dwelling or on any one lot.
- (b) No lot within an area to which this Section applies shall be used in violation of this Section.
- (c) Uses that do not qualify as a permitted home business use shall be prohibited in the area to which this Section applies.
- (d) It shall be unlawful to establish or maintain any use or activity that is specifically enumerated as a prohibited use or activity by this Section, within the area or areas to which this Section applies.

§6-5-6 LAND USE PERMIT REQUIRED

No use or activity shall commence as a home business within the area or areas to which this Section applies, without first securing a Land Use Permit from the Land Use Officer. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of a land use permit for said use.

§6-5-7 USES AND ACTIVITIES PROHIBITED

The following businesses, uses, and activities shall be prohibited in the area or areas to which this Section applies: kennels, stables, veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; barber shops and beauty shops; funeral parlors; retail sales of goods not made on the premises; and adult uses. This section shall not be considered inclusive of all the types of businesses, uses, and activities prohibited by this Section.

§6-5-8 USE OF DWELLING AND PHYSICAL LIMITATIONS

All activities in connection with the home occupation shall take place within the principal building on the lot, or in an accessory structure. The gross floor area of a dwelling unit devoted to a home business use shall not exceed 1,000 square feet, or 25 percent of the gross floor area of the dwelling and any accessory structure or structures combined, whichever is less. No internal or external alterations inconsistent with the residential use of the building may be permitted.

§6-5-9 VEHICLES AND PARKING

It shall be unlawful to routinely park any marked business vehicles on the street or in driveways in public view in connection with the home business use. Only vehicles used primarily as passenger vehicles shall be visible in connection with the conduct of the home business use.

No more than one commercial vehicle, not exceeding one-ton capacity and two axles, may be stored on the premises, and it must be parked inside an enclosed garage or otherwise completely concealed from view when not in use.

Incoming vehicles related to the home business use shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking.

§6-5-10 EQUIPMENT; NUISANCES

No mechanical equipment shall be installed specifically for use as a home business or used except such as is normally used for domestic purposes. No home business use shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home business uses must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, etc.) that are detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

§6-5-11 VISITATIONS

No more than two clients or patrons are allowed on the premises at the same time in conjunction with a home business use, except for persons in care at a family day care home, where no more than six clients are allowed. Instruction in music, dance, arts, and crafts, and similar subjects shall be limited to one student at a time. In no event shall visitations or any other vehicle trip associated with said home business use be permitted between the hours of 9:00 p.m. and 6:00 a.m.

§6-5-12 DISPLAY AND STOCK-IN-TRADE

There shall be no display and no visible stock-in-trade on the premises in connection with a home business use. No stock-in-trade shall be sold on the premises except those made on the premises, and such sales shall be infrequent and incidental. Storage devoted to a home business shall be limited in size to no more than 600 square feet of area and shall be counted as part of the total size limits established by this Section for home business uses.

§6-5-13 EMPLOYEES

Only occupants of the dwelling, and one additional full-time employee or two part-time employees, shall be authorized to work on the premises in connection with a home business use.

§6-5-14 SIGNS

There shall be no signs in connection with a home business use.

§6-6 JUNKED VEHICLE OR MATERIAL OR JUNK YARD

- §6-6-1 DEFINED
- §6-6-2 REGULATED

§6-6-1 DEFINED

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

§6-6-2 REGULATED

It shall be unlawful, on any lot abutting or visible from a state highway, county road, or city street or on any lot that is visible from a public road or adjacent or abutting property, to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material. A minimum six (6) foot high opaque fence or other screening approved by the Land Use Officer may be used to meet this regulation.

§6-7 SOLID WASTE HANDLING FACILITIES

- §6-7-1 DEFINITIONS
- §6-7-2 REGULATIONS

§6-7-1 DEFINITIONS

Bioconversion: A facility accepting materials for the controlled biological conversion of organic matter into a useable fuel or energy source.

Composting: A facility accepting materials for the controlled biological decomposition of organic matter into stable, odor free humus.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Landfill, municipal solid waste: A disposal facility where any amount of municipal solid waste, whether mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Landfill, private industrial: A disposal facility operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Landfill, sanitary: The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Recycling processing: A facility accepting, sorting, baling, storing, processing, reusing, or reselling recovered materials.

Solid waste handling facility: Includes any facility that accepts and manages solid waste for disposal, treatment, or processing, including but not limited to facilities that accept materials for conversion to energy or fuel, gasification, disposal, mulching, composting, recycling, or transfer.

Transfer Station: A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Thermal Treatment: A facility reducing the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Yard Trimmings Processing: A facility accepting leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance for storage or processing into mulch or compost.

§6-7-2 REGULATIONS

All solid waste handling facilities shall be subject to the following requirements:

- (a) Access. Access from a paved arterial road meeting Georgia DOT highway design standards shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) Screening and Buffers. All solid waste handling facilities shall be screened from view from all property lines and public roads. To accomplish this, a minimum one-hundred (100) foot wide undisturbed buffer is required adjacent to all property lines. Areas within the one-hundred (100) foot undisturbed buffer that do not provide an opaque screen throughout the year shall be planted with additional drought tolerant – native vegetation. All other solid waste handling facilities shall be screened from view from all property lines. A minimum six (6) foot high opaque fence or other screening with berms and drought tolerant – native landscaping approved by the Land User Officer may be used to meet this regulation.
- (c) Fencing. A minimum six (6) foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential, commercial, or institutional use or abutting any residential, commercial, or institutional land use district.
- (d) Covering of Loads. Vehicles shall be allowed into a solid waste handling facility and local government jurisdiction only if the waste or other materials are covered, to prevent blowing of material from the vehicle.
- (e) Operating Hours: A solid waste handling facility shall only be operated between the hours of ____ a.m. and ____ p.m. Monday through Friday and from ____ a.m. to ____ p.m. Saturday unless the Land Use Officer has provided written consent to operate during additional hours.

