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ARTICLE I. IN GENERAL

Section 1. Definitions.

(a) *Rules of construction.* The term "must" or "shall," is mandatory in nature, indicating that an action shall be done. The term "may" or "should" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The planning director is charged with providing the definition of any word not listed and the interpretation of any word not adequately defined.

(b) The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Access means the place, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

Access easements means an area legally identified by deed and/or plat to allow for vehicular travel across one or multiple properties to grant entry to another's property. An access easement is privately maintained, and shall not be maintained by the county. Often referred to as an "easement" by general definition. See *Easement*.

Accessory structure or *accessory use* means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

Agriculture means the tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

Alley means a minor public right-of-way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alter means a change, addition, or modification in construction or occupancy of a building or structure (alteration).

Amendment means a change in the wording, content or substance of the land use resolution, or a change in any other regulation or ordinance.

Appeal means the process by which an aggrieved party may petition for review of a decision made by an official or department of county government.

Applicant means the owner of land proposed to be subdivided or a person requesting a permit for an action, and any representative who shall have express written authority to act on behalf of the owner.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, waterways, or boundary lines of local governments.

Bond means any form of a surety bond in an amount and form satisfactory to the governing body.

Buffer means a horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development.

Buffer, natural, means a natural buffer (also known as an undisturbed buffer) is a prescribed area that is left in its natural condition with all vegetation undisturbed.

Buffer, planted, means a planted buffer is a buffer within which specified plantings are used to obstruct views. A planted buffer may be used to supplement a natural buffer where vegetation is sparse.

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Buffer, supplemented, means a natural buffer that has added plantings to provide adequate screening where the natural vegetation is sparse.

Building means a structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The term "building" includes the word structure.

Building height means the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip-roof.

Building line means a line that coincides with the front side of the building or structure.

Building permit means a written permit issued by the planning department authorizing construction, renovation, or repairs to a structure.

Caliper (tree) means a measurement of the diameter of the tree trunk measured six inches above the ground for up to a four-inch caliper size, and measured 12 inches above the ground for larger sizes.

Cluster development means a subdivision, planned development, or grouping of lots or dwellings arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steep slopes remain undeveloped and the lot layout requires a reduced amount of street and utility placement.

Commercial driveway means any private entrance, exit ramp, tunnel, bridge, side road or other vehicular passageway to any property used for commercial purposes, except a farm or dwelling house not exceeding a four-family capacity and which leads to or from any public road on the county highway system.

Commissioner means the Commissioner of the county.

Common open space means publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

Construction plan means the maps or drawings and schedule accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision or on a site in accordance with the requirements of this regulation and the planning commission as a condition of the approval of the plat.

Conventional construction means a building constructed on the building site from basic materials delivered to the site and from lumber cut on the job, also called "stick built." A conventional building is subject to local codes and ordinances.

County means the County of Chattooga.

County road means a public road that is included in the official records as a county maintained road.

Court means an open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Cross drain means the pipe system designed to accommodate a drainage basin's 25-year stormwater runoff and passing under a driveway or street.

Covenants means a legal document that obligates the purchaser of a tract of land to certain requirements.

Cul-de-sac means a local street with one lone outlet, closed and terminated by a vehicular turnaround.

Density, gross, means a number indicating dwellings per acre using the total size of the parcel with no deductions.

Density, net, means a number indicating dwellings per net acre, based on the total area of the parcel and excluding separate or noncontiguous lands, designated common open space, and excluding rights-of-way or easements.

Developer includes a firm, corporation, partnership, association, institution, or person.

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Development means 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 standard means a specific requirement of this ordinance regulating land use, generally quantitative in nature.

Driveway means a paved or unpaved area used for ingress or egress of vehicles and allowing access from a street or alley to a building or other structure or facility.

Dwelling, apartment or multiple-family, means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen facilities for each family.

Dwelling, condominium, means a building containing multiple single-family dwelling units connected together with each unit having housekeeping facilities for only one family.

Dwelling, single-family, means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

Dwelling, two-family (duplex), means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling unit means one or more rooms, meeting the minimum size requirements of the building code, designed for occupancy by one family and not having more than one cooking facility.

Easement means authorization by a property owner for another to use the owner's property for a specified purpose.

Engineer means a registered, practicing engineer, licensed by the state of Georgia.

Factory-built housing. Georgia law has now changed "factory-built housing" to "industrialized building." See *Industrialized building*.

Family means one person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Fence means a barrier constructed of wood, metal, masonry or other materials commonly used for fence construction. A fence is not required to meet the setback requirements of this ordinance.

Fence, sight obscuring, means a fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure vision by at least 80 percent.

Fill means the placement earth or fill material to raise the elevation of an area of land.

Final subdivision plat means the map of a subdivision to be recorded after approval by the planning commission.

Floor area means the sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

Frontage means the portion of a lot that abuts on a street.

Goal means a general statement establishing a direction for policies, resolutions, or actions.

Governing body means the body of the local government having the power to adopt local ordinances or regulations. The sole Commissioner of Chattooga County is the governing body of the county.

Grade, ground level, means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

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Green space means a platted and/or designated area recognized by the county that is to remain in a natural and/or vegetative state. For the purposes of applying to subdivision developments, the green space may be divided into no less than a two-acre section, and each section shall be a contiguous and uninterrupted area (except for a subdivision street), be no less than 20 feet in width at any point, and have access off an internal subdivision road. Up to ten percent of the total green space area may be used for future community development of limited impact and limited impervious surfaces. Permissive uses of the green space include passive recreation (hiking trails, parks, etc.) The planning director shall make the determination of allowable uses, with any variances to go before the county planning commission. (Additional provisions for the green space area are allowed under a class V subdivision.)

Hazards means threats of life, property, or the environment such as landslides, flooding, subsidence, erosion, or fire.

Health department means the Chattooga County Health Department.

Hospitals means institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more nonrelated individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours.

Hotel (motel, motor, hotel, tourist, court) means a building or group of buildings used for transient residential purposes containing guestrooms that are designed to be used, or which are used, rented, or hired out for sleeping purposes.

Industrial park means a tract of land subdivided and developed according to a comprehensive development plan for the use of business or industry.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly in facilities for on or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the site without disassembly, damage to, or destruction thereof.

Junk or wrecking yard means any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling of auto parts, equipment parts or any scrap or waste material.

Land use means any use of the land including, but not limited to, commercial, industrial, institutional, public or government, residential, agriculture, recreation, public utilities, forest management, or natural uses.

Land use district means areas of land within the county that have different development standards and criteria. These differences are intended to promote the separation of incompatible uses to help maintain property values and retain the character of the community.

Land use plan means an element of the comprehensive plan of the county. The land use plan provides an inventory of existing land uses, a description of existing and future land uses by planning areas and a discussion of land use problems and issues.

Loading space means an off-street space or berth on the same lot, or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

Lot means a parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. The term "lot" includes the words "plot" or "parcel." Such lot shall have frontage on a county road, or on an approved private street or easement, and may consist of:

- (1) A single lot of record.
- (2) A portion of a lot of record of sufficient size to meet the minimum requirement.

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- (3) A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record combined so as to create a parcel of sufficient size to meet the minimum requirements of this ordinance.
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot area means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets or rights-of-way.

Lot coverage means the portion of a lot or parcel of land that is covered with buildings, parking, drives and maneuvering area, patios, decks, covered or paved storage area, or any other impervious surface.

Lot depth means the average distance measured from the front lot line to the rear lot line.

Lot, flag (panhandle lot), means a lot that is designed to provide access to a street, water or other feature by shaping a portion of the lot to resemble a long handle or flagpole.

Lot line, front, means for an interior lot, a line separating the lot from the street and for a corner lot, a line separating either (but not both) frontage of the lot from the street. If the structure is designed to face the corner the setback shall be measured as the front setback from both rights-of-way.

Lot line, rear, for an interior lot, means a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another, and for an irregular or triangular shaped lot, a straight line ten feet in length that is parallel to and at the maximum distance from the front lot line.

Lot line, side, for an interior lot, means a line separating one lot from the abutting lot or lots fronting on the same street, for corner lots, a line separating the lot from the abutting lot along the same frontage.

Lot width means the average distance between side lot lines.

Multifamily housing development means the planning, construction, or operation of any development consisting of one or more structures intended for use or used as a dwelling for two or more independent housekeeping units.

Multiuse development means any development that contains more than one commercial use, whether in the same building or separate buildings on the parent tract.

Nonconforming structure or use means a lawful existing structure or use, at the time this ordinance or any amendment thereto become effective, which does not conform to the requirements of this ordinance.

Nonresidential subdivision means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Open area means the area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

Owner means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land.

Parcel means a unit of land that is created by a partitioning of land.

Parent parcel means a tract of land as shown on the Chattooga County Tax Parcel Maps as of the adoption of this ordinance. If a tract is physically separated by a public road right-of-way, it may be considered as multiple parcels with respect to development at the discretion of the planning director.

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Parking area, private, means privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this ordinance and not open for use by the general public.

Parking area, public, means privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots that may be required by this ordinance for retail customers, patrons, and clients.

Parking space means an area permanently available for the parking of a full size automobile, having dimensions of not less than nine feet by 18 feet.

Pavement means that portion of a street having an all-weather, stable constructed surface and subsurface for the support and movement of vehicular traffic.

Pavement width means the shortest distance as measured from edge of pavement to edge of pavement exclusive of curb and gutter.

Person means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Planned unit development means 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.

Planning commission means the county planning commission as created in this ordinance.

Plat means a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specification, dedications, provisions, and information concerning a single lot, multiple lots or a subdivision. (See also *Preliminary plat* and *Final plat*.)

Policy means a definitive statement of requirement of the comprehensive plan or development ordinance, generally qualitative in nature.

Prefabricated building means a broad term applied to any building completed offsite or in a factory setting.

Preliminary plat means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for approval.

Private road means a privately maintained road, a road that is not maintained by the county.

Professional engineer means an engineer duly registered or otherwise authorized by the state of Georgia to practice in the field of civil engineering.

Professional surveyor means a surveyor duly registered or otherwise authorized by the state of Georgia to practice in the field of land surveying.

Protective covenants means 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.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, other improvement, or other facility for which the county may ultimately assume the responsibility for maintenance and operation thereof or which may affect an improvement for which county responsibility is established.

(1) *Public road*. Roads or streets open for use by the general public, does not include access easements.

(2) *Arterial*. Roads designed to move traffic at higher speeds over greater distances within or between communities. They are usually but not necessarily state and federal highways.

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- (3) *Collector roads.* Collector roads connect residential streets and rural roads to arterial roads.
- (4) *Local road and street.* Local roads or streets are designed to provide access to abutting property such as a local street in a municipal area. Local roads and streets are not intended for through traffic.
- (5) *Residential street.* A residential street is designed to provide access within residential communities. They are designed for low speeds and relatively low volumes of traffic.
 - a. *Street.* May be a major or minor street that connects other streets, courts, etc.
 - b. *Lane.* A residential street that serves a maximum of ten dwelling units.
 - c. *Court.* A residential street designed as a cul-de-sac.
 - d. *Circle.* A residential street designed as a loop with both ends connecting to the same street.

Public utilities means water, sanitary and storm sewer, natural gas, electrical and communications lines and facilities owned by local governments, authorities, public or private corporations.

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

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

Reservation means a method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve strip means 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.

Resubdivision means a legal subdivision which has been altered by changing of a line, bearing, or other measurement, which either reduces or enlarges the number of lots or size of lot originally created, and which is subsequently platted and recorded in a legal manner.

Right-of-way means a strip of land occupied or intended to be occupied by any or all of the following: a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage for the term "right-of-way," for land platting purposes, means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Scenic views and sites means those geographic areas containing visually significant or unique natural features.

Screen means a fence, wall, berm, hedge, tree row, or other dense structure intended to visually perform a buffering effect in a limited space.

Sensitive natural areas means any area, as identified now or hereafter by the department of natural resources, which contains one or more of the following:

- (1) Habitat, including nesting sites, occupied by rare or endangered species.
- (2) Rare or exemplary natural communities.
- (3) Significant landforms, hydroforms, or geological features.
- (4) Other areas so designated by the department of natural resources and which is sensitive or vulnerable to physical or biological alteration.

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Septic tank means 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.

Setback means the minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

Shoulder means a portion of a street or road from the outer edge of the paved surface or back of curb to the inside edge of the ditch or gutter or original ground surface.

Sidewalk means the portion of the right-of-way that is parallel to the street or road and intended for pedestrian traffic.

Sign means any device for visual communication used for the purpose of bringing the subject to the attention of the public including but not limited to an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface shall be considered to be a sign.

Site-built means constructed on site (stick-built) but includes pre-constructed wall units, etc., including packaged homes, as opposed to industrialized building.

Slope means the rate of deviation of the ground surface from the horizontal surface, expressed as a percent.

Specimen tree means any tree other than a pine with a minimum diameter of 24 inches at average breast height (approximately 48 inches).

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and 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, company or corporation, except as may be defined in O.C.G.A. § 12-7-17(7).

Storm sewer means the pipe system designed to accommodate and carry the stormwater runoff.

Street means a public thoroughfare or right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this ordinance. The term "street" includes all arterial highways, freeways, collector streets, local streets, and lanes. See *Public road, County road*.

Structure means something constructed or built or having a fixed base on, or fixed connection to, the ground or another structure. For the purpose of setbacks, the term "structure" does not include fences.

Subdivide land means to divide a parcel or tract of land.

Subdivider means any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision means all divisions of a tract or parcel of land.

Use means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Used or occupied, as applied to any land or building, include the words "intended," "arranged" or "designed to be used or occupied."

Utility means 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

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facilities, stormwater systems and drainageways or other utilities identified by the county. As appropriate to the context the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance means a grant of relief from the strict requirements of a resolution or ordinance that allows the applicant to proceed in a manner that would otherwise be prohibited by the regulations.

Vehicle means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Water-related means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

Water system, public, means an EPD approved water system operated by a county; city or state authorized authority that has met all federal, state and local requirements.

Water system, shared/community, means a water system operated by an individual, a company, a homeowners association or group of homeowners which may or may not require approval by the EPD.

Yard means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Section 2. Short title.

This document, containing certain regulations and standards having been properly adopted according to law, shall be known and may be cited as the land development regulations of the county.

Section 3. Jurisdiction.

It is the intent of these regulations to provide guidance and requirements for the development of lands within the unincorporated limits of the county, whether the developments involve the subdivision of land or the construction of buildings and/or other improvements on single or multiple parcels of land.

Section 4. Content.

These regulations, among other things, require and regulate the preparation of preliminary plans and final plans for the subdivision of land; establish minimum design and construction standards for subdivisions, streets and improvements; set forth the procedure to be followed in applying these regulations; and set forth other matters pertinent to the development of land.

Section 5. Purpose.

The various articles and sections of these regulations have been adopted by proper resolution in order:

- (1) To promote the health safety, and morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the county.

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- (2) To encourage economically sound and stable land development.
- (3) To encourage the development of economically sound and stable communities.
- (4) To ensure the provision of required streets, utilities, and other facilities and services to new land developments;
- (5) To ensure the adequate provision of safe and convenient traffic, access and circulation both vehicular and pedestrian, in new land developments.
- (6) To ensure the provision of needed natural areas, public open spaces and building sites in new developments through the dedication or reservation of land for recreational, educational and other purposes.
- (7) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the county.
- (8) To lessen congestion in the streets and roads, to secure safety from fire and other dangers, to provide adequate light and air, to promote such development of land as will tend to facilitate and conserve adequate provision for transportation, water supply, drainage, sanitation, and for other purposes.

Section 6. Scope; applicability of regulations.

- (a) No person shall divide or subdivide, or cause a subdivision to be made, by any conveyance, deed, contract, or map, of any parcel of land located within the boundaries of the county as the same may, from time to time, be established according to law, except as provided for in this resolution and in applicable federal and state laws. A list of some laws which may apply are:
 - (1) Georgia Air Quality Act of 1978.
 - (2) Georgia Ground Water Use Act of 1972.
 - (3) Georgia Water Quality Control Act.
 - (4) Endangered Wildlife Act of 1973.
 - (5) Wildflower Preservation act of 1973.
 - (6) Georgia Safe Dams Act of 1978.
 - (7) Burial Grounds and Cemeteries.
- (b) Owners and developers have the responsibility to determine and comply with any local, state or federal laws that may apply. A permit from the county does not release you from compliance with other laws. Regardless of any provision of this ordinance to the contrary, no lot shall be less than the minimum square feet required by the rules and regulations of the Chattooga County Health Department and the Georgia Department of Public Health.
- (c) Any owner or developer of any tract of land situated within the county who subdivides the same shall cause a plat of such subdivisions to be made in accordance with the requirements of this ordinance and applicable state laws and be recorded in the office of the clerk of the superior court of the county. No such plat of subdivision shall be filed or recorded unless and until it shall have been submitted to and approved by the county planning commission or its designated representative.
- (d) These regulations bear no relation to any private easement, covenant, agreement, or restriction; and the responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied herein to any

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public official. When these regulations call for more restrictive standards than those required by private contract the provisions of these regulations shall control.

- (e) If a request for a subdivision, other than a class I, is denied by the planning commission another subdivision request for the same parcel may not be submitted until six months from the date of the denial.

Section 7. Interpretation.

The provision of these regulations shall be the minimum requirements for development of subdivisions, preparation of plats, creation of roads and recording of all plans and plats. Words used in the present tense include the future tense, except where the construction of these regulations indicate otherwise; words in the singular number include the plural number, words in the plural number include the singular, "shall" is mandatory and not discretionary; "may" is permissive.

Section 8. Administration.

- (a) *Administrative body.* The county planning commission, the county planning director or any other duly authorized representative is hereby delegated the authority and power to administer these regulations.
- (b) *Authority.* The planning commission or their duly appointed representative is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary, and final plats in accordance with these regulations. The planning commission may grant variances from any of these regulations pursuant to the provisions contained in this ordinance.
- (c) *Duties.* The planning commission and the planning director shall perform all duties in respect to subdivision and re-subdivision in accordance with these regulations. It shall be the duty of the planning director to interpret and enforce these regulations. The county attorney shall advise the planning director in the event of any conflict, violation or lack of compliance herewith.
- (d) *Professional consultation and technical assistance.* In the performance of its duties the planning commission or planning director may call for opinions or decisions, either oral or written from the county attorney, the county surveyor, or other departments and agencies in considering details of any submitted plat.
- (e) *Development of regional impacts (DRIs).* Prior to any action taken by the planning commission or county commissioner, on any and all applications, the planning director, or designated representative, shall determine if the proposed subdivision qualifies as a development of regional impact (DRI). If so, then the county will request a formal review by the NW Georgia Regional Commission under the state guidelines for development of regional impact.

Sections 9-34. Reserved.

ARTICLE II. PENALTIES FOR VIOLATION

Section 35. Violations.

- (a) Any person violating any provision of this ordinance and these regulations shall be guilty of violating a duly adopted resolution of the county. Violations under this ordinance shall be tried in the Magistrate Court of Chattooga County, Georgia. Any person convicted of violating any provision of this ordinance shall be punished by fine not exceeding

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\$1,000.00 or six months' imprisonment or both, and in accordance with and as otherwise allowed pursuant to OCGA § 15-10-60.. Each day such violation continues shall constitute a separate offense.

- (b) Any subdivision or development hereafter established shall be designed, developed, and recorded in accordance with the provisions of these regulations. Failure to comply with the regulations herein shall result in the following:
- (1) The County shall not accept the subdivision, nor shall it improve, maintain, grade, pave or light any street within such subdivision unless such street shall have received the status of a public street prior to the effective date of this ordinance.
 - (2) No public agency shall authorize the extension of water service, sewer service, or other public operated services into such subdivisions.
 - (3) No permits for construction shall be issued in such subdivisions.

Sections. 36 - 58. Reserved.

ARTICLE III. SUBDIVISIONS

Section 59. Classes of subdivisions.

In order to promote the stated purpose of this ordinance and the comprehensive plan, this ordinance establishes the following classes of subdivisions:

- (1) Any other division of property that is not classified below will be considered a minor subdivide; allowing for one division of property per every two years, creating only one additional parcel/lot, and the residential lot size to be a minimum of 1.0 acre.
- (2) Any property involved in the minor subdivide cannot be further divided within the two year period.
- (3) Minor subdivide properties are the only division of property that is allowed off of an easement or private road.
- (4) Refer to the land use and land development regulations of this Code for additional restrictions on lot sizes within each character area and other requirements.

Section 60. Class I subdivision.

A class I subdivision is the division of a tract of land into no more than three parcels (including the original tract) and no new road is required. Lot size must be a minimum of one acre in size and each lot must have a minimum of 30 feet frontage on, and direct access to, a public road (county or state road). Multiple class I subdivisions may not be chained together to avoid the regulations for a class II or class I subdivision. Any property involved in a class I subdivision may not be re-divided for two years. Property may not be divided using class I subdivision regulations on state routes without providing an approved DOT driveway permit. A class I subdivision on county roads will be required to submit sight distance information with their submittal.

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Section 61. Class II subdivision.

A class II subdivision is the division of a tract of land into no more than nine parcels where no new road is required. All lots must be a minimum of one acre in size and have frontage on a county road. Multiple class II subdivisions may not be chained together or combined with Class I subdivision to avoid meeting the requirements for class II subdivision. No more than one Class II subdivision may be created from any tract of land without approval of the planning commission. Property may not be divided using class two subdivision regulations on state routes. A class II subdivision is prohibited on an easement or private road. Driveway locations and sight distance information must be shown on the plat. Combining or grouping of driveways is encouraged and may be required by the planning commission.

Section 62. Class III subdivision.

A class III subdivision is the division of a tract of land into ten parcels or more and the creation of a new road. All lots must be a minimum of one acre and have frontage on a subdivision road that has direct access to a county road or state route. Class III subdivisions may not be accessed from a private road or an easement. All roads within a Class III subdivision must meet all the requirements for a county road including, but not limited to right-of-way, pavement construction and width, required drainage and any other requirements that are currently in or that may be added to the policy for acceptance into the county road system. All lots within a class III subdivision must front on the newly created subdivision road and cannot front on or have direct access to a state route or county road.

Section 63. Class IV subdivision.

A class IV subdivision is a subdivision where the developer provides public water (or state approved water system) or a state approved sewer and treatment facility, or both to all the lots. Twenty percent of the total acreage must be preserved as greenspace. The remainder (a maximum of 80 percent of the total tract acreage) may be developed with a minimum lot size of 25,500 square feet (0.585 acre). The maximum density for Class IV subdivisions will be one unit per gross acre. All class IV subdivisions must have curb and gutter. Flag lots are not allowed. As part of the preliminary plat submittal the developer must provide a tree survey identifying all specimen trees 24 inches or larger in diameter at average breast height within 75 feet of the centerline of the proposed road and demonstrate that the plans (road design, cut and fill areas, drainage patterns) are designed to preserve the maximum number of said trees. All specimen trees greater than 54 inches in diameter must be saved. Covenants that provide for protection of the greenspace areas must be presented to the planning commission. These covenants must be referenced in the final plat and recorded with the final plat. The covenants must indicate that each lot be given an undivided interest in the greenspace common areas. A subdivision street may divide a greenspace. The minimum tract size for a class IV designation is ten acres. The following statement will be placed on the final plat:

"Each lot of this subdivision will have an undivided interest in the greenspace common area."

Section 64. Class V subdivision.

- (a) This is a greenspace subdivision where the developer is required to provide a state approved public water and state approved sewer with treatment facility to all the lots. The purpose of a greenspace subdivision is to allow development to be clustered to minimize disturbance, maximize greenspace, and preserve the natural environment. This is a density-based subdivision with the overall density being one unit per gross acre. Minimum side setbacks are ten feet and rear setbacks are 20 feet. Flag lots are not allowed. The minimum lot size is one-half acre. All class V subdivisions must have curb and gutter and must also provide sidewalks along one side of the street. A minimum of 40 percent of the total tract must be designated as greenspace and must be left as natural as possible, but the greenspace area may be used for passive recreation (hiking trails, etc.) Covenants that provide for protection of the greenspace areas must be presented to the planning commission. These covenants must be referenced in the final

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plat and recorded with the final plat. The covenants must indicate that each lot be given an undivided interest in the greenspace common areas. The following statement will be placed on the final plat:

"Each lot of this subdivision will have an undivided interest in the greenspace common area."

- (b) Where the developer desires to use recreation fields or a golf course as part of the green space calculations, the value for this area is calculated at the rate of 50 percent of the value of natural greenspace. Recreation or golf course greenspace may show ownership by a legal corporation. The minimum tract size for a class V designation is 20 acres. A class V (greenspace subdivision) must have a minimum building setback of 100 feet from the right-of-way of any existing state or county road with the first 50 feet being an undisturbed, supplemented or planted buffer. (This may be reduced by the planning commission for reason).

Section 65. Class VI subdivision.

This classification will be used for mixed use developments (commercial single-family and multifamily residential). The development must be designed for multiple uses. This classification allows the designers to propose to the planning commission a development that they believe will provide the best use of the land and will provide benefit the community as a whole. Multifamily may account for a maximum of 50 percent of the total acreage. The total number of multifamily units allowed must be based on the calculations in the multifamily regulations. The planning commission will review the first preliminary plan for the concept and make recommendations to the developer. The first preliminary must contain a boundary, conceptual site plan, topo (quad data ok) and general utility information. The second preliminary submittal must contain any recommendations from the planning commission, all of the normally required preliminary subdivision information, and a construction/completion schedule. The planning commission must review and approve the second preliminary prior to any development permits being issued. The planning commission has great leeway under the class VI designation. By approval of the preliminary and final plats they are also granting variances from any of the provisions of this regulation. This is done as part of the approval process if the planning commission has determined that the changes are necessary for a quality development and in the overall best interest of the community. The minimum size for a class VI is 20 acres. A class VI subdivision must have a mix of residential and commercial with a maximum of 50 percent of the total area devoted to multifamily and a maximum of 50 percent devoted to commercial.

Section 66. Class VII subdivision.

This classification is for estate or farm subdivisions with a minimum lot size of three acres that require the construction of new roads. Within this class subdivision a maximum of 20 percent of the lots may be flag lots with the flagpole being a minimum width of 30 feet and a maximum length of 500 feet. The setbacks within a class VII subdivision are 50 feet from all property lines.

Section 67. Class VIII subdivision.

This classification is for commercial development only. All class VIII subdivisions must have the following statement on the final plat:

"This subdivision was created for use as a commercial development. No residential use, including multifamily, will be allowed in this class VIII subdivision."

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Section 68. Exemptions.

The following land subdivisions shall be defined as subdivisions but may be exempted from the requirements of these regulations if it is determined that one of the following criteria is met:

- (1) The combination or recombination of portions of previously approved platted lots where the total number of approved lots is not increased and the resultant lots meet the standards herein.
- (2) The division of land into no more than five parcels of five acres or more, with each lot having direct access to a county road. Any further subdivision of these tracts may only be approved by the planning commission.

Section 69. General subdivision requirements.

- (a) Any subdivision proposing to use public water must present a letter from the state, the county water authority or municipal water department indicating preliminary approval along with the preliminary plat. All water and/or sewer systems must have all required state and county approvals and be fully operational prior to submittal of final plat for approval for recording.
- (b) Because of the severe topography, numerous waterways and potential for erosion, the grading of building lots and roadways at the same time (mass grading) is not permitted without special permission of the planning commission. Additionally, any slope greater (steeper) than a ratio of two units horizontal to one unit vertical (2:1) shall provide and construct a retaining feature. Any retaining feature greater than seven feet in height will require a design by a registered professional engineer.
- (c) All plats shall indicate the date of the most current FEMA's data: to include FIRM Panel numbers, zone boundary and designation, or wording to indicate that the property is not within FEMA's designated special flood hazard areas and shall delineate all stream buffers, and if applicable, all building setbacks and other required buffers.
- (d) All construction and work debris shall be removed and disposed of properly by an appropriate method. Such disposal shall be completed before any permit is closed and final approval granted. Trees and stumps from land clearing operations may be ground and used as mulch on site. In no event shall construction and work debris, nor trees and stumps be buried.
- (e) Permanent traffic control devices shall be completely installed or constructed as per section 215(c) before the roadway is open to traffic.

Section 70. Residential subdivision requirements.

- (a) Definitions. The following are definitions and requirements for splitting parcels in a platted subdivision in the county:

Average area means the average area of all the platted lots in a subdivision will be initially determined from GIS and recorded survey data as determined by the planning director. More accurate data set out in a signed and recordable plat of survey may be considered.

Platted subdivision means any subdivision that was platted and recorded by the county clerk of courts.

Subdivision lots means a parcel of land in a platted subdivision that is less than three times the average area of all lots in the subdivision.

Subdivision tract means a parcel of land in a platted subdivision that is greater than three times the average area of all the platted lots in the subdivision.

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- (b) All subdivision classes except I, III and VII require a roof pitch of no less than five vertical to 12 horizontal, with an overhang of no less than one foot exclusive of gutters.
- (c) All subdivision classes except I and VII require paved driveways from the edge of the existing paved road to the home or garage. (Classes I and VII require paving from the edge of the existing paved road to the right-of-way only.)
- (d) Subdivision classes IV, V, and VI allow on site construction only, conventional construction. No homes may be moved in.
- (e) All subdivision classes require adequate parking for a minimum of two vehicles on the lot and off of the right-of-way with, if possible, a turnaround area or other provisions to avoid backing vehicles into the street.
- (f) All subdivision classes except I and II require a landscaped entrance and all homes must front on and have their access to a subdivision street.
- (g) All subdivisions classes except I, II and V must have a minimum building setback from any existing state or county road right-of-way of 50 feet with the first 25 feet being an undisturbed, supplemented or planted buffer.
- (h) Class III, IV, V and VII subdivisions, planned developments and a minor subdivide may be designed with private roads, provided that the maintenance of these roads are covered under the covenants or deed of the property and approved by the planning commission.
- (i) Because of the severe topography, numerous waterways, and rocky soil conditions any subdivision lots of less than one acre will, prior to the issuance of a building permit, be required to provide a level three soil analysis overlaid on the lot layout with topographical information. Every lot regardless of size must have a preliminary site plan showing the proposed house location, primary and secondary drain field locations (drain fields must be shown in a suitable soil type), with location of driveways, and any other site amenities. This site plan must be submitted to the department of environmental health with the application for a septic permit. A copy must also accompany the building permit application.
- (j) All preliminary subdivision plats of more than 25 lots submitted for development on a county road which doesn't meet current county road requirements must be submitted with a registered professional engineer's traffic study. This study must show the current traffic volume, the increase in traffic volume from the development, and the traffic capacity of the road. If the proposed traffic volume exceeds the traffic capacity of the road, the developer may be required to improve the road, at the developer's expense, to ensure that the capacity of the road is not exceeded by the proposed development.