- (f) Odor Control: All materials accepted at a solid waste handling facility shall be processed, stored, or disposed in a manner to control odors.
- (g) Material Handling: Materials accepted, processed, or disposed at a solid waste handling facility shall be done in an orderly fashion to ensure they are contained on site and shall not be visible from a public road or an adjacent or abutting property.
- (h) Disaster Planning: All solid waste handling facilities shall have a disaster preparedness, containment, and recovery plan approved by the Land Use Officer and local Emergency Management Agency Director.
- (i) State Permit: The owner shall provide the Land Use Officer with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a development permit.
- (j) Siting Restrictions: No solid waste handling facility shall be sited in a manner inconsistent with the location provisions or recommendations of the Comprehensive Solid Waste Management Plan adopted by the Governing Body.

§6-8 MANUFACTURED HOME COMPATIBILITY STANDARDS

- §6-8-1 PURPOSE
- §6-8-2 DEFINITIONS
- §6-8-3 LAND USE PERMIT REQUIRED
- §6-8-4 BASIC INSTALLATION REQUIREMENTS
- §6-8-5 TYPE 1 COMPATIBILITY STANDARDS
- §6-8-6 TYPE 2 COMPATIBILITY STANDARDS
- §6-8-7 TYPE 3 COMPATIBILITY STANDARDS

§6-8-1 PURPOSE

The purpose of this Code Section is to ensure that manufactured homes are installed on a site according to applicable federal and manufacturer’s requirements. This Code Section is also intended to ensure architectural compatibility of manufactured homes with adjacent single-family residences and other land uses through the application of architectural compatibility standards.

§6-8-2 DEFINITIONS

Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

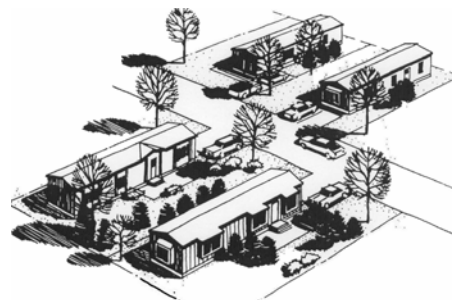
Bay window: A window assembly whose maximum horizontal projection is not more than two feet from the vertical plane of an exterior wall and is elevated above the floor level of the home.

Compatibility: With regard to buildings, compatibility means achieving harmony in appearance of architectural features in the same vicinity.

Dormer: A window projecting from a roof.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).



§6-8-3 LAND USE PERMIT REQUIRED

No manufactured home shall be installed on any site, nor shall any such manufactured home be occupied or used for any purpose until and unless a Land Use Officer issues a land use permit. The Land Use Officer shall not issue a land use permit for installing, occupying, or using a manufactured home unless it is in conformity with all the provisions of this Code Section.

§6-8-4 BASIC INSTALLATION REQUIREMENTS

§6-8-4.1 Foundation. Each manufactured home must be set on an appropriate foundation.

§6-8-4.2 Hauling Mechanisms Removed. The transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.

§6-8-4.3 Installation Regulations. The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.

§6-8-4.4 Approved Septic System. Each manufactured home shall be connected to a public sanitary sewer system, community sewerage system, or on-site septic system with capacity available as approved by the health officer.