Section 71. Requirements for splitting parcels in a platted subdivision.

- (a) *Subdivision lot.* A subdivision lot within a platted subdivision may be further divided only when a request to divide has been submitted to and approved by the planning commission. The following requirements must be met before the request for division will be heard by the planning commission:
 - (1) A sign will be posted on the property by the planning department advertising the date of the meeting.
 - (2) A recorded copy of the subdivision covenants must be provided with the application, or an affidavit (under oath) stating that no covenants exist. If recorded subdivision covenants address and allow lot to be split in a subdivision, the requirements of subsections (a)(3) and (a)(4) of this section need not be met in order to be heard by the planning commission.
 - (3) The divider of these lots must send a letter, via certified mail, to the owner of all lots in the subdivision that share a property line with the subject lot. This letter will be addressed to the owner of the lot at the

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address of the previous year's tax bill and will be postmarked a minimum of two weeks prior to the planning commission hearing on the proposed lot split. The letter shall contain the following statement:

"As owner (or agent of owner) of Lot No. _____ in the _____ Subdivision, which is adjacent to your Lot, I am applying for permission from the Chattooga County planning commission to allow my Lot to be subdivided. The planning commission meeting will be held on [date]."

- (4) A copy of the letter and the receipt of mailing will be provided to the planning department at least one week prior to the scheduled hearing as proof that this notice was mailed at least two weeks prior to the county planning commission hearing of the lot split.
- (5) No lot resulting from the splitting of a platted subdivision lot may have an area less than the average acreage of all subdivision lots in the platted subdivision. The average acreage of the subdivision lots will be the average of all lots at the adoption of regulation, or as existing at the time of the application, whichever is smaller.
- (6) Each lot resulting from the split must have a minimum of 30 linear feet of frontage on a subdivision road and be accessed from that frontage.
- (7) Both lots which would result from a split must be approved by the county environmental health department.
- (8) No re-subdivide may result in a lot less than one acre.
- (9) No subdivision lot may be split more than one time after the initial adoption of this ordinance.

(b) *Subdivision tract.* A subdivision tract within a platted subdivision may be further divided only when a request to divide has been submitted to and approved by the planning commission. The following requirements must be met before the request for division will be heard by the planning commission:

- (1) A sign will be posted on the property by the planning department advertising the date of the meeting.
- (2) A recorded copy of the subdivision covenants must be provided with the application, or an affidavit (under oath) stating that no covenants exist.
- (3) The divider of the tract must send a letter, via certified mail, to the owner of all lots in the subdivision that share a property line with the subject lot. This letter will be addressed to the owner of the lot at the address of the previous year's tax bill and will be postmarked a minimum of two weeks prior to the planning commission hearing on the proposed lot split. The letter shall contain the following statement:

"As owner (or agent of owner) of Lot No. _____ in the _____ Subdivision, which is adjacent to your Lot _____, I am applying for permission from the Chattooga County Planning Commission to allow my Lot to be subdivided into _____ additional lots. The planning commission meeting will be held on [date]."
- (4) A copy of the letter and the receipt of mailing will be provided to the planning department at least one week prior to the scheduled hearing as proof that this notice was mailed at least two weeks prior to the county planning commission hearing of the lot split.
- (5) No lot resulting from the splitting of a platted subdivision lot may have an area less than the average acreage of all subdivision lots in the platted subdivision. The average acreage of the subdivision lots will be the average of all lots at the adoption of regulation, or as existing at the time of the application, whichever is smaller.
- (6) Each lot resulting from the split must have a minimum of 30 linear feet of frontage on an existing or newly created subdivision road and be accessed from that frontage.

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- (7) All lots or tracts which would result from a split must be approved by the county environmental health department.
- (8) No re-subdivide may result in a lot less than one acre.
- (9) The requirements of a class I, II, or III subdivision will have to be met as they pertain to the proposed subdivision tract split.
- (10) Any individual lot or homesite with a planned land disturbance within 200 feet of state waters must submit a detailed site plan with an erosion and sediment control plan prepared by a certified design professional along with the application for a building permit.
- (11) Subdivisions with more than seventy-five (75) lots shall provide two separate entrances (access locations), when possible.
- (12) One model home may be permitted for construction prior to the approval of the subdivision's final plat. The building permit shall not be issued until the roads are paved (base course installed) and no certificate of occupancy will be issued until final plat has been approved and recorded.

Sections 72 - 98. Reserved.

ARTICLE IV. PLATTING JURISDICTION

Section 99. Authority.

- (a) From and after the adoption and enactment of the resolution from which this ordinance is derived, the planning commission shall be the official platting authority, and no plat of a subdivision of land within the unincorporated portion of the county shall be filed or recorded in the office of the clerk of the superior court of the county unless and until it shall have been submitted to and approved by the planning commission and/or the planning director and such approval entered in writing on the plat by the planning director and/or the appropriately designated person of the planning commission.
- (b) The clerk of the superior court shall not file or record a plat of a subdivision that does not have proper approval as required by these regulations.

Section 100. Penalties for transferring lots in unapproved subdivisions.

The owner or agent of the owner of any land to be subdivided within the unincorporated county or any real estate agent or broker who sells or agrees to sell or negotiates to sell such land, whether by conveyance, deed, contract, or otherwise, by reference to or exhibition of or by other use of a plat of subdivision of such land before it has been submitted to and approved by the planning commission and/or the planning director and such approval entered in writing on the plat by the planning director and/or the appropriately designated person of the planning commission and recorded in the office of the clerk of the superior court of the county, shall be in violation of this ordinance and, upon conviction, punished as provided in Section 35; and the description by metes and bounds in the document of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties. The county

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through its attorney or other official designated by the governing authority of the county may enjoin such transfer or sale or agreement by appropriate action.

Section 101. Plat approval procedures.

Subdivision plats shall be delivered to the planning department to be reviewed for compliance with this ordinance. If found to be in compliance they shall then be properly stamped and returned to the owner or agent for delivery to the clerk of superior court for recording. Any plat not in accordance with this ordinance shall be returned to the person who presented it. Plats filed with the clerk of the superior court of the county will be date stamped and recorded.

Section 102. Acceptance of improvements in, and requirements as to unapproved streets.

The governing authority of the county shall not accept, layout, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the county unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the effective date of the resolution from which this ordinance is derived or unless such street is shown on a subdivision plat approved by the planning commission or on a street plat made and adopted by said planning commission.

Section 103. Public access.

Access to every subdivision lot shall be provided over a public street or a public access street. Access cannot be provided by way of private easements or private right-of-way. Lots within a subdivision shall abut a public street or a public access street (a paved street with right-of-way dedicated to a property owner's association of the subdivision involved or reserved in the name of the developer).

Sections 104 - 134. Reserved.

ARTICLE V. PRELIMINARY PLAT

Section 135. Preapplication review.

Whenever the subdivision of a tract of land within the county is proposed, the subdivider is urged to consult early and informally with the planning director. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee will be charged for the preapplication review and no formal application shall be required.

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Section 136. Application approval.

The subdivider shall submit to the planning department, according to a calendar provided by the department, for planning commission review, the following:

- (1) A completed preliminary plat application form (form provided by the planning department).
- (2) Five copies of the preliminary plat and any other documents as may be specified by the planning department (also two overall lot layouts reduced to no larger than 11 inches by 17 inches).
- (3) A preliminary plat filing fee as scheduled by the planning commission.
- (4) The preliminary review will follow the procedures established by the planning commission, including the materials to be included with the preliminary plat application, the review and approval of the planning department, and requirements to be placed on the planning commission agenda.

Section 137. Advertisement and notification.

Public notice of any application seeking approval of a preliminary plat scheduled for a hearing before the planning commission must be advertised in the legal organ of Chattooga County in a form provided by the planning department for no less than two consecutive times prior to the hearing. The first advertisement being no more than forty-five (45) days prior to the originally scheduled hearing date.

Section 138. Review.

- (a) The planning department shall check the plat for conformance with this ordinance and report their findings and recommendations to the planning commission, which shall afford a hearing on the preliminary plat. Notice of the time and place of which shall be sent by the secretary of the planning commission to the person designated in the letter requesting preliminary plat review and approval not less than five days prior to the date of the hearing. Notice may be provided by phone, fax, email or standard mail to the contact name provided in the application.
- (b) The planning commission at this meeting, shall give tentative approval, approval with revisions, postpone for more information or disapprove the preliminary plat. A notation of the action shall be made in the minutes of the planning commission including a statement of the reasons for disapproval if the preliminary plat is disapproved.
- (c) Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval (preliminary plat approval) shall expire and be null and void after a period of one year, unless an extension of time is requested in writing by the subdivider and approved by the planning commission. A maximum of two extensions of six months each may be granted. After the two extensions, prior to a continuation of work, a new preliminary plat must be submitted to and approved by the planning commission and all fees paid again.

Section 139. Specifications.

- (a) *Conformity.* The preliminary plat shall conform to the following specifications and contain the required information:
 - (1) *Scale.* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.

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- (2) If the complete plat cannot be shown on a single sheet at the required scale, it may be shown on multiple sheets with an index map at a different scale on a separate sheet of the same size. Drawings must be bound into sets. This index map shall be the first page.
- (b) *Ground elevation.* The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast (mean sea level) and geodetic survey. The data shall be in state plane coordinate system, west zone, NAD 83/94 and NAVD 88. The unit of measurement will be the US Survey Foot. All data must meet NSPS topographic standards and the national mapping standards and no downward interpolation is allowed.
- (c) *Information.* The preliminary plat shall contain the following information:
- (1) Name, address and telephone number of owner of record and of the subdivider.
 - (2) Proposed name of subdivision and class designation.
 - (3) North point, graphic scale and date of plat drawing.
 - (4) Acreage of the subdivision, land lot and district information, municipal or county lines.
 - (5) The county tax map and parcel numbers for all parcels involved.
 - (6) Exact boundary lines of the tract by bearing and distance.
 - (7) Names of owners of record of adjoining land.
 - (8) Existing streets, utilities, easements on and adjacent to the tract.
 - (9) Proposed general layout including streets and alleys, lot lines, dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than dwellings.
 - (10) Natural features including drainage channels, bodies of water, streams and other significant features.
 - (11) Name, right-of-way width and type surface of adjoining streets.
 - (12) Existing and planned contours, with contour lines drawn with a two-foot interval or better.
 - (13) Contour lines shall be based on field surveys, photogrammetric methods for aerial photographs or LIDAR. The basis and accuracy for the topographic contour shown shall be specified and no downward interpolation will be acceptable. Contour data available from the county's GIS department is acceptable and is derived from 2006 LiDAR data with a two-foot accuracy.
 - (14) Lines and descriptions showing tract boundary lines, right-of-way lines of streets, easements, water wells or well parcels and other right-of-way and property lines of all lots with accurate dimensions; bearings or deflection angles, radii areas, and central angles of all curves.
 - (15) When the tract of land to be subdivided abuts on U.S. government property, then the plat of the subdivided land shall show a tie or ties of land lot lines conforming to U.S. government take line descriptions.
 - (16) A tie to two or more benchmarks shall be shown on all preliminary plats.
 - (17) Preliminary plan of any existing and proposed water line, sanitary and storm sewers.
 - (18) The location and specification of proposed streets, including right-of-way lines, proposed roadbed type, width of paving, horizontal and vertical geometry and proposed grades. This information must be on a standard plan and profile sheet drawn at a scale of no less than one inch to 100-foot horizontal and one inch to ten-foot vertical with road stationing. Show stopping sight distances and design speed.
 - (19) Location or statement of flood hazard areas, plans must clearly show the elevation and contour of the 100-year flood plane on the site.

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- (20) An erosion and sedimentation control plan.
- (21) Source of water and type of sewage disposal.
- (22) Location and size of all drainage structures, drainage areas, and location of flood prone areas. Profiles at all drainage structures showing the drainage area, 25-year flow, 25-year velocity, type of materials, slope, length and width of apron, and size of stone. The profile shall extend a minimum of 25 feet beyond ends of the pipe.
- (23) Lot lines must be described by bearing and distance, show lot area, be numbered consecutively, and indicate minimum setbacks per resolution.
- (24) Certification by the surveyor as to the accuracy of the survey and type of equipment used.
- (25) Show typical roadway, decel lane, and utility section.
- (26) Level I soil analysis.
- (27) Intersection plan for all road intersections showing angle of intersection and intersection sight distance.
- (28) Acreage of any area to be dedicated to the county.
- (29) Landscaping plan as required in the landscape section (section 332) of this document.

(d) *Certification of tentative approval.*

- (1) A certificate of tentative approval of the preliminary plat in the exact language set forth below shall be inscribed on the plat.

Pursuant to the subdivision regulations of Chattooga County, Georgia, all the requirements of Tentative Approval having been fulfilled, this Preliminary Plat was given Tentative Approval by the county planning commission on _____, 20____. This Tentative Approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval will expire and be null and void on _____, 20____.

Date _____.

Signature of planning director _____.

- (2) A certificate of tentative approval of the preliminary plat expires one year from the date of the planning commission approval.
- (3) The certificate of tentative approval of the preliminary plat may be extended, for reason, a maximum of two times for a period of six months each. The extension must be requested in writing, advertised and approved by the planning commission.
- (4) There is a nonrefundable fee in an amount as provided by the county commissioner.
- (5) If the planning commission does not find the reasons adequate to grant an extension they may require the applicant to resubmit all information and apply for a new approval.

Sections 140 - 161. Reserved.

ARTICLE VI. FINAL PLAT PROCEDURE

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Section 162. Application for approval.

All construction of roads and utilities must be completed and inspected, all disturbed areas stabilized, and all fees paid prior to application for final plat approval. Also, all required documentation of construction processes and materials must be approved by the planning department prior to application for final plat approval. Application for final plat approval shall include the following:

- (1) A letter requesting review and approval of a final plat and giving the name and address of the person to whom the notice of the hearing by the planning commission on the final plat shall be sent.
- (2) Six copies of the final plat and other documents, as may be specified.
- (3) Final plats must be submitted on sheets no larger than 17 inches in width and 22 inches in length, with a one-inch margin on each end and a one-half-inch margin on the sides. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one sheet with an index map at a different scale on a sheet of the same size.
- (4) On final plats containing five lots or more a digital copy is required: AutoCAD (DXF or DWG).
- (5) A final plat filing fee and any other required fees must be submitted with the final plat.
- (6) Any other information required by the planning department.

Section 163. Advertisement and notification.

Public notice of all applications seeking final plat approval and scheduled for a hearing before the planning commission must be advertised in the legal organ of Chattooga County in a form provided by the planning department for no less than two consecutive times prior to the hearing. The first advertisement being no more than forty-five (45) days prior to the originally scheduled hearing date.

Section 164. Review.

- (a) The planning commission or its designated representative shall check the final plat for conformance with the tentatively approved preliminary plat, and with the rules and regulations of this ordinance and report the findings and recommendations to the planning commission, which shall afford a hearing on the final plat, notice of the time and place of which shall be provided to the applicant at the time of submittal. The applicant, his engineer or agent shall be present at the hearing.
- (b) At the hearing the planning commission shall approve, approve with revisions, disapprove or postpone the decision for more information. A notation of approval if approved shall be made in the minutes of the planning commission including a statement of the reasons therefor if the final plat is disapproved.

Section 165. Recording.

Upon approval of a final plat by the planning commission, the final plat must be filed for recording in the office of the clerk of the superior court of the county within 60 days of the date of approval. Otherwise, such approval shall be void and before any permits may be issued the plat must be resubmitted for approval.

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Section 166. Inspection.

The final plat shall conform to and meet the following specifications and contain the information required by this ordinance:

- (1) *Scale.* The final plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.
- (2) *Sheet size.* Sheet size shall at a scale no larger than 17 inches by 22 inches with a one-inch margin on each side. If the plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- (3) *Information to be provided on final plat.*
 - a. Name and address of owner of record and subdivider.
 - b. North point or arrow, graphic scale.
 - c. Name of subdivision and class designation.
 - d. Total acreage of the subdivision or tract.
 - e. Vicinity map showing the location of the subdivision.
 - f. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than two) shall be accurately described on the plat.
 - g. Municipal, county and land lot lines accurately tied to the lines of the subdivision by bearing and distance when such lines are nearby.
 - h. Exact boundary lines of the tract, determined by a field survey, giving bearing and distances, balanced and closed with information on type equipment used and closure method. Certification by a surveyor as to the accuracy.
 - i. Exact location, right-of-way width, type, width of surface and name of all adjoining streets and roads.
 - j. Street centerlines with angles of deflection or intersection, radii, length of tangent, and total road lengths for each road.
 - k. Lot lines with bearing and distance.
 - l. Minimum setbacks, front, rear and side.
 - m. Lots numbered consecutively in numerical order.
 - n. Location, dimension, area, and purpose of any easements and/or any areas to be reserved or dedicated for public use.
 - o. Accurate location, material and description of monuments and markers and identified as to whether they were found or established (set).
 - p. A statement on the plat of any private covenants.
 - q. Any land which abuts U.S. Government Land must show a tie to U.S. Government Land.
 - r. A statement that none of the land is within the 100-year flood zone or if a portion of the land is within the flood zone a delineation of the 100-year flood zone.
 - s. All green space subdivisions shall have the following statement directly on the plat; "Each lot of this subdivision will have an undivided interest in the green space common area."

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- t. Drainage easements for all drainageways.
- u. Certification statement that all stormwater structures are constructed as per design and are of adequate size to meet the stormwater requirements.
- v. A minimum of two benchmarks labels with a description and horizontal and vertical location based on state regulations.
- w. The following certifications, directly on the plat, in the exact language set forth below, properly executed:

1. Surveyor/engineer's certification.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as 'Future', and their location, size, type, and material are correctly shown and that all relevant requirements of the subdivision regulations of Chattooga County, Georgia, have been fully complied with.	
By: _____	Number _____
Registered Professional Engineer	
By: _____	Number _____
Registered State Land Surveyor	

2. Owner's Certification.

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certified that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public grounds thereon shown, for the purposes therein expressed.	
Agent _____	Date _____
Owner _____	Date _____

- 3. A certificate of dedication by the owner submitted with the final plat and in such form as approved by the county attorney which sets forth the description of the areas and improvements dedicated by the owner to the public or property owners association and the extent of title which is being dedicated.
- 4. A certificate of approval by the appropriate public health agency, directly on the plat.
- 5. A certificate directly on the final plat in the exact language as set forth below, properly executed, as follows:

Pursuant to the subdivision regulations for Chattooga County, Georgia, all the requirements of approval having been fulfilled, this final plat was given final approval by the Chattooga County Planning Commission on:	
Date	Chairman, Chattooga County Planning Commission

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6. A statement concerning privately maintained roads, if any; and a statement concerning school bus service, fire, police, emergency medical service and mail and parcel delivery service if roads are privately maintained. (See sections 194 and 195.
7. If the roads are to be dedicated to the county certain information and items must be submitted for approval at the time the final plat approval is requested. These items include but are not limited to:
 - (i) A thirty-six-month bond or letter of credit in an amount equal to 20 percent of the actual cost of installing base, binder paving, top coat paving, grass, and stormwater management facilities.
 - (ii) The starting date of this surety will be the date of the planning commission meeting. The amount of bond or letter of credit shall be calculated by the public works director and will be recalculated if renewed.
 - (iii) The surety will be released upon final inspection and approval of the completed road, but no earlier than 18 months after final plat approval.
 - (iv) A standard state bar 50-year title standards certificate and a right-of-way deed for the roads to be dedicated. A letter from the county attorney stating that the items in subsection (3)w.7.(ii) of this section are proper and adequate for the county to accept the roads.

Sections 167 - 185. Reserved.

ARTICLE VII. GENERAL DESIGN AND OTHER REQUIREMENTS

Section 186. Suitability of the land.

Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential or commercial use shall not be platted for residential use nor for any other use that will continue to increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected. An engineered site plan may be required for every lot within the area in question.

Section 187. Name of subdivision.

The name of the subdivision must have approval of the planning department. The name shall not duplicate or closely approximate the name of an existing subdivision.

Section 188. Access.

Access to every subdivision shall be provided over a county road or public street, except as provided elsewhere in this ordinance. All access roads shall be paved.

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Section 189. Conformance to adopted county plans.

- (a) When features of the county comprehensive plan, if any, and other plans adopted by the planning commission or the such as schools or public building sites, parks or other land for public uses are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acceptance or acquisition within a reasonable time by the appropriate public agency.
- (b) Whenever a plat proposes the dedication of land to public use that the planning commission or the planning department finds not required or suitable for such public use, the planning commission or the planning department shall refuse to approve the plat and shall notify the governing body of the reasons for such action.

Section 190. Large scale developments and developments of regional impact.

- (a) A comprehensive group development including large scale construction of housing units together with necessary drives and ways of access may be approved by the planning commission although the design of the project does not include standard streets, lot, and subdivision arrangements, if departure from the regulations and standards can be made without destroying its intent, and if substantial evidence can be provided demonstrating the acceptable performance of the nonconformance.
- (b) Large scale developments may also meet or exceed the thresholds of the development of regional impact, as identified in the Georgia Planning Act, O.C.G.A. § 36-70-1 et seq., which will require a review by the NW Georgia Regional Planning Commission presented to the planning commission prior to any action being taken.

Section 191. Easements.

- (a) Utility easements, if required, shall be a minimum width of 12 feet and located along the side or rear lot lines. Access easements to wells and detention ponds shall be a minimum of 20 feet wide with a grade of 20 percent or less or approved by the planning director and allow access to the well/pond by county personnel/employees/agents and equipment/vehicles.
- (b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater or drainage right-of-way easement of adequate width, but not less than ten feet
- (c) Ingress/egress easements must be of a minimum width of 40 feet, and must be cleared a full 20 feet to provide easy access for emergency vehicles.
- (d) Easements may not be used to access businesses or commercial use properties, except a home business and businesses within a larger overall development, such as a shopping mall, incorporating several different business entities. These larger overall developments may be allowed to have an ingress/egress easement serving the overall development, provided there is direct access off a county road or state highway and pending approval by the planning commission.
- (e) An easement in existence prior to the adoption of the resolution from which this section is derived may remain as a nonconforming use, but may not be extended except in conformance with these regulations. However, any owner subdividing property on a nonconforming ingress/egress easement must, as a part of the property subdivision, provide a conforming easement over and through their property.

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Section 192. Reservation of public sites and open space.

- (a) Where the features of any comprehensive plan such as school sites, parks, playgrounds, and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider. Whenever land for such plan features is not required by dedication, it must be purchased, acquired, optioned, or condemned by the appropriate public agency within a two-year period from the date of recording the subdivision plat.
- (b) The planning commission or planning department shall not approve plats when such planned features, as specified by the comprehensive plan are not incorporated into the plat.

Section 193. Community assets.

In all subdivisions due regard shall be shown for all natural features such as large trees, and watercourses and for historical resources and similar community assets which, if preserved, will add attractiveness and value to the property or community. The planning commission may grant variances to specific requirements to save significant natural features.

Section 194. Responsibility for privately maintained roads.

- (a) The owner, agent, or seller of any subdivision where the roads or streets are to be private and not accepted by the county shall include the following statement on the instrument of transfer and the sales contract:

"Grantee herein recognizes that any and all means of ingress and egress which is provided by the grantor herein, or assigns, to the property hereby conveyed, are considered by the governing body of Chattooga County to be private ways not maintainable by said governing authority. Therefore, the grantee herein hereby agrees that they will be responsible for their share of the upkeep and maintenance of said private way, holding completely harmless the governing body of the county of any necessity for such upkeep or maintenance."

- (b) Maintenance for private roads or ways may be designated as a responsibility of a property owners association (POA) of the subdivision. In doing so, this designation shall also be recorded on the deed of property.
- (c) Streets and roads which are to be privately maintained, may request from the planning commission a waiver from the requirements of curb and gutter. This waiver must be requested at the preliminary plat stage. If a request for any privately maintained road to be taken on by the county is made, then the said road must be brought up to all current county specifications in effect at the time the request is made for the county to accept the road.

Section 195. School bus service, mail/parcel delivery and emergency services.

- (a) Privately maintained roads may not be acceptable or adequate for school bus service or for mail or parcel delivery service unless specifically approved by the county school superintendent, county postmaster and emergency management director respectively.
- (b) A statement to the effect that the roads are private and have not been accepted shall be placed where readily visible on the final plat or the instrument of transfer. It is the responsibility of the seller to notify all purchasers that the service is not available and that it is not the responsibility of the county to make provisions to make such service available.

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- (c) It is the responsibility of the developer, POA and/or residents of a gated subdivision to ensure that copies of the keys or access codes are provided to each respective public safety or community service agency so they may have access in the event of emergency. This information must be furnished prior to securing the gate.

Sections 196 - 213. Reserved.

ARTICLE VIII. REQUIREMENTS FOR STREETS AND RIGHTS-OF-WAY

Section 214. Continuation of existing streets.

Existing streets shall be continued at the same or greater width. However, in no case shall the extended portion of the road be less than the required width.

Section 215. Street names.

- (a) Proposed streets that are obviously in alignment with others already existing and named, shall bear the name of the existing street.
- (b) In no case shall the name for the proposed streets duplicate or closely approximate the names of existing streets, irrespective of the use of the suffix street, avenue, boulevard, drive, place, way or court. Through its index of street names on file, the planning department can assist the developer in naming streets and avoiding duplication.
- (c) Street signs.
 - (1) Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the county and must meet the requirements of the manual of uniform traffic control devices.
 - (2) If the subdivision requires street signs to be placed on exterior/boundary streets for safety reasons they shall be installed by the county with the developer paying the cost of the sign.
 - (3) Street signs for interior streets of a subdivision or development shall be installed according to county specifications at the developer's expense.
 - (4) Before approval of the final plat, the developer will be required to pay the county a sign fee based on the current rate schedule for the county.
 - (5) Subdivisions with private roads (gated subdivisions) are permitted to install their own road signs, providing the design for the sign has been approved by the planning commission and further providing that the signs are constructed of a durable material with reflective letters or backgrounds. Information on the street name signs shall be readable from both sides of the sign.

Section 216. Street jogs.

Street jogs with centerline offsets of less than 125 feet shall not be permitted unless absolutely necessary because of topography or to preserve significant natural features.

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Section 217. Cul-de-sac or dead-end streets.

- (a) Minor streets or courts designed to have one end permanently closed shall be a minimum of a 125 feet and no more than 1,000 feet long unless a longer length is necessitated by natural features or topography. Dead-end streets in excess of 200 feet in length shall be provided with a turn around as required by these regulations at the closed end. Street lengths shall be measured from the intersection of the centerlines.
- (b) Where, in the opinion of the planning commission, it is desirable to provide street access to adjoining property, the street shall be extended to the boundary of such property and provided with a temporary turnaround.

Section 218. Development along major thoroughfares, limited access highways.

When a subdivision of three or more lots occurs and the subdivision abuts or contains a major thoroughfare, limited access highway, or a major artery, the planning commission shall require a street approximately parallel to and on each side of such right-of-way either as a marginal access street or at a distance suitable for an appropriate use of the intervening land, with a nonaccess reservation suitably planted. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no direct access to a major thoroughfare, limited access highway, a major artery, or any county road having a daily traffic count of five hundred or more cars per day, but only to an access or other street.

Section 219. Alleys.

Alleys are permitted and may be required at the rear of all lots used for multifamily, commercial, or industrial developments.

Section 220. Street right-of-way widths.

- (a) The right-of-way width shall be defined as the distance across a street from property line to property line.
- (b) Minimum street right-of-way widths shall be as follows:
 - (1) Major street widths shall be considered as major thoroughfares and shall have a minimum right-of-way width of 80 feet and a minimum pavement width of 24 feet.
 - (2) Residential subdivision streets. Minimum right-of-way and pavement widths:
 - a. Residential subdivision streets that are not connectors and cannot be used as collectors may have a right-of-way width of no less than 50 feet with a pavement width of 20 feet for two-way streets. Pavement width may be reduced to 12 feet and right-of-way width to 30 feet for one-way streets, if approved by the planning commission.
 - b. Residential subdivision streets which are connectors and may be used as collectors shall have a right-of-way width of 50 feet or greater with a pavement width of 20 feet or more.
 - c. Turnarounds (including temporary) shall have a minimum right-of-way of not less than 100 feet in diameter with a minimum pavement width, excluding curb and gutter of 80 feet in diameter. (Temporary turnarounds must be 80 feet in diameter but may have a gravel surface; surface must be paved prior to acceptance into the county road system.)
 - d. Alleys must have a minimum of 16-foot right-of-way, if approved by the planning commissioner.

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- (3) Nonresidential subdivision streets. Minimum right-of-way and pavement widths:
- a. All streets must have a minimum right-of-way of no less than 60 feet with a minimum pavement width of 24 feet.
 - b. Turnarounds (including temporary) shall have a minimum right-of-way of not less than 120 feet in diameter with a minimum pavement of 100 feet in diameter.
 - c. All streets will be evaluated according to performance within the specific site requirements or limitations. Extra right-of-way shall be added where needed to accommodate ditches, pipes and cross drains. The areas of extra right-of-way must be shown on the preliminary and final plats. (This is not a requirement within private developments.)
- (4) A variance may be granted by the planning commission on street right-of-way and pavement widths. Adequate and acceptable justification must be provided along with a letter from the director of public works and/or the road superintendent agreeing with the change.
- (5) Roads to be dedicated to the county shall provide permanent drainage, construction and slope easements to the county encompassing any drains, pipes, cross drains and slopes greater than four feet in height impacting the right-of-way. These easements shall extend ten feet in all directions beyond such items.