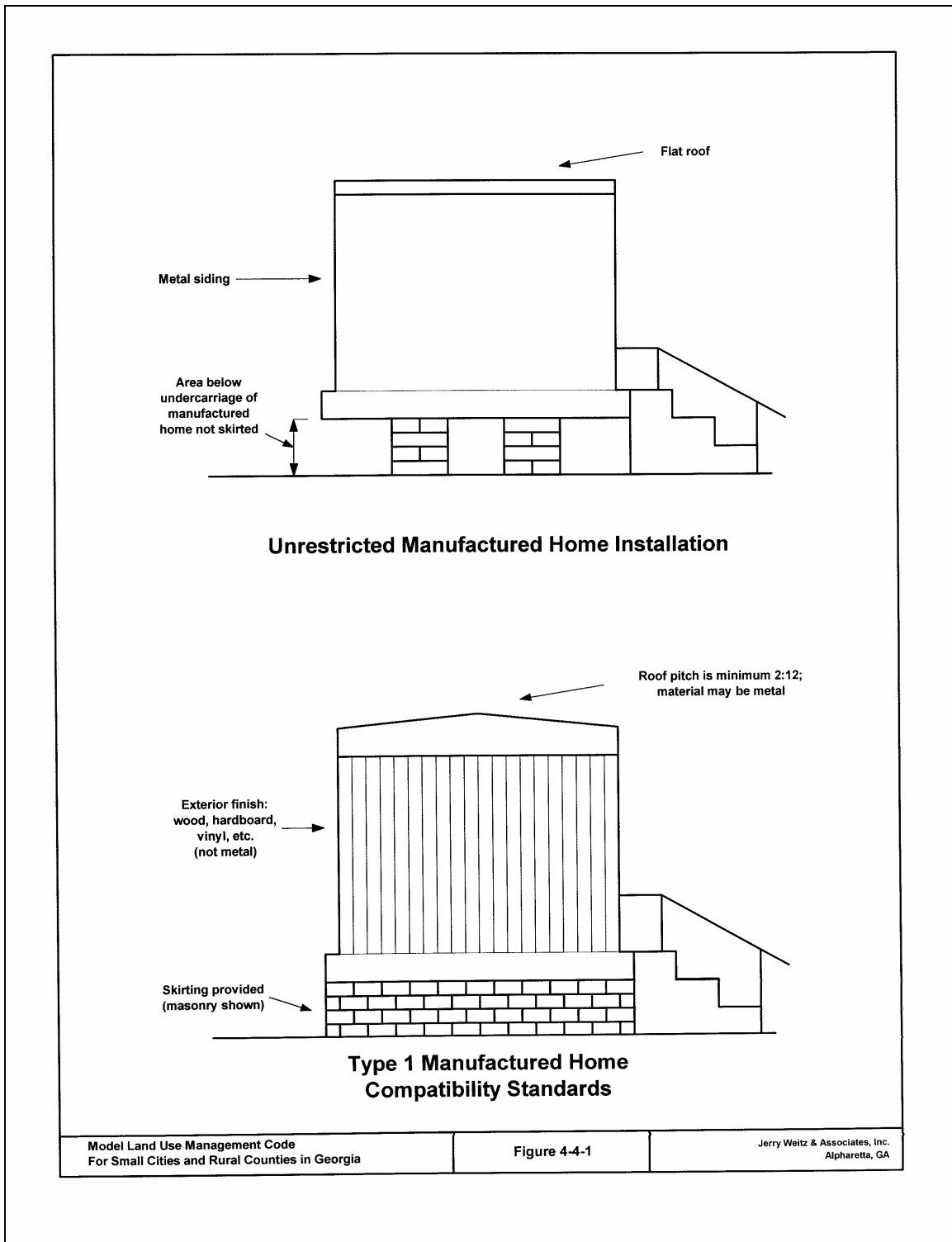
§6-8-4.5 Compliance with State Rules. The installation of manufactured homes shall be in accordance with Chapter 120-3-7, “Rules and Regulations of the Office of Commissioner of Insurance, Safety Fire Division, Section 120-3-7-.14, “Installation Requirements,” and Appendix A of said Rules and Regulations, and other sections of said rules, as may be applicable.

§6-8-5 TYPE 1 COMPATIBILITY STANDARDS

§6-8-5.1 Applicability. This subsection shall apply in all areas within the County [City] that lie within 200 feet of a state highway or county-owned road [or insert description of other appropriate geography].

§6-8-5.2 Foundation. The manufactured home shall be placed on a permanent foundation.

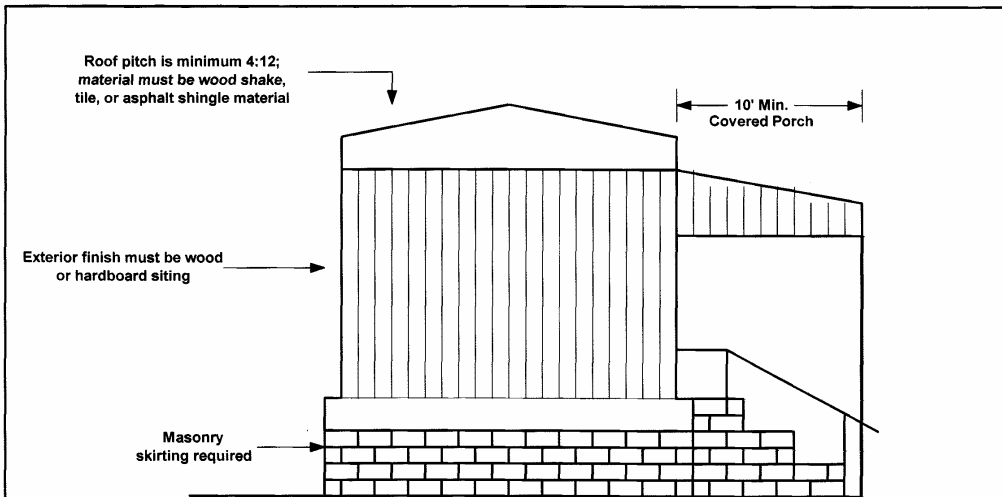
§6-8-5.3 Skirting. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry, finished concrete or siding (of like or similar character to the manufactured home) that completely encloses the perimeter of the undercarriage except for proper ventilation and access openings.



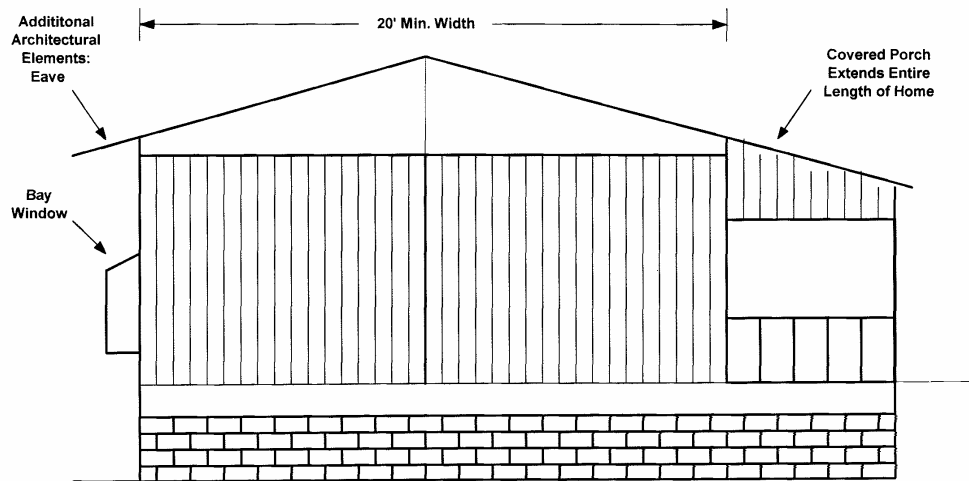
Model Land Use Management Code
For Small Cities and Rural Counties in Georgia

Figure 4-4-1

Jerry Weitz & Associates, Inc.
Alpharetta, GA



**Type 2 Manufactured Home
Compatibility Standards**



**Type 3 Manufactured Home
Compatibility Standards
(Includes All Type 2 Standards)**

§6-8-5.4 Exterior Finish. The exterior siding of the manufactured home shall consist of wood, hardboard, vinyl, or plastic siding material.