Section 221. Additional widths on existing streets.

Subdivisions that adjoin existing county right-of-way shall dedicate adequate additional right-of-way to meet the current minimum right-of-way and street width requirements (equally measured from each side of the centerline). The entire amount of required additional right-of-way shall be provided where any part of the subdivision is on both sides of the street.

Section 222. Street grades.

Maximum and minimum street grades shall be as follows:

- (1) Major collectors and thoroughfares, not in excess of 12 percent.
- (2) Commercial or industrial subdivisions, not in excess of 16 percent.
- (3) Residential streets and dead-end streets and alleys, shall not be in excess of 16 percent, with no more than 25 percent of the length of any individual road exceeding 12 percent.
- (4) No street grade shall be less than one-half of one percent in cases where streets are curbed and guttered.
- (5) Turnarounds shall have a minimum grade of two percent and a maximum of six percent.

Section 223. Horizontal and vertical design of roadways.

Minimum clear sight distance shall be calculated for wet pavement conditions at the various design speeds and using the K factors for the various types of streets. These sight distances shall be provided on both horizontal and vertical curves. For horizontal curves, the sight distance shall be checked by direct scale from the midpoint of the curb lane. The

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minimum vertical curve length required shall be calculated by multiplying the algebraic difference in grade times the K factor. Vertical curves shall be designed into the roadway layout when meeting grades that are in excess of 1.5 percent.

(1) *Residential streets.*

- a. All residential streets within the county must be designed using accepted engineering practice and the current American Association of State Highway and Transportation Officials (AASHTO) standards.
- b. The maximum design speed for a residential subdivision street shall be 35 miles per hour.

(2) *Nonresidential streets.*

- a. All nonresidential streets within the county must be designed using accepted engineering practice and the current American Association of State Highway and Transportation Officials (AASHTO) standards.
- b. Design speeds for nonresidential streets shall be as follows:
 1. Local street: 25 miles per hour.
 2. Minor street: 30 miles per hour.
 3. Major street: 35 miles per hour.
 4. Minor collectors: 35 miles per hour. (ADTs: 1600-3200).
 5. Major collectors: 40 miles per hour. (ADTs: 3201-7000).

(3) *Additional design for collector streets.* Cul-de-sacs are not allowed for collector streets.

Section 224. Intersections.

(a) *Residential streets.*

- (1) Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 75 degrees, unless required by unusual circumstances and approved by the public works director.
- (2) Property lines at street intersections shall be rounded with curb radius of 30 feet; and where the angle of the intersection is less than 75 degrees, the planning commission may require a greater radius.
- (3) Intersection sight distances shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards.
- (4) At all intersections, the grade of the road may not exceed six percent for a minimum distance of 25 feet measured from the intersection of road centerlines.

(b) *Nonresidential streets.*

- (1) Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 85 degrees, unless required by unusual circumstances and approved by the public works director.
- (2) Property lines at street intersections shall be rounded with curb radius of 30 feet; and where the angle of the intersection is less than 85 degrees, the planning commission may require a greater radius.

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- (3) Intersection sight distances and sight triangles shall meet current American Association of State Highway and Transportation officials (AASHTO) standards.
- (4) At all intersections, the grade of the road may not exceed five percent for a minimum distance of 25 feet measured from the intersection of road centerlines.

(c) *Intersection sight distance.*

Design Speed	Distance (feet)
25	240
30	290
35	335
40	385
50	480
55	530

Section 225. Nonresidential driveway and right-of-way encroachment requirements.

- (a) *General driveway topics.* The purpose of this section shall be to provide standards and procedures for permitting the use of county right-of-way and easements and access to county roads in order to achieve the following:

- (1) For maximum protection to the public through the orderly control of traffic entering and leaving a part of the county roadway system to reduce traffic conflicts and confusion;
- (2) To make ingress and egress as safe as possible to the traveling public and to those who patronize the roadside commercial establishments;
- (3) To prevent hazardous and indiscriminate parking adjacent to the roadway surface;
- (4) To ensure uniform design and construction of driveways on the county roadway system;
- (5) To keep driveway construction from interfering with the safety of the traveling public; and
- (6) To provide for future modification and expansion.

- (b) *Applicability.* This standard is applicable to all roads under the jurisdiction of the county governing authority including frontage roads and service roads of limited access highways. However, these provisions do not apply to roads under the jurisdiction of the state department of transportation.

(c) *Prohibitions.*

- (1) Construction of masonry or other substantial structures other than those specifically allowed by this ordinance within the county right-of-way or county-owned easements shall be prohibited.
- (2) No sign shall be permitted in county owned right-of-way or easements other than those placed by the governing authority.
- (3) No vehicles, equipment, trailers, boats or other similar items shall be parked, placed, or stored on county owned right-of-way or easements except in the case of an emergency.

(d) *General conditions for driveway design.*

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- (1) Driveway widths shall be a minimum of 15 feet and a maximum of 30 feet for one-way operation and a minimum of 25 feet to a maximum of 40 feet for two-way operation. Driveway widths shall be measured parallel with the existing roadway or, if roadway is on a curve, parallel with the tangent of the curve at the point where the centerline of the driveway intersects the curb, or edge or pavement where no curb exists.
- (2) Although paved driveway widths may be less than 24 feet, the improved access point to the property shall not be less than 24-feet wide when the driveway crosses an open ditch to access the roadway.
- (3) Driveways 40-feet wide shall be approved only where long wheel base vehicles are to be a majority of the traffic to a facility.

(e) *Sight distance along roadway.*

- (1) All driveways shall be so located, designed and constructed so that vehicle operators using them will have adequate sight distance in both directions along the road.
- (2) All exit driveways or driveway lanes shall have the minimum sight distance in subsection (f) of this section measured in each direction. The planning director may require longer distances based on the site specific road conditions to ensure safety.

(f) *Driveway sight distance.*

Regulated Speed (mph)	Minimum Required Sight Distance (feet)
25	150
30	200
35	250
40	300
45	350
50	400
55	450

(g) *Number of driveways.*

- (1) Single businesses on a single interior lot: one, two-way drive.
- (2) Movements confined primarily to on-site employees totaling no more than 40: one, two-way drive.
- (3) Movements consisting primarily of in and out customer activities where no more than 50 parking spaces are on the site or sites with less than 300 feet of frontage: one, two-way drive or two one-way drives.
- (4) Fast food operations, banks with drive through service, medical offices and other facilities with more than 50 on-site parking spaces and a minimum of 300 feet of frontage: two, two-way drives.
- (5) Service stations and convenience stores which include gas and oil sales and have a minimum frontage of 150 feet: two, two-way drives.
- (6) Single business on a corner lot.
 - a. One, two-way drive on main road and one, two-way driveway on the secondary road totaling two, two-way driveways. Driveways are to be located as far as practical from the intersection.
 - b. Two, one-way driveways may be substituted for one, two-way drive.
- (7) Multiple businesses on commercial tracts.

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- a. Up to 300 linear feet of frontage: one, two-way drive or two, one-way drives.
- b. Frontages between 300 and 1,000 linear feet: two, two-way drives.
- c. Frontages between 1,000 and 2,000 linear feet: three, two-way drives.
- d. Frontages between 2,000 and 3,000 linear feet: three, two-way drives or two, one-way drives and one multilane driveway.
- e. Frontages of over 3,000 linear feet: driveways as determined by the planning director on a case-by-case basis.

(8) Joint driveways.

- a. A joint driveway may be authorized when requested by two applicants owning adjacent property or when required by the county as part of a subdivision review.
- b. Joint driveways are required when one of the following is present:
 - 1. Commercial and industrial lots with less than 300 feet of right-of-way frontage; and
 - 2. Fronts a roadway with more than 2,000 trips per day.

(h) *Driveway design.*

- (1) *General conditions.* Where turnouts and driveways access state or federal roads and permits are required by the state department of transportation, a copy of such permit shall be supplied to the county by the applicant.
- (2) *Angle.*
 - a. The angle of one-way driveways with the roadway shall be as close to 90 degrees as possible.
 - b. Driveways used for two-way operation shall intersect the roadway at an angle as near 90 degrees as possible.
 - c. If joined with another two-way driveway conditions shall be that no vehicle will have to make a deflection of greater than 90 degrees when entering or leaving the property.
- (3) *Driveway radii.* Curb cut radius shall be at least 20 feet and not greater than 35 feet for commercial developments. For industrial developments curb cut radius shall be at least 25 feet and not greater than 40 feet.
- (4) *Grade.* For nonresidential driveways, the grade of the driveway shall slope downward and away from the road surface at the rate not less than 2.0 percent or more than 6.25 percent out to the road ditch line, but in no case less than 18 feet from the edge of the pavement. Where the roadway pavement is super-elevated and the upper shoulder is graded to the slope of the pavement, the grade of the driveway shall conform to the slope of the shoulder to a point 12 feet from the edge of the pavement. However, beyond this 12-foot line the driveway and islands shall be designed to rollover grade so that water from this area will not flow onto the roadway shoulder or pavement. In some cases it may not be feasible to continue the slope of the pavement upward with the super elevation. In such cases the planning director shall make this determination during his inspection and review of the permit request and will revise the plans submitted accordingly, as well as provide adequate documentation as to why this variance was made in this particular instance. Through the remaining right-of-way width the grade of the driveways shall not be greater than 6.25 percent, positive or negative. In areas where the right-of-way exists, the elevation of the driveway at the right-of-way line shall not be more than one foot higher or lower than

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the edge of the road at the point opposite that point on the driveway unless specifically waived by the planning director and documented on the plan as to why the waiver was justified.

- (5) *Driveway widths.* Driveway width shall be at least 15 feet for one-way driveways and at least 24 feet for two-way driveways. Curb cuts shall not be greater than 40 feet.

- (6) *Acceleration/deceleration lane requirements.*

- a. The appropriate deceleration lane (commercial or industrial uses) shall be constructed. Acceleration lanes shall also be required where it is determined by the planning director that they are needed because of the nature of the business or type traffic in question. Such lanes shall be constructed at no cost to the county. The right-of-way for such lanes and for future provision of acceleration lanes shall be dedicated to the county by the applicant.
- b. The pavement section for the lanes shall match that of the main road or be a lesser design if approved by the planning director. In areas where there will remain an open road side ditch, curb and gutter will not generally be required along the longitudinal part of the deceleration/acceleration lanes, but shall be provided on the radii, medians, etc., in order to prevent pot holes in the radius of the drive.
- c. Deceleration lanes shall be required of all developments that have at least one of the following criteria present:
 1. Frontage road has more than 10,000 ADTs;
 2. Frontage road has speed limit of 45 miles per hour or greater;
 3. The total development when built out will generate more than 2,000 ADTs; and
 4. Sight distance at driveway is less than the minimums described in subsection (e) of this section.

- (l) *Island locations, dimensions, development and delineation.*

- (1) *Island location.* Any two driveway's connection with a highway shall be separated by an island area. The side of the island adjacent to the highway travel lane shall be located at the existing curb line if any. Otherwise the side of the island shall be ten or more feet from the edge of the pavement as specified by the county. If approved by the planning director the distance between the side of the island and the edge of the pavement may be less than ten feet.
- (2) *Unpaved islands.* The area or island between the uncurbed driveways serving roadside enterprises shall remain unpaved unless a sidewalk is required of sufficient width to cover the entire island.
- (3) *Open ditch islands.* Where a roadside ditch exists, providing an acceptable obstacle to prevent vehicular traffic over the island, the applicant may request to retain the condition. If approved by the county, delineation of the driveway and roadway will not be required. However, an acceptable barrier consisting of six or eight vertical concrete curb, six inches or more in height which shall circumscribe those islands installed between and on either side of the driveways.

- (j) *Encroachment upon intersection design.* No portion of a driveway other than a normal radius shall enter the right-of-way at a point at distances of less than 25 feet from the point of intersection of the right-of-way lines

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Section 226. General requirements for road construction.

- (a) Disturbed area shall be kept to a minimum during road construction; the smallest practical area shall be disturbed at any one time. Erosion control measures must be installed prior to or concurrent with the land disturbing activity. Suitable vegetative cover or mulch shall be applied immediately following construction to all disturbed areas and rights-of-way. Mass grading of subdivision roads and lots together is prohibited.
- (b) Permanent drainage structures shall be designed for anticipated runoff of a 24-hour, 25-year storm and installed in the initial phase of road construction. These structures shall be protected and kept open to control runoff. These structures must be grouted, clean, undamaged and in proper working order prior to the issuance of a final approval.
- (c) All streets shall have shoulders of no less than nine feet in width, clear of all obstruction other than breakaway posts, with a slope of no greater than 1.25 inches per foot and no less than 0.75 inch per foot.
- (d) All finished driveways entering on a county maintained paved road must be hard surfaced (asphalt or concrete) from the edge of pavement to not less than 30 feet or the edge of the ROW whichever is greater. (Some subdivision classes require paved drives) The driveway must be designed to divert water into the roadside ditches or onto areas other than the road. This item will be inspected at or before the final inspection for the house and a certificate of occupancy will not be issued if this requirement is not met.
- (e) All residential subdivision entrances serving 25 lots or more shall have a deceleration lane. The lane length shall be determined by the design engineer using accepted standards. (See section 26-544, the county standard details.) A 50-foot taper shall be provided to serve as an acceleration lane. The planning commission may accept or increase the length depending on local conditions. On state rights-of-way the need and length shall be determined by the state DOT.
- (f) The proposed county right-of-way shall be cleared the full required width of all trees, bushes, debris and other materials.
- (g) No signs, structures, wells, or other items, except mail boxes, are allowed on the county right-of-way.
- (h) Prior to preliminary review, the centerline of the proposed roads shall be staked at 50-foot intervals and restaked for inspection prior to application of base course.

Section 227. Exemption from curb and gutter requirement.

In a residential subdivision where all lot sizes are larger than one acre the use of curb and gutter to county standards shall be at the option of the developer. In class IV and class V subdivisions, a variance to the curb and gutter requirement may be applied for. An engineer's technical report demonstrating the hydrological and environmental benefits to the removal of curb and gutter in the development must be included with the application. The design and report should also incorporate the items listed in section 26-567 when possible.

Sections 228 - 247. Reserved.

ARTICLE IX. DESIGN STANDARDS FOR BLOCKS AND LOTS

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Section 248. Residential block lengths and widths.

Block lengths and widths shall be as follows:

- (1) Blocks shall not be greater than 1,800 feet nor less than 600 feet in length, except as necessitated by topographical, natural features or other unusual cases.
- (2) Blocks shall be wide enough to allow two tiers of lots, except where fronting on major thoroughfares, access highways, or prevented by topographical conditions or size of property; in which case the planning commission may approve a single tier of lots of minimum depth.

Section 249. Lot sizes and proportions (residential subdivisions).