§6-8-5.5 Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least two feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, asphalt shingle, coated metal, or similar material.

§6-8-6 TYPE 2 COMPATIBILITY STANDARDS

§6-8-6.1 Applicability. This subsection shall apply to all manufactured homes sited on lots located within 500 feet of two or more existing site-built single-family residences.

§6-8-6.2 Foundation. The manufactured home shall be placed on a permanent foundation.

§6-8-6.3 Masonry Skirting. The entire perimeter area between the bottom of the structure of each manufactured home and the ground, including stairways, shall be underpinned with masonry that completely encloses the perimeter of the undercarriage and attached stairways except for proper ventilation and access openings.

§6-8-6.4 Exterior Finish. The exterior siding of the manufactured home shall consist of wood or hardboard siding material.

§6-8-6.5 Roof Pitch and Materials. The manufactured home shall have a pitched roof with a slope of at least four feet in height for each 12 feet in width. Roof materials shall be wood shake, tile, or asphalt shingle material.

§6-8-6.6 Covered Porch or Deck. A covered porch, deck, or entry area at least 10 feet by 10 feet shall be added for each entrance to the manufactured home prior to occupancy.

§6-8-7 TYPE 3 COMPATIBILITY STANDARDS

§6-8-7.1 Applicability. This subsection shall **is encouraged to** apply to areas where the strictest compatibility standards are necessary to ensure architectural harmony of manufactured homes with adjacent and nearby site-built homes and other land uses. **In such cases where applied**, these standards shall apply in addition to the Type 2 Compatibility Standards provided in §6-8-6.

§6-8-7.2 Width. The manufactured home shall consist of two fully enclosed parallel sections and a total width of at least 20 feet.

§6-8-7.3 Covered Porch. A covered porch or deck shall be provided along the entire length of the manufactured home facing the front yard or street prior to occupancy, with a 10-foot minimum depth.

§6-8-7.4 Additional Architectural Features. The manufactured home shall contain eaves with a minimum projection of six inches, window shutters, and at least one additional architectural feature such as dormers, bay windows, or another architectural feature that will provide equal compatibility with surrounding residences and land uses, as approved by the Land Use Officer.

§6-9 MANUFACTURED HOME PARKS

- §6-9-1 PURPOSE
- §6-9-2 DEFINITIONS
- §6-9-3 SITE PLAN REVIEW AND LAND USE PERMIT REQUIRED
- §6-9-4 SITE CONDITIONS AND SITE PLANNING
- §6-9-5 GENERAL DEVELOPMENT REQUIREMENTS
- §6-9-6 REQUIREMENTS FOR MANUFACTURED HOME SPACES

§6-9-1 PURPOSE

This Code Section regulates mobile home parks, manufactured home parks, and recreational vehicle and travel trailer parks and campgrounds, which provide for affordable permanent and temporary housing or seasonal recreational developments. Manufactured home parks are intended to provide for the leasing of spaces for the placement of manufactured homes, owned or rented by tenants, as well as spaces or camp sites for recreational vehicles, within a planned residential community, park, or campground. A manufactured home park is different from a residential subdivision in that the individual spaces for manufactured homes, campsites, or recreational vehicles are leased rather than platted and sold. By requiring less land per home or vehicle space, manufactured home parks are built at densities greater than those for other detached dwellings. Service facilities such as laundry and leasing office are often planned and provided as a part of the park development.

§6-9-2 DEFINITIONS

Accessory building: A building subordinate to the main building on a lot or space and used for purposes customarily incidental to those of the main building or use.

Active recreational facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer, or all-purpose fields; community picnic pavilion (including covered facilities with grills and/or fire pits); and community buildings for recreational events. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Manufactured home: A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufactured home park: A parcel of land or any portion thereof under which has been designed, planned, or improved for the placement of two or more manufactured homes for residential use, including land, buildings, and facilities used by the occupants of manufactured homes on such property. Also referred to as "land lease communities."

Manufactured home space: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home and accessory structures for the exclusive use of its occupants.

Mobile home: A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Recreational vehicle: A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use which includes, but is not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes.

§6-9-3 SITE PLAN REVIEW AND LAND USE PERMIT REQUIRED

No manufactured home park or other use subject to the requirements of this Code Section shall be developed until and unless a site plan shall have been approved by the Land Use Officer and County [City] Engineer and a land use permit is issued by the Land Use Officer. The Land Use Officer shall not issue a land use permit for a manufactured home park unless it is in conformity with all the provisions of this Code Section.

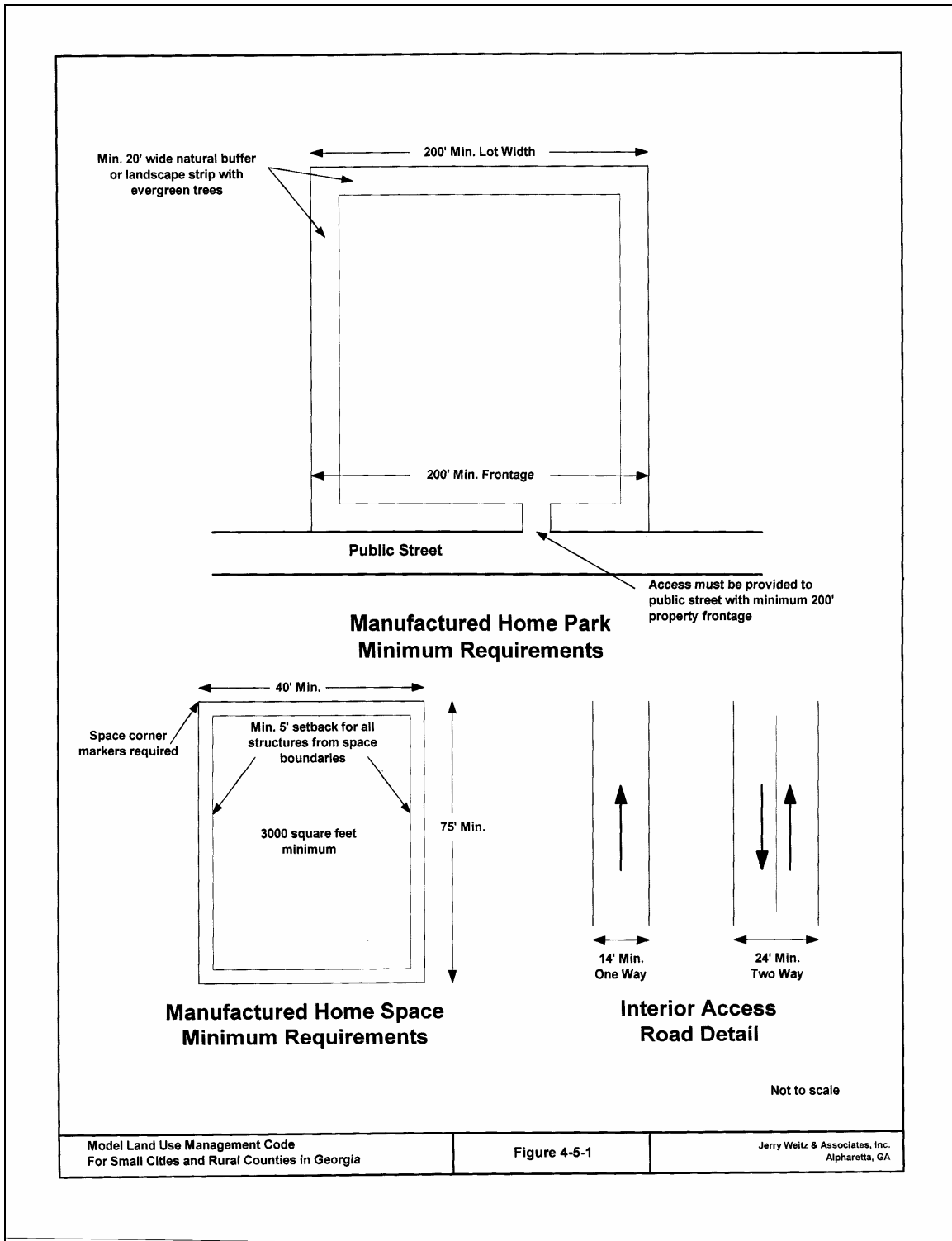
§6-9-4 SITE CONDITIONS AND SITE PLANNING

§6-9-4.1 Site Conditions. Manufactured home parks shall be sited on land that is not subject to hazards such as flooding, erosion, land subsidence, and areas with possible insect or rodent infestation. The condition of the soil, ground water level, drainage, rock formations, and topography shall be appropriate for the use to ensure that no hazards to the property or to the health and safety of the occupants occurs.

§6-9-4.2 Site Planning. Planning for the manufacturing home park should be adapted to individual site conditions and the type of use or uses served, reflect advances in site planning techniques, and be adapted to the trends in the design of the manufactured home or recreational vehicle itself. Site planning and improvements shall: provide for facilities and amenities appropriate to the needs of the occupants; safe, comfortable, and sanitary use by the occupants under all weather conditions; and practical and efficient operation and maintenance of all facilities at reasonable costs. The street and block pattern for the park shall be designed to attain proper sizes and shapes of manufactured home spaces so as to provide desirable areas and to reduce excessive length of street construction without impairing convenient circulation and access.

§6-9-5 GENERAL DEVELOPMENT REQUIREMENTS

Manufactured home parks or other use subject to the requirements of this Code Section shall meet the following requirements:



§6-9-5.1 Site Frontage, Access, and Minimum Width. Properties containing manufactured home parks shall have a minimum of 200 feet of property frontage on a public street, and direct vehicular access to the manufactured home park shall be provided by means of an abutting public street with at least 200 feet of property frontage. The manufactured home park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property. See Figure.

§6-9-5.2 Perimeter Buffer or Landscape Screen. A minimum 20 foot wide buffer, where natural vegetation exists and provides a more or less opaque screen; or, where no natural vegetation forming an opaque screen exists, a minimum 20 foot wide landscape strip with evergreen trees that will grow to a height of at least six feet within three years shall be installed and maintained around the entire perimeter of the development, except for approved access and utility crossings. See Figure.