- (a) Residential lots shall meet the lot area requirements of one-acre minimum for individual lots not within a subdivision unless provided for elsewhere in this ordinance. (See classes of subdivisions.)
- (b) Residential lots in class I, II, and III subdivisions shall have a depth of not less than 100 feet unless the planning commission determines that circumstances make these limitations impracticable.
- (c) Residential lots in class I, II, and III subdivisions shall have a width of not less than 100 feet unless the planning commission determines that circumstances make these limitations impracticable or a lesser minimum width is specified elsewhere in this ordinance.
- (d) Residential corner lots shall have adequate width to meet building setback requirements from all abutting streets.
- (e) A single residential lot or tract of land may have a maximum of one dwelling (houses).. A garage apartment in a building separate from the house with all appurtenances for living is considered a separate dwelling unit. Any variances to this rule must be approved by the planning commission.

Section 250. Adequate building sites.

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setbacks lines required by these regulations and any other state or county regulations.

Section 251. Lot line arrangements.

In so far as practical side lot lines shall be at right angle to straight street lines or radial to curved street lines. Each lot must front for at least 30 feet on or have access to a dedicated public street or road, except as provided elsewhere within this ordinance.

Section 252. Panhandle or flag lots.

Panhandle or flag lots may be allowed within certain classes of subdivisions where the terrain makes standard design or frontage impossible or impractical. (See classes of subdivisions.) Where such lots are allowed, the street frontage of each panhandle access shall not be less than 30 feet wide, and the panhandle access not be more than 250 feet long, at which point the property lines must diverge at an angle not less than 25 degrees unless specified differently elsewhere in this ordinance.

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Section 253. Building setback lines.

- (a) All building setbacks are measured from any portion of the structure to the property line and/or the nearest edge of the right-of-way. Fences and retaining walls are not required to meet setbacks.
- (b) The minimum building setbacks shall be as follows:
 - (1) Within a new or existing subdivision that received approval through the planning commission the front setback shall be 30 feet from any right-of-way and/or the front property line, all other setbacks shall be 20 feet unless different setbacks are specified elsewhere in these regulations or this ordinance.
 - (2) Any lot within a class I or class II subdivision or on an individual lot, not a part of a subdivision, the front setback shall be a minimum of 50 feet, all other setbacks shall be 20 feet.
 - (3) All lots adjacent to a state route must have a minimum of a 50-foot setback from the right-of-way.
 - (4) Corner lots and lots with road frontage on more than one street shall meet the front yard setback for that lot from the structure to every right-of-way.
 - (5) There is a minimum ten-foot setback from all recorded easements except ingress/egress easements. Ingress/egress easements shall be treated as right-of-way for the purpose of setback requirements. Setbacks from ingress/egress easements may be reduced to less than 50 feet by the planning director with just reason.
 - (6) Electric transmission lines where easements are not definitely established shall have a minimum building setback of no less than 60 feet for lines of 69 kV or less and 80 feet for lines of 70 kV or more measured from the nearest wire or pole or ten feet from the easement line where an easement is established.

Section 254. Double frontage lots.

Double frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

Sections 255 - 271. Reserved.

ARTICLE X. REQUIRED IMPROVEMENTS

Section 272. Performance and specifications.

Every subdivider or commercial developer shall be required to make the improvements outlined in this article in accordance with the specifications herein or otherwise adopted by the county. It is the responsibility of the subdivider and his engineer to design proper erosion and stormwater controls. If it is determined by the county that additional measures are needed they will be required and implemented prior to final plat approval.

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Section 273. Marking of lots.

Marking of lots and survey monuments for subdivisions is as follows:

- (1) For all subdivisions, a state registered land surveyor shall install permanent survey monuments at all property corners and land lot lines. Lot corners shall be marked with metal rods not less than five eighths inch in diameter and 24 inches in length and driven so as to be stabilized in the ground.
- (2) Permanent survey monuments shall also be installed as required by the rules of state board of registration for professional engineers and land surveyors and the Georgia Plat Act (O.C.G.A. § 15-6-67) as may be amended from time to time.
- (3) A completed monument description along with survey coordinate data will be submitted to the geographic information systems department (GIS). Station descriptions will be submitted on CD/DVD in a digital format compatible with county systems.
- (4) The two primary stations as referenced in section 180-7-.05, monuments, of the rules of state board of registration for professional engineers and land surveyors will be provided in latitude and longitude and in the state plane coordinate system, west zone, NAD 83/94 and NAVD 88 and are to include a Z-value (elevation).

Section 274. Storm drainage.

An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit a full width roadway and the required slopes. The size of pipe to be provided shall be engineering determined, but in no case shall the pipe diameter be less than 18 inches.

Section 275. Design policy.

- (a) *Minimum pipe diameter.* The minimum pipe diameter to be used for a culvert or in a drainage system is 18 inches. Driveway cross drain pipes shall be sized to accommodate the drainage area, but not less than 15 inches.
- (b) *Storm drain materials.* All storm drain materials on the right-of-way shall be approved by the county prior to being installed. All storm piping and structures shall be inspected prior to backfilling. Inspections shall be scheduled a minimum of 24 hours in advance.
- (c) *Storm drain structures.* All storm drain structures shall be grouted prior to backfilling and inspection.
- (d) *Pipes 24 inches or larger.* All pipes 24 inches or larger shall have standard state DOT approved concrete headwalls on all open ends.
- (e) *Construction of drain pipes.* Storm drain pipes shall be constructed of class I reinforced concrete (or greater), high density polyethylene corrugated-smooth lined pipe, or polymer coated corrugated steel pipe. Pipe materials, related connections and fitting shall meet the requirements below:
 - (1) *Reinforced concrete.* AASHTO M170, ASTM C-969, Minimum eight-foot joint lengths, bell and spigot with rubber O-ring gasket conforming to ASTM C-361, class of pipe and wall thickness shall be in accordance with 1030D, state DOT specification, table 1, and shall be approved on state DOT QPL No. 04. Reinforced concrete pipe shall not be placed at grades steeper than ten percent

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- (2) *High density polyethylene.* AASHTO M294 type "S," ASTM F-2306, ASTM F-477, ASTM C-969, shall be certified through the plastic pipe Institute third party certification, and approved on state DOT QPL No. 51
- (3) *Corrugated steel pipe, polymer precoated corrugated culvert.* AASHTO M245, ASTM A742, ASTM C-969, 14 gauge minimum, shall be approved on state DOT QPL No. 56, shall be used only when pipe velocities are less than 15 fps, backfill soil shall have a pH is greater than 5.0 and soil resistivity greater than 1,500 ohm/cm. Soil testing may be required to ensure compliance with backfill requirements.
- (f) *Foundation and bedding.* Unsuitable or unstable foundations shall be undercut and replaced with suitable material. A four inches to six inches bedding and haunching materials, up to the springline, shall be placed with backfill with less than 50 percent passing the No. 200 sieve, plasticity index less than ten, with maximum particle size of 1.25 inches, compacted to minimum 90 percent standard proctor density as per AASHTO T99. All backfill to be placed in 8-inch maximum lifts. Pipes shall be installed in a dry trench.
- (g) *Backfill above springline.* RCP shall be placed with backfill with less than 50 percent passing the No. 200 sieve, plasticity index less than ten, with maximum particle size of 1.25 inches, compacted to minimum 90 percent standard proctor density as per AASHTO T99. All backfill to be placed in eight inches max. lifts. All HDPE pipe used in a traffic bearing location shall be backfilled with GAB to a level of one foot above the top of the pipe.
- (h) *All pipes shall be laid in a straight line between structures.* Junction boxes shall be installed where the storm drain changes direction and where one pipe or more intersect. No pipe shall be installed at a grade greater than 20 percent.
- (i) *Pipe under travel bearing surfaces.* HDPE pipe may be installed in travel bearing applications when the ADT is less than 15,000. Reinforced concrete pipe shall be used in all other street crossings.
- (j) *Live streams.* Storm water pipes carrying live streams shall be reinforced concrete or HDPE.
- (k) *Surface depth.* All storm drainage pipes shall be at least 12 inches below the surface and shall have a slope of at least 0.5 percent.
- (l) *Drainage systems shall be designed for a 25-year storm event.* All live stream crossings shall be designed for the 100-year storm event.
- (m) *Detention facilities.* Detention facilities are required for all projects where the stormwater runoff is increased by more than 1.0 cfs for a 25-year storm event.
 - (1) Detention facilities must provide a minimum of one-foot freeboard over the design depth.
 - (2) Detention facilities must have a side slope of no greater than three vertical to one horizontal.
 - (3) Detention facilities over four feet in depth must be protected by a permanent fence or barrier of no less than six feet in height with a locked gate. The gate must be large enough to allow entry for maintenance.
 - (4) Detention facilities must be located within an easement at least ten feet larger than the facility and completely enclosing the facility. If fencing is required the fence must be located on the easement line. The easement must be shown on the preliminary and final plans.
 - (5) Detention facilities and their maintenance are the responsibility of the developer, owner, or property owners association (POA) if located on a common area. The responsibility shall be clearly delineated on the property deed or covenants.
- (n) *Release rate.* The release rate of stormwater leaving a project shall not be increased from the predevelopment rate for the five, ten, and 25-year storm events. The detention structure shall be designed to route the 100-year storm event. The design, calculation and method of how this will be accomplished must be included in the preliminary submittal as a part of the plans and may be supplemented by a written report.

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- (o) *Final plat.* For final plat approval, all detention facilities shall include an as-built drawing and calculations showing that the detention facilities meet the stormwater requirements.
- (p) *Detention ponds and sediment basins.* All detention ponds and sediment basins shall be completely installed and stabilized prior to the grading of any roads. Temporary sediment basins must be installed at all detention facilities and elsewhere as required by the design engineer to prevent sediment from leaving the project. These basins must be maintained throughout the construction phase of the project.
- (q) *Curb and gutter construction.* On roads with curb and gutter construction, all catchbasins and drop inlets shall be spaced as necessary to adequately remove the stormwater from the roadway but in no case shall the structures be separated by more than 300 feet on any sloping section of road. All stormwater runoff from the curb and gutter must be routed through a detention facility.

Section 276. Storm drainage plan.

A storm drainage plan shall be submitted at the preliminary review stage and shall contain the following information:

- (1) Location of proposed drainageways, streams, detention ponds, sediment ponds and their associated easements within the development.
- (2) Location and dimensions with top and invert elevations of proposed drainage structure including culverts, bridges, pipes, drop inlets, headwalls, diversion ditches, etc.
- (3) Area of land contributing runoff to each drainage feature.
- (4) Location of easements and rights-of-way for drainageways and maintenance accesses.
- (5) Direction of water flow throughout the subdivision and computed velocities, methods used to reduce velocities.
- (6) Detailed engineering drawings on all impoundment structures, dams, sediment ponds, etc.
- (7) A certificate in the exact language as set forth in this subsection, properly executed, shall be attached or affixed to the storm drainage plan:

Storm Drainage System Certification		
Georgia, County of Chattooga		
I _____, certify that the storm drainage system shown on this drawing is properly designed to serve the development shown, thereon, as well as being adequate both in size and design to serve the entire drainage area, above each structure or feature, whose storm drainage waters would normally be carried through this development on a 25-year, 24-hour rain event. It is further certified that the information shown hereon is true and correct and all data have been checked in the field. All drainage easements have been provided, where necessary.		
By:		
_____	_____	_____
Registered Professional Engineer	Number	Date
or		
_____	_____	_____
Registered Professional Land Surveyor	Number	Date

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Section 277. Installation of utilities.

After grading is completed and approved and before any base is applied, any and all of the underground work, water mains, gas mains, etc., and all service connections shall be installed completely under the travel lanes. All utilities shall be installed and in working order prior to final plat approval. See county standards details in section 544.

Section 278. Water supply system.

- (a) To be considered a public water system the water system must have been approved and accepted for ownership by the county water authority, the City of Summerville Water Department or another state approved county, municipal or authority owned system.
- (b) All water systems shall meet all state and local requirements. All private water systems within a subdivision must have all required State and local approvals prior to submittal for final plat approval. Any subdivision proposing to use public water must present a letter or copy of approved plans from the county water authority or municipal water department indicating preliminary design approval along with the preliminary plat submittal. A letter of completion and final acceptance along with an approved (by the water authority) as-built plan must be submitted with the final plat.
- (c) Any community water system shall be approved by the appropriate health agency, and must provide a letter of approval from the state department of human resources, public health division or the state as is applicable for the size system.

Section 279. Water distribution plan.

A distribution plan shall be provided for all developments having a water system (public or private). It shall contain at a minimum the following information:

- (1) Location and size of water distribution system including pipes, valves, fittings, hydrants, pressure pumping equipment and pressure reducing valves, etc., complete to individual lots.
- (2) Location and size of wells, storage tanks, and lift stations.
- (3) A certificate in the exact language set forth in this subsection, properly executed shall be attached or affixed to the water distribution plan:

<i>Water Supply Certification</i>	
Georgia, County of Chattooga.	
The water supply system proposed for (Name of Development or Subdivision) meets all design requirements for an acceptable water supply system based on Chattooga County Regulations and the appropriate code of the state.	
_____	_____
Engineer's Name and Signature	Date

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Section 280. Placement of fire hydrants and valves.

Fire hydrants shall be required for all classes of subdivisions except Class I and II with public water systems. Fire hydrants shall be located no more than 1,000 feet apart and at least six feet behind the curb or ditch line. Fire hydrants must also be placed at the end of each cul-de-sac. To limit future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any base course application of a street shown on the subdivision plan. All fire hydrants shall be set with outlets 18-inches above a poured concrete surface. No valves shall be located within the pavement or curb area.

Section 281. Sanitary sewerage plan.

A sanitary sewerage plan shall be provided for those developments offering such service and shall contain at a minimum the following information:

- (1) Location of all proposed and existing wastewater treatment facilities on the site and information concerning present and projected capacities.
- (2) Location and size of all existing and proposed sewer lines in the development and tie points to other systems.
- (3) Location of all sewer laterals.
- (4) Direction of flow of each sewer line and average slope as built.
- (5) Location of each manhole and other sewerage system appurtenances including lift stations, oxidation ponds and treatment plants.
- (6) Profile of sewerage system.
- (7) A certificate of the exact language as set forth below, properly executed, shall be attached to the sanitary sewerage plan.

Sanitary Sewerage System Certification:

State of Georgia, County of Chattooga.

I, _____, a Registered Engineer in the State of Georgia, certify that the Sanitary Sewerage System shown on this drawing is properly designed; meets all local and state specifications and is adequate both in size and established depth to serve the drainage area whose sewerage would normally be carried through this development or subdivision system, whether or not the total area to be served is within this subdivision. It is further certified that the information shown hereon is true and correct.

Registered Professional Engineer Number Date

I, (Appropriate Official), hereby attest to the fact that this sewerage system and/or treatment plant is satisfactory and meets all requirements of the State of Georgia.

(Signature of Appropriate Official) (Chattooga County Sanitarian) Date
(Title and Department) (Chattooga County Health Department)

Any private wastewater treatment must provide documentation that it has met all required federal, state and local requirements to both the county department of environmental health and the planning department prior to commencing operation.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 906.1, 7-16-2009)

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Section 282. Street construction.

(a) *Street pavement widths.* Street pavement widths (exclusive of curb and gutter) shall be as follows:

- (1) Rural and minor collector streets: a minimum of 20 feet.
- (2) Residential streets and dead-end streets: a minimum of 20 feet.
- (3) Cul-de-sac or turnaround: a minimum of 80 feet diameter.
- (4) Alleys: 16 feet.

(b) *Outline of minimum construction standards.* These regulations require that all streets be built to the minimum standards of material and construction described herein:

- (1) Clearing, grubbing, grading and subgrade.
- (2) Clearing and grubbing operations shall remove all trees, brush, stumps, rocks, or other debris from the street right-of-way, except in cases where trees are required to be preserved by the director in a manner acceptable to the county within the construction limits.
- (3) All cut and/or fill slopes shall have a maximum slope of two horizontal to one vertical (2:1). The slopes shall be adequately stabilized as required by the state soil erosion control standards as soon as possible and prior to advancing to the next stage of construction.
- (4) In areas of cut, all stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade elevation. When rock is encountered it shall be scarified to a depth of not less than 12 inches below the subgrade.
- (5) In areas of fill, only suitable material may be used in the construction of fill areas. The fill shall be spread in layers not to exceed twelve inches loose and properly compacted by mechanical means. Utility trenches and other areas not accessible to the roller shall be tamped. All compacted material must meet or exceed 95 percent compaction as measured by the standard proctor density test. The top 12 inches must be at 100 percent compaction.
- (6) The subgrade shall be properly shaped, rolled and uniformly compacted to conform to the vertical and horizontal design as shown on the approved drawings.
- (7) All unsuitable materials must be excavated and replaced with acceptable compacted material.
- (8) The contractor/developer must contact the county to schedule an inspection of the completed subgrade prior to proceeding with base installation.
- (9) The finished subgrade must pass a proof roll with a fully loaded tandem dump.
- (10) During the proof roll, areas that fail the test must have the unsuitable materials removed and replaced with properly compacted materials. In lieu of the proof roll test the contractor/developer may submit tests from an acceptable engineering or materials testing firm that shows the fill and subgrade meet a minimum of 95 percent compaction with a minimum of one test per 4,000 square yards per layer of fill.
- (11) The top 12 inches must be at 100 percent compaction and must have at least one test for every 1,000 square yards of roadway.
- (12) The firm to be used must be approved in advance of testing by the planning department.

(c) *Base course.*

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- (1) The base course shall consist of a graded aggregate of a minimum compacted thickness of six inches for residential streets and eight inches for all other streets.
- (2) The base course shall be placed on a stabilized subgrade in accordance with these standards and accepted construction practice.
- (3) The base course shall extend a minimum of one foot beyond the edge of asphalt on each side of the road.
- (4) No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.
- (5) All materials for the base course shall be secured from state DOT approved sources.
- (6) The graded aggregate base material shall consist of hard, durable particles of fragments of stone and stone mortar and graded according to the state DOT requirements for graded aggregate base for road construction.
- (7) Along curbs or walls or any other places not accessible to the roller the base course shall be tamped thoroughly with mechanical tampers.

(d) *Paving (wear surface).*

- (1) Material, equipment used, weather limitations and preparation of surface, application and construction methods shall be as set out in Standard Specifications For Roads And Bridges, state DOT.
- (2) The wearing surface shall consist of a state DOT approved plant mix having an in place minimum compacted thickness of two inches of type B with a top coat of a minimum compacted thickness of 1.5 inches of type E. Care and precaution shall be taken that all joints between the asphalt layers and other structures such as manholes and curbs are well sealed by means of a tack coat.
- (3) All intersections shall have a paved surface with radius of no less than 30 feet.
- (4) The county, at its discretion, may require testing of in-place materials at the developer's expense prior to approving any road into the county maintenance system.
- (5) Where curbing is required construction shall be according to state DOT specifications with the exception that curb shall be no less than 24-inches wide and present a smooth even line both vertically and horizontally.

Section 283. Street improvements.

Curb and gutter is required within all developments with a lot size one acre or less unless exempted from the requirements in other sections of this ordinance. Curb and gutter construction must use either precast concrete curb, or integral concrete curb and gutter conforming to the requirements of this ordinance or the county road standards.

- (1) Exception to curb and gutter requirement. An exception may be made to the curb and gutter requirement provided all lots within the subdivision are greater than one acre in size. An exception to curb and gutter requirements is also granted to gated (private) subdivisions.
- (2) Exception is also granted to planned residential (greenspace) subdivisions if evidence is presented to the planning commission indicating there is no benefit from curb and gutter within the subdivision.
- (3) Paving required. All streets must be prepared according to the methods set down in this ordinance or the county road standards. No asphalt will be placed on wet or frozen base. No asphalt will be placed if the ambient temperature is below 45 degrees Fahrenheit. The planning department must be contacted 24 hours prior to the placement of asphalt on any road. If not notified prior to asphalt placement the

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county may require the road to be core tested at the developers expense. No asphalt will be placed that is not in the temperature range of 350 to 400 degrees Fahrenheit.

- (4) Depending on site conditions, workload or other reasons the county may require testing, at the developers/contractors expense by an independent testing agency approved by the county on any or all phases of a road construction project. All results must be provided directly from the testing firm to the county. Based on the test results the county may accept the work done or reject any or all of the work and require it to be reaccomplished.

Section 284. Newly constructed road acceptance procedure.

Final approval of street improvements shall be granted and streets accepted for maintenance by the county only in accordance with the following provisions:

- (1) A final inspection by the planning commission will be made at the time of final plat submittal. All items on the right-of-way including utility construction, shoulder grading, and final vegetation shall be complete and inspected prior to going before the planning commission for final plat approval.
- (2) After the final plat has been approved by the planning commission, a resolution to accept the roads into the county road system will be prepared by the county attorney and placed on the agenda for the next Commissioner's meeting for road acceptance.
- (3) Periodically the road, ditches, shoulders, and slopes will be inspected by public works department and/or the planning department and the developer will be informed of any repairs that are required to be made.
- (4) The developer will be responsible for all erosion control measures required under the NPDES permit and the county will not act as a secondary permittee.
- (5) Prior to the expiration of the bond/letter of credit, the public works department will perform a final inspection and if the road passes the financial surety will be released.
- (6) If the road does not pass the county may activate the surety to pay for repairs.

Sections. 285 - 303. Reserved.

ARTICLE XI. COMMERCIAL DEVELOPMENT REQUIREMENTS

Section 304. Area of applicability.

- (a) Sections 305 through section 309 apply to any commercial developments within the unincorporated areas of the county.
- (b) Sections 310 through 314 apply only to commercial developments along state routes.

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Section 305. Prohibited encroachments on county right-of-way or easements.

- (a) County rights-of-way or easements shall not be used for the parking, placement or storage of any vehicle, heavy machinery, trailers or other similar equipment.
- (b) Nothing in this section shall prohibit emergency parking or stopping as long as reasonably necessary provided that the provision of O.C.G.A. § 32-6-240 is complied with.
- (c) No materials shall be stored or placed upon the right-of-way or easements.
- (d) No stormwater from property off the right-of-way or easements shall be diverted into the county right-of-way or easements except as allowed in section 26-274.

Section 306. Parking lot lighting.

All businesses that have after dark business hours shall have lighted parking areas as appropriate.

- (1) Lights shall be directed downward to prevent light from spreading onto neighboring properties or the public right-of-way.
- (2) Fixtures shall be shoe box type or equivalent to minimize lighting beyond the property line.
- (3) Light poles shall have a maximum height of 30 feet.
- (4) Fixtures shall be night sky protected so as to avoid light pollution.

Section 307. Handicap requirements generally.

- (a) Handicap parking spaces shall be placed at each off-street parking lot as determined by the planning director.
- (b) Any business shall install the appropriate signs and painted spaces.
- (c) Each parking space reserved for the handicapped shall be painted and sign marking.
- (d) For all buildings open to the general public, at least one accessible walk having no steps or abrupt changes in level and complying with all criteria specified within this ordinance, shall be provided from the parking spaces for disabled people into each accessible primary building entrance.
- (e) Accessible walks shall also be provided between buildings on a common site. Doors swinging onto or away from walks shall have level areas.
- (f) Walk surfaces shall be stable, firm and of sufficient texture to resist slippage.

Section 308. Handicap parking spaces.

- (a) A parking lot servicing each entrance provided for the physically handicapped shall have a number of handicap parking spaces as set forth in the following table:

Total Parking Spaces in Lot	Required Handicap Spaces
Up to 25	1
26 to 50	2
51 to 75	3

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76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus one for each 100 over 1,000

- (b) Spaces shall be as near as possible to the building entrance provided for the handicapped, with a maximum travel distance of 200 feet.
- (c) Identified (wheelchair symbol) and controlled for use by individuals with physical disabilities.
- (d) A minimum of nine feet in width, with a four-foot-wide pedestrian access aisle on one side of the space.
- (e) Spaces parallel to a curb (four inches high maximum) on the building side of the parking area are desirable. If perpendicular parking is necessary, four-foot-wide access aisles between every other bay shall be required.
- (f) Spaces shall be substantially level (one-eighth-inch per foot slope for drainage), suitable for wheeling and walking, and accessible to the building by a clear, level or ramped path of travel.

Section 309. Dumpster pads and access drives.

All commercial, industrial, and institutional sites shall have a dumpster pad and paved access provided for the removal of refuse from the property. The size requirements for the receptacle shall be determined based upon the proposed business and the intended use. The refuse receptacle requirements shall be incorporated in the site plan submitted to the county planning director for review. The following applies to all types of businesses:

- (1) The dumpster pad and approach shall be made of concrete (minimum 20-feet six-inches long by 12-feet six-inches wide) with three opaque walls and an opaque front gate. The minimum measurements for the interior of the walled enclosure shall be ten feet deep and 11-feet wide. The walls and gate shall be eight feet high and at least 24 inches above the top of the dumpster receptacles. An optional three-foot-wide access gate in the side wall of the enclosure may be provided for employees to gain access to the enclosure to facilitate the emptying of trash receptacles. All businesses are required to maintain the dumpster enclosure in a continuous state of repair.
- (2) For food establishments, the pad shall have a sump with a grate inlet within the confines of the walled dumpster enclosure directly connected to the sanitary sewer line leading either to an approved septic drain field or an approved public sanitary sewer system. The pad shall be designed so that the rain water from the surrounding parking lot does not enter the enclosure.

Section 310. Exterior finish.

No building shall have an exterior finish of concrete block, metal siding or plain concrete. Building colors and materials shall be harmonious and compatible with colors of other buildings within the area.

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Section 311. Outdoor storage.

Storage in industrial developments shall be behind a minimum 70 percent opaque fence that is at least six feet in height. In commercial developments, storage shall be located at the rear of the building behind a minimum six feet in height opaque buffer.

Section 312. Architecture of principal buildings.

(a) Style.

- (1) New structures shall blend with the existing character of the area and neighboring properties. However, utilizing complementary architecture does not mean that the architecture of new structures should mimic existing structures.
- (2) All one-story buildings less than 10,000 square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required with a minimum of 50 percent of the overall roof area being pitched.
- (3) Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
- (4) All principal buildings must present a front facade and building entrance to the public right-of-way.

(b) Exterior materials.

- (1) Front facades shall be at least 80 percent brick and stone, excluding window and door areas.
- (2) Side facades shall be at least 50 percent brick and stone, excluding window and door areas.
- (3) The rear facade may be constructed entirely of stucco.
- (4) All of a building that is visible from a road shall be finished with a primary building material. Metal siding is prohibited.
- (5) Wood, Hardiplank and metal shall be used for decorative elements and trim only.
- (6) Plain concrete block, plain concrete, highly reflective, shiny or mirror-like materials, mill finish (noncolored) aluminum metal windows or door frames, exposed, unfinished foundations walls, exposed plywood or particle board, masonry blocks and metal siding shall not be used on the exterior of a building.
- (7) All vents, gutters, downspouts, flashing, electrical conduits, etc., should be painted to match the color of the adjacent surface, unless being used expressly as a trim or accent element.
- (8) Soffits and other architectural elements visible to the public but not detailed on the plans shall be finished in a material compatible with other exterior materials.
- (9) Approved address numbers shall be legible to the public from the street fronting the property.

(c) Awnings.

- (1) The use of awnings on buildings is recommended so as to provide much needed protection from the weather and to improve the aesthetics of the building's exterior.
- (2) Awnings shall be constructed either of a durable frame covered by canvas material or of aluminum and other metal.

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(d) *Fences and walls.*

- (1) All walls or fences 50 feet in length or longer and four feet in height or taller, shall be designed to minimize visual monotony through changes in plane, height, material, material texture or significant landscape massing.
- (2) Chainlink fencing is generally prohibited. Use of chainlink fencing may be approved by the planning director where site security is paramount. If used, chain link fencing shall be vinyl coated (black or green colored vinyl shall be used).
- (3) Wooden fences shall be painted or stained and shall not exceed a height of six feet.
- (4) The design of fences and walls shall be compatible with the architecture of the main building and shall use similar materials.

(e) *Parapets.* Parapets shall be designed with changes in relief or elevation at least every 100 feet. Parapets longer than 100 feet shall be articulated through the use of indentions and modulations.

Section 313. Accessory structures, utilities and mechanical equipment.

- (a) Project elements such as storage areas, transformers, generators, loading docks and similar features shall be located in areas that are not visible from the street. These elements shall be screened from view.
- (b) Electrical transformers that are installed as part of a new project shall be located to the rear of the site or other remote area, or placed underground. Existing transformers located at the front of the site shall be screened by landscaping and/or an architectural barrier.
- (c) Utility lines shall be underground. The planning director may grant an exemption to this provision upon consultation with the utility companies serving the project.
- (d) Design of accessory structures shall be consistent with the design of the dominant structure.
- (e) Accessory structures shall be integrated into the design of the site. Utilizing consistent construction materials, design elements and architectural details between the dominant and accessory structures will create a cohesive project site.
- (f) Mechanical equipment. Rooftop mechanical and electrical equipment shall be screened from public view by building elements that are designed as an integral part of the building architecture.

Section 314. Commercial development.

- (a) *Compatible sizes.* Commercial buildings shall be compatible in scale, mass, and form to adjacent structures and the surrounding areas. All commercial developments must meet the requirements of this regulation and the land use regulation contained in this ordinance.
- (b) *Required surety.*
 - (1) A 24-month bond or letter of credit in an amount equal to 20 percent of the actual cost of installing landscaping and stormwater management facilities.
 - (2) The starting date of this surety will be the date of application for certificate of occupation.
 - (3) The surety will be released upon final inspection and approval as required in landscaping requirements of this ordinance.

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(c) *Automobile sales, parts and service establishments.*

- (1) Any service areas and/or service bays shall be screened or sited so that they are not visible from the street.
- (2) Vehicles under repair shall be kept either inside a structure or in an area that is screened from view from the street.
- (3) Service areas shall provide adequate queuing space that does not impede vehicle circulation through the site or result in vehicles stacking into the street.
- (4) Perimeter fencing. Security fencing or gateways shall be constructed of materials such as brick, stone, wood or Hardiplank that are compatible with the design and materials used throughout the site.
- (5) Razor wire or electric fencing shall not be allowed except on parts of the property that do not front on a public right-of-way and chainlink fencing is strongly discouraged and may only be used upon written approval of the planning director.