§6-9-5.3 Open Space and Recreational Areas. A minimum of 20 percent of the site area shall be open space and recreational area, including the required perimeter buffer or landscape screen. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

§6-9-5.4 Community Services. As part of the site plan review process, the developer may propose and the County [City] may approve one or more other structures for manufactured home park occupants, such as laundries, storage, garages, and a park leasing or management office. Any structure that draws its trade from outside the park boundaries is prohibited.

§6-9-5.5 Interior Access Roads, Addresses, and Signing. The road system within the manufactured home park shall be designed to meet the requirements of the County fire marshal and the traveling public to include the following:

- (a) All interior roads shall be private but constructed to provide fire apparatus access and paved.
- (b) One-way interior roads shall be constructed with a minimum surface width of 14 feet, and shall be designated "no parking."
- (c) Two-way interior roads shall be constructed with a minimum surface width of 24 feet, and shall be designated "no parking."
- (d) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.
- (e) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed. (See Figure).

§6-9-5.6 Guest Parking. In addition to on-site parking, guest parking spaces shall be provided as part of the development, at a ratio of one parking space per each six manufactured home spaces. Guest parking spaces shall be grouped and distributed evenly throughout the manufactured home park.

§6-9-5.7 Utilities. All manufactured home parks, and each manufactured home space within the park, shall be served by approved public water and public sanitary sewer or community sewerage system, and electricity. All utilities shall be installed underground with above ground connections.

§6-9-5.8 Drainage. Drainage facilities shall be designed by an engineer and are subject to the approval of the County [City] Engineer as part of the site plan review process.

§6-9-5.9 Refuse Collection. Each manufactured home park shall provide refuse collection pads at locations convenient to each manufactured home space. §4-5-5.10

§6-9-5.10 Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

§6-9-5.11 Park Rules. The property owner or manager shall submit operating rules and regulations governing the park to the Land Use Officer prior to occupancy.

§6-9-6 REQUIREMENTS FOR MANUFACTURED HOME SPACES

§6-9-6.1 Design. Each manufactured home space shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of manufactured homes or recreational vehicles, as the case may be. Each manufactured home space shall be designed with no more than a five-percent gradient and compacted with appropriate material to support maximum anticipated loads during all seasons.

§6-9-6.2 Width, Depth, and Size of Spaces and Markings. Each manufactured home space shall be at least 40 feet wide and 75 feet in depth. The minimum area for a manufactured home space shall be 3,000 square feet. The corners of each manufactured home space shall be clearly marked on the ground by permanent flush stakes, makers, or by other similar means. See Figure.

§6-9-6.3 Stands. Each manufactured home space shall be provided with a concrete pad of sufficient size to accommodate the typical manufactured home to be located within that space, and the pad should be large enough to accommodate a patio of at least 180 square feet and also provide for the anchoring of the home to secure it against movement; provided, however, that any individual stand shall be no less than 14 feet by 60 feet and spaces intended to serve double-wide homes shall be at least 24 feet by 60 feet. (See Figure).

§6-9-6.4 Use of Spaces. No more than one manufactured home or recreational vehicle shall occupy any individual space. Use of a mobile home shall not be permitted in the manufactured home park. Accessory uses and structures on individual spaces may be permitted, subject to compliance with the development standards provided in this Code Section.

§6-9-6.5 Space Identification Numbers. Manufactured home space numbers at least four inches in height shall identify each space and shall remain readily identifiable while in use.

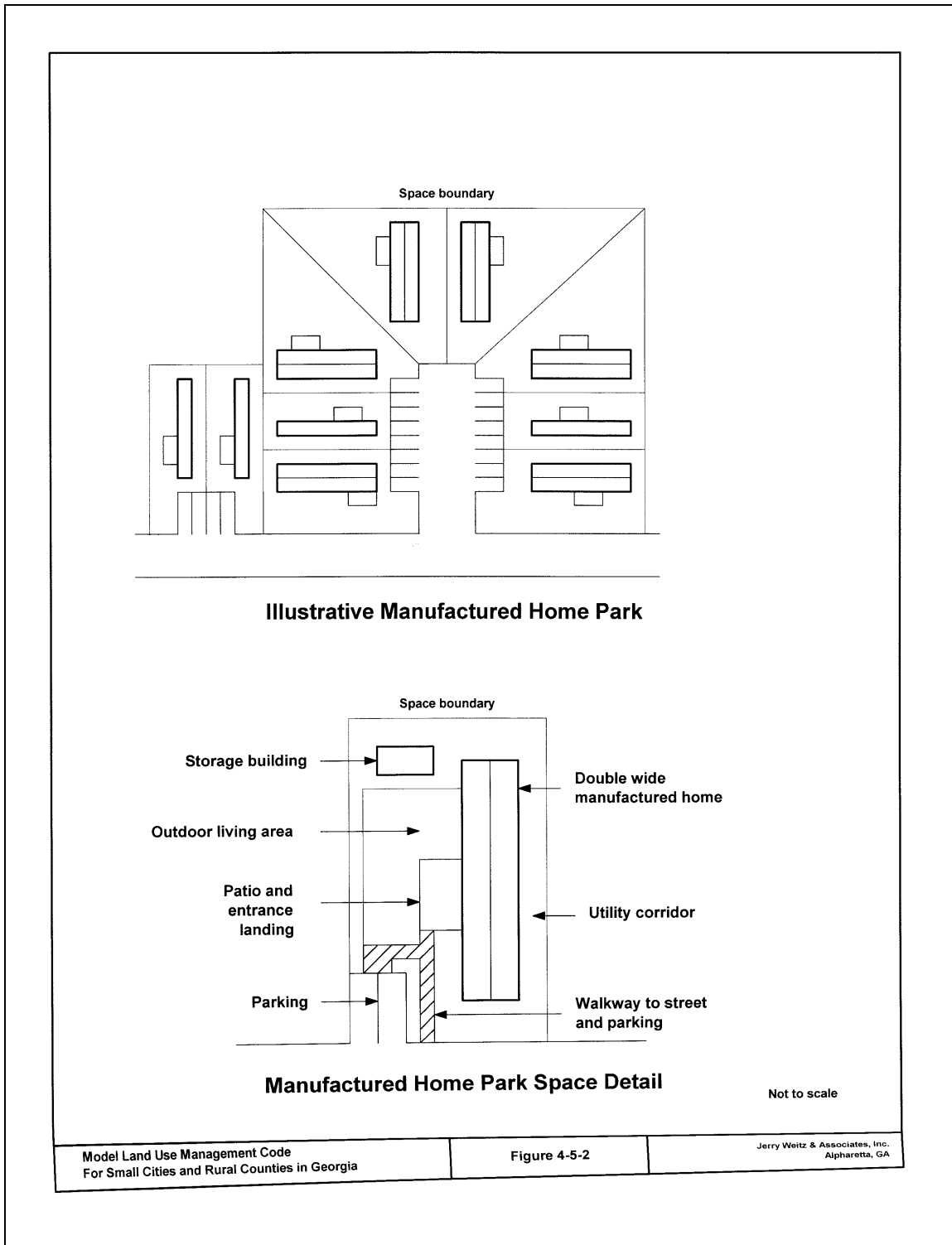
§6-9-6.6 Parking. Two on-site parking spaces shall be provided on each manufactured home space or immediately off-site. (See Figure).

§6-9-6.7 Walkways. A walkway at least two feet wide must be provided from each individual space to connect the manufactured home with the common walk or street. (See Figure).

§6-9-6.8 Setbacks. No manufactured home shall be located closer than five feet to a manufactured home space boundary, and spaces shall be designed to provide for a minimum of 15 feet of separation between manufactured homes on abutting spaces. (See Figure).

§6-9-6.9 Additions and Accessory Structures. Decks, porches, outdoor storage, or other exterior additions may be constructed or erected on a manufactured home space, subject to the approval of the manufactured home park management. No such accessory structure shall be located closer than five feet to a manufactured home space boundary. See Figure).

§6-9-6.10 Maximum Density. The total number of spaces and total number of manufactured homes or recreational vehicles within the manufactured home park shall not exceed 10 homes or vehicles or combination thereof per acre.



**ARTICLE 7
MAPPED AREAS WITH SPECIFIC REGULATIONS**

- §7-1 AGRICULTURAL LANDS
- §7-2 AGRICULTURAL USE NOTICE AND WAIVER

§7-1 AGRICULTURAL LANDS

- §7-1-1 PURPOSE AND INTENT
- §7-1-2 DEFINITIONS
- §7-1-3 OFFICIAL DESIGNATION OF AGRICULTURAL LANDS

§7-1-1 PURPOSE AND INTENT

It is found that non-agricultural uses when contiguous to farmland can affect how an agricultural use can be operated, which can lead to the conversion of agricultural land to urban, suburban, or other non-agricultural use. It is a goal of the County [City] Comprehensive Plan to preserve agricultural land in the jurisdiction that is not otherwise identified in the Comprehensive Plan as necessary for development.

It is the policy of the County [City] to preserve and encourage agricultural land use and operation within the jurisdiction, and to reduce the occurrence of conflicts between agricultural and non-agricultural land uses and to protect public health, safety, and welfare.

It is the policy of the County [City] to notify applicants for building permits for buildings or land use permits for uses on non-agricultural land abutting agricultural land or operations with notice about the County’s [City’s] support of the preservation of agricultural lands and operations. An additional purpose of the notification requirement is to promote a good neighbor policy by informing prospective builders and occupants of non-agricultural land adjacent to agricultural lands and operations of the effects associated with residing or operating activities close to agricultural land and operations. Another purpose of this Resolution [Ordinance] is to reduce the loss of agricultural resources in the jurisdiction by limiting the circumstances under which agricultural operations on agricultural lands may be deemed a nuisance.

§7-1-2 DEFINITIONS

Agricultural land: Those land areas within the County [City] that are identified as agricultural on the “Official Map of Agricultural Lands and Operations.”

Agricultural operations: Any agricultural activity, operation, or facility taking place on agricultural land shown on the “Official map of Agricultural Lands and Operations,” including, but not limited to, the cultivation and the tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any commercial agricultural commodity, including timber, viticulture, apiculture or horticulture; the raising of livestock, fur-bearing animals, fish or poultry; agricultural spoils areas; and any practices performed by a farmer or on a farm as incidental to or in conjunction with such operations, including the legal application of pesticides and fertilizers, use of farm equipment, storage or preparation for market, delivery to storage or to market, or to carriers for transportation to market.

Official map of agricultural lands: That map, attached to and made a part of this Resolution [Ordinance], which designates agricultural lands based on data for existing land use patterns, soils, property tax assessment, or other information.

§7-1-3 OFFICIAL DESIGNATION OF AGRICULTURAL LANDS

The agricultural lands to which this Resolution [Ordinance] applies are shown on a map titled “Official Map of Agricultural Lands” which is hereby attached to and made a part of this Resolution [Ordinance].

§7-2 AGRICULTURAL USE NOTICE AND WAIVER

§7-2-1 REQUIRED

§7-2-2 CONTENT

§7-2-1 REQUIRED

As a condition of and at the time any land use permit, building permit, or occupancy permit is applied for on non-agricultural land abutting or within 1,000 feet of agricultural land, permit applicants shall be provided by the Land Use Officer with an “Agricultural Use Notice and Waiver.” Prior to action on the issuance of a land use permit, building permit, or occupancy permit on property abutting or within 1,000 feet of agricultural land, the applicant for said permit shall be required to sign a waiver on a form prepared by the Land Use Officer which will indicate that the applicant understands that agricultural land exists near the subject property and an agricultural operation is ongoing adjacent to his existing or proposed use which may produce odors, noise, dust, and other effects which may not be compatible with the applicant’s development. Nevertheless, understanding the effects of adjacent agricultural operations and uses on adjacent agricultural lands, the applicant agrees by executing the form to waive any objection to those effects and understands that his or her permit is issued and processed in reliance on his or her agreement not to bring any action against adjacent landowners whose property is agricultural land or an agricultural operation, or any local government, asserting that the adjacent agricultural operations or uses of agricultural land constitutes a nuisance. Any such notice or acknowledgment provided to or executed by a landowner adjoining agricultural land or agricultural operation shall be a public record.

§7-2-2 CONTENT

The Agricultural Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

“You are hereby notified that the property you are proposing to use or build upon is located within 1,000 feet of agricultural land with one or more agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. If you live or operate a use near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural

land or in agricultural operation, or against local government, asserting that the adjacent agricultural operation or uses of agricultural lands constitutes a nuisance.

Signature of Applicant: _____”

**ARTICLE 8
[RESERVED FOR FUTURE USE]**

**ARTICLE 9
[RESERVED FOR FUTURE USE]**

**ARTICLE 10
PROCEDURES AND PLANNING COMMISSION**

- §10-1 PROCEDURES
- §10-2 PLANNING COMMISSION

§10-1 PROCEDURES

- §10-1-1 AUTHORITY TO AMEND
- §10-1-1 AUTHORITY TO AMEND

The Governing Body may from time to time amend any Resolution [Ordinance] or individual section of this code. The procedure for amendment to any Resolution [Ordinance] or section contained in this code shall be as provided by the Code of Ordinances of _____ County [the City of _____] for other ordinances.

§10-2 PLANNING COMMISSION

- §10-2-1 CREATION AND APPOINTMENT
- §10-2-2 ORGANIZATION, RULES, STAFF, AND OFFICERS
- §10-2-3 MEETINGS
- §10-2-4 RECORDS
- §10-2-5 FUNCTIONS AND DUTIES

§10-2-1 CREATION AND APPOINTMENT

There is, hereby, established a county [municipal] planning commission. The planning commission shall be composed of five members who shall be residents of the local jurisdiction and who shall be appointed by the Local Governing Body. Members of the commission shall be appointed for overlapping terms of three years and shall serve until their successors are appointed. Original appointments may be made for a lesser number of years so that the terms of said members would be staggered. The Local Governing Body shall determine the compensation of the members, if any. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. The Local Governing Body may remove any member of the planning commission for due cause after written notice and a public hearing.

§10-2-2 ORGANIZATION, RULES, STAFF, AND OFFICERS

The planning commission shall elect one of its appointed members as chairman who shall serve for one year or until he or she is reelected or his or her successor is elected. A second appointed member shall be elected as vice chairman, and he or she shall serve for one year or until he or she is reelected or his or her successor is elected. The planning commission shall appoint a secretary who may be an officer or an employee of the Local Governing Body or of the planning commission. At least three members must be present and voting to constitute a quorum.

§10-2-3 MEETINGS

The planning commission shall set a regular monthly meeting time and place and meet at such other times as the chairman or commission may determine; provided, however, that this provision shall not be construed as requiring the planning commission to meet when it has no regular business to transact.

§10-2-4 RECORDS

The planning commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, determinations, and recommendations, which shall be a public record.

§10-2-5 FUNCTIONS AND DUTIES

The planning commission is hereby vested with the following powers and duties. The mere authorization to undertake these functions shall not be considered a mandate for the planning commission to perform all of these functions, nor shall it prohibit the discretion of the Local Governing Body, by law or resolution, from assigning one or more of these functions to a staff member of the local government, or to another agency or commission. The mission of the planning commission shall be to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for the physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, and/or general welfare, including efficiency and economy in the development of its jurisdiction. In particular, the planning commission shall have the power and duty perform the following.

- (a) Serve as the Board of Appeals established in Article 1 of this Ordinance.
- (b) Cooperate with the Federal, State, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with said agencies, individuals, or corporations.
- (c) Prepare a comprehensive plan or parts thereof, or cause to be prepared such plan or parts thereof, for the development of the local jurisdiction or parts thereof, which shall be subject to the approval of the Local Governing Body in accordance with the Georgia Planning Act of 1989, as may be applicable.
- (d) Prepare and recommend for adoption by the Local Governing Body a zoning ordinance or resolution, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the jurisdiction.
- (e) Review and approve subdivision plats; provided, however, that if the planning commission is given authority to grant approval of final plats, said approval shall not constitute acceptance of public improvements which is a power reserved by the Local Governing Body.
- (f) Prepare and recommend for adoption to the Local Governing Body, a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the local jurisdiction or a specified portion thereof.
- (g) Make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the local jurisdiction to public officials and

- agencies, public utility companies, civic, educational, professional, and other organizations and citizens.
- (h) Recommend to the Local Governing Body or its executive programs for capital improvements and the financing thereof.
 - (i) Exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its local jurisdiction.