(d) *Convenience stores.*

- (1) The on-site circulation pattern shall include adequate driving space to maneuver vehicles around cars parked at the pumps, with special attention to the circulation of vehicles not involved in the purchase of fuel.
- (2) No driveways parallel to the roadway shall be constructed on the right-of-way or within the landscape strip required by this ordinance.
- (3) Pump islands or other structures requiring an outside driveway shall be located a distance away from the right-of-way line so that the outside driveway does not encroach into the required front landscape strip.
- (4) Separate structures (canopy, carwash, cashiers booth, etc.) on the site shall have consistent architectural details and design elements to create a cohesive project site. If a carwash is incorporated into the project, it shall be well integrated into the design. The carwash opening shall be sited so that it is not directly visible as the primary view from the street.

(e) *Restaurants.*

- (1) If the restaurant will occupy a pad within a shopping center, the building shall be designed to be consistent with theme or design of the center.
- (2) Where drive-through elements are appropriate, they shall be architecturally integrated into the building. Drive-through elements shall not be located on the street side of the building.
- (3) The site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern through the site. Circulation shall allow for adequate length of queuing lines for drive-through elements that do not interfere with the on-site parking for patrons entering the restaurant, nor result in traffic queuing into the street.
- (4) Freestanding restaurant buildings shall be designed and detailed consistently on all sides, including the rear and side elevations.
- (5) Outdoor seating areas, play equipment and perimeter fencing shall be of compatible and attractive design that is integrated into the architecture of the main building.

(f) *Shopping centers/multiuse developments.* All multiuse developments must be approved by the county planning commission prior to being issued a building permit for any building in the proposed development. The developer must submit to the planning department prior to the planning commission meeting a conceptual site plan, a conceptual

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landscape plan, DRI approval (if applicable) and proposed covenants. These plans must contain all property located within the proposed development, including out parcels from the parent parcel.

- (1) The conceptual site plan must contain the proposed location of buildings, parking areas, driveways, interconnectivity of traffic flow, loading areas, dumpster pads, detention facilities, and proposed water and sewer utilities.
 - (2) The conceptual landscape plan must contain the proposed areas to be landscaped and a calculation of required areas as per the landscaping requirements in article XIII.
 - (3) The DRI approval must be in the form of an approval letter from the NW Georgia Regional Planning Commission.
 - (4) The proposed covenants must include acceptable building exterior materials and colors, responsibility for maintenance of landscaping, stormwater management facilities, and responsibility for building and parking area upkeep. A unified architectural design shall be incorporated into each commercial center, including freestanding pad buildings. However, this shall not discourage variations in the facades of multitenant facilities to enhance the perception of individual places of business. Any such variations shall be achieved without creating an uncoordinated appearance or disrupting the harmony of architecture created for the entire development.
- (g) *Single use developments.* Single use developments not previously covered in this section shall meet all requirements of the land use regulations contained in this ordinance.

Section. 26-315. Parking and loading requirements.

- (a) *Purpose.* This article presents the minimum standards for vehicle parking for all land uses in the county, including design and construction standards, and for commercial vehicle loading areas.
- (b) *Off-street parking; when required.* Permanent off-street parking spaces shall be provided in accordance with the requirements of this article whenever any of the following occurs:
- (1) At the time of the establishment of any use, or erection of any building.
 - (2) At the time of occupancy of a building by a new use.
 - (3) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.
- (c) *Number of parking spaces required.*
- (1) Parking for residents, employees, customers and visitors. Space for the parking of motor vehicles must be provided on every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.
 - a. Minimum number of parking spaces required. The minimum number of off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined by the table 6.1, rounded up to the nearest whole parking space. Developments containing two or more of the uses listed on table 6.1 shall provide the number of spaces required for each use.
 - b. Maximum number of parking spaces allowed. The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 120 percent of the

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minimum number of parking spaces required, as determined for the type of land use by the following table 6.1.

- c. Reduction in minimum required spaces. The minimum number of parking spaces required under section 26-315 (1)(a) may be reduced by 20 percent for those parking spaces provided in parking lots located in a side or rear yard of a property.
- (2) Parking for company-owned vehicles not included. Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

TABLE 6.1: MINIMUM PARKING SPACES BY USE

Use			Number of Parking Spaces:	Required for Each:
a.	Residential			
	1.	Single-family residence	2	Dwelling unit
	2.	Two-family residence	2	Dwelling unit
	3.	Multifamily residence:		
		(a) Efficiency apartment	1	Dwelling unit
		(b) 1-bedroom unit or larger	2	Dwelling unit
	4.	Retirement community	1	Dwelling unit
	5.	Membership dwellings, personal care homes, nursing homes	1	2 residents or beds
	6.	Bed and breakfast, rooming house, boarding house	1	Room to be rented
	7.	Hotel or motel:		
		(a) Convention hotel, or a motel with a restaurant or lounge.	1½	Room
		(b) Nonconvention hotel or a motel with no restaurant	1	Room
b.	Commercial			
	1.	Offices: general and professional offices, insurance and real estate offices	3½	1,000 sf ¹ of GFA ²
	2.	Banks	4½	1,000 sf of GFA
	3.	Offices - medical and dental	5	1,000 sf of GFA
	4.	Funeral home	35	Viewing room
	5.	Daycare center	1	400 sf of GFA
	6.	Movie theater	1	4 seats
	7.	Service station, gas station, auto repair shop or garage	3	Service bay, plus

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				5	1,000 sf of retail space
	8.	Automobile, truck, recreation vehicle, or utility structure sales		2	1,000 sf of indoor sales area, plus
				1	2,500 sf of outdoor display, plus
				3	Service bay
	9.	Custom service restaurant: ³			
		(a)	Fine dining restaurant	16	1,00 sf of GFA
		(b)	Family restaurant	9½	1,000 sf of GFA
	10.	Fast food restaurant		14	1,000 sf of GFA
	11.	Bowling center		4	Lane
	12.	Amusement parlor, recreational attraction, roller skating or ice-skating rink		6	1,000 sf of GFA
	13.	Health club or fitness center		4½	1,000 sf of GFA
	14.	Shopping centers:			
		(a)	Less than 100,000 sf of GLA ⁴	4	1,000 sf of total GLA, plus
				3	100 movie theater seats, plus
				10	1,000 sf of food service area
		(b)	100,000—199,999 sf of GLA	4	1,000 sf of total GLA, plus
				3	100 theater seats over 450, plus
				6	1,000 sf of food service area
		(c)	200,000—399,999 sf of GLA	4	1,000 sf of total GLA, plus
				3	100 theater seats over 750
		(d)	400,000—599,000 sf of GLA	4½	1,000 sf of total GLA, plus
				3	100 theater seats over 750
		(e)	600,000 or more sf of GLA	5	1,000 sf of total GLA, plus
				3	100 theater seats over 750
	15.	Supermarket		4	1,000 sf of GFA
	16.	Furniture or carpet store		2	1,000 sf of GFA
	17.	Building supplies, brick or lumber yard		2	1,000 sf of indoor

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				sales area, plus
			1	2,500 sf of outdoor display
	18.	Retail sales or service establishments not listed above	5	1,000 sf of GFA
c.	Industrial and manufacturing			
	1.	Wholesale, office-warehouse	1	200 sf of office space, plus
			1	1,000 sf of storage area
	2.	Open storage of sand, gravel, petroleum, etc.	1	2,500 sf of outdoor sales area, if any
	3.	Warehouse, transfer and storage	1	600 sf of GFA
	4.	Warehouse including commercial sales to the public	1	200 sf of sales or office, plus
			1	1,000 sf of storage area
	5.	Manufacturing	2½	1,000 sf of GFA
d.	Institutional and other			
	1.	Hospital	1.8	Bed
	2.	Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats, or
			1	12 feet of pew, or
			1	100 sf in the largest assembly room
	3.	College (instructional space)	10	Classroom
	4.	Technical college, trade school	10	Classroom
	5.	Senior High Schools	6	Classroom
	6.	Elementary and junior high schools	2	Classroom
	7.	Library or museum	2	1,000 sf of GFA
	8.	Civic clubs, fraternal lodges, etc.	1	200 sf of GFA

¹ Square feet.

² Gross floor area—the total area of all floors, measured between the exterior walls of a building.

³ Defined as follows:

Restaurant, custom service means an establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas.

Restaurant, family means a custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, fine dining means a custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

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⁴ Gross leasable area—the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

(3) Handicap accessible parking spaces.

- a. Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this ordinance.
- b. Handicap accessible parking spaces are required to meet the standards of the Georgia Accessibility Code.
- c. Wheelchair ramps shall be provided at locations appropriate to normal travel routes from the parking lot to the principal use.

(4) Dedication to parking use.

- a. Parking spaces provided to meet the minimum requirements of this article, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.
- b. Parking spaces provided to meet the minimum requirements of this ordinance shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

(d) Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot but the required spaces assigned to each use may not be assigned to another use.

- (1) Mixed-use developments. Parking spaces may be shared by more than one use if the director of planning and development finds that the total number of spaces will be adequate at the peak hours of the uses they serve.
- (2) Availability of shared spaces. Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

(e) Proximity of off-street parking spaces to use.

Parking shall be provided on site and shall provide pedestrian linkages between the use and the parking area.

(f) Design requirements for parking lots.

The provisions of this section apply to all multifamily and nonresidential off-street parking spaces and parking areas

- (1) Orientation to street. All areas devoted to off-street parking shall be so designed and be of such size or provided with a turnaround or other provisions such that no vehicle is required to back into a public street to obtain access.
- (2) Orientation to driveway. No parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line.
- (3) Minimum parking space size. Every parking space shall provide a useable rectangular area at least nine feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area. Every parking space shall be clearly marked.
- (4) Access and circulation. Parking lots shall be arranged as shown in figure 6.2.

FIGURE 6.2: PARKING ILLUSTRATION

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ANGLE (DEGREES)	STALL WIDTH	STALL DEPTH	aisle width	OVERHANG
45	9 FT.	20.5 FT.	13 FT.	1.5 FT.
60	9 FT.	22 FT.	18 FT.	2.0 FT.
90	9 FT.	20 FT.	24 FT. (TWO WAY)	2.0 FT.

- (a) The distance from a parking area access drive to the intersection of two streets shall not be less than 100 feet measured from the intersection of centerlines.
 - (b) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
 - 1. A permit to access a state road must be obtained from the state department of transportation and submitted to the county public works director before the driveway access can be approved.
 - 2. Along state or U.S. numbered highways, and along all other major collector and arterial thoroughfares, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.
 - 3. Along all other streets or roads, no more than two points of vehicular access from a property to each abutting public road shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The county engineer shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.
 - (c) Interparcel access between parking lots is encouraged. Required parking spaces may be reduced as needed, as provided below.
 - (d) Access easement provisions. The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.
 - 1. Interparcel vehicle access shall be required between contiguous properties when the parking areas are or will be in reasonable proximity to one another.
 - 2. All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.
 - 3. The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.
 - 4. The pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.
- (5) Setback requirements.
- (a) Unenclosed off-street parking for single-family and two-family dwellings shall have no setback requirements.
 - (b) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in this ordinance.

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1. Lighting of parking areas. Any lights used to illuminate the parking area shall be arranged, to provide adequate lighting and be located or screened to direct light away from any adjoining residential use improvement of parking areas.
2. Surfacing and curbing.
 - a. All off-street parking areas for ten vehicles or more, and their associated access drives and aisles, shall be improved with a permanent load-bearing surface,
 - b. The use of porous pavement is encouraged where appropriate. The county public works director or planning director shall approve all alternative surfaces.
3. Drainage facilities. For any use that will require a parking area of ten spaces or more, or a commercial vehicle loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, stormwater drainage plans, including grading plans, shall be submitted to and approved by the county prior to the issuance of a building permit or occupational license.
4. Time limit. All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use.

(g) Landscaping.

All parking lots for ten or more cars and areas set aside for loading of trucks or vans must provide landscaping as required by this ordinance.

(h) Commercial vehicle loading.

Off-street commercial vehicle loading; where required.

- (1) Any business or industrial building, hospital, institution, or hotel shall provide adequate off-street facilities for business loading and unloading.
- (2) Signs that are required to be placed by law, such as designation of a handicapped parking space, and signs placed by a governmental entity.

(Res. No. 2008-23, §§ 601—607, 5-15-2008; Res. No. 2019-20, 3-19-2019)

Editor's note(s)—Res. No. 2019-20, adopted March 19, 2019, added the parking and loading requirements, that were removed from Ch. 27 of the Code during a recent revision, as recommended by the Planning Department, to be made a part hereof as § 26-315.

Sections 316 - 331. Reserved.

ARTICLE XII. LANDSCAPING

Section 332. Landscape requirements.

Landscaping shall be as outlined in this section for all land development activities. Landscaping shall be concentrated around the edge of the parking lot. Landscaping shall not be in the rear of the lot. Landscaping shall not be located at the rear of the building.

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(1) *Landscape maintenance.*

- a. All landscape installed in accordance with this section shall be maintained for a two-year period (hereinafter referred to as the "maintenance period" from the issuance date of the certificate of occupancy (CO).
- b. The procedures for administering the inspections for landscapes are as follows:
 1. The planning director shall make three inspections of the landscape improvements on a six-month interval basis. If any deficiencies exist, a written report outlining the deficiencies shall be prepared by the planning director and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the planning director.
 2. Forty-five days prior to the expiration date of the maintenance period, the planning director shall make inspections for final landscape approval. If any deficiencies exist, a written report outlining the deficiencies shall be made and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the planning director.
 3. Failure to maintain landscape for the required two-year maintenance period or to make repairs reported by the planning director shall be deemed to be a violation of this ordinance and shall subject the owner of the property to the penalties provided for such a violation.

(2) *Submittal of landscape plans.*

- a. A landscape plan shall be submitted to the planning department together with the site development plan if one is required.
- b. If a site development plan is not required by this ordinance, then landscape plans must still be submitted to the commissioner before a building permit may be issued.
- c. The following information shall be shown on the required landscape plan:
 1. Calculation of net site area showing all existing and proposed structures, parking and access, other paved areas, and all required buffers and yard areas pursuant to this ordinance.
 2. Calculation of required landscape area.
 3. Location and dimensions of areas to be landscaped and total amount of landscaped area.
 4. Location of all trees larger than 24 inches in caliper.

(3) *Landscape area required.*

- a. *Calculation of landscape area.* The area to be landscaped shall be calculated using the amount of disturbed area delineated in any type of development.
- b. *Commercial or institutional uses.* A minimum of ten percent of net disturbed area shall be landscaped. In addition:
 1. For every 500 square feet, or fraction thereof, of required landscape area, one tree of two-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.

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2. For every 100 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by two-inch caliper trees at the rate of ten shrubs equals one tree.
- c. *Subdivision entrance area.* A minimum 50-foot landscape strip along both rights-of-way from the intersection of the rights-of-way of the existing road and the project entrance road shall be landscaped along each road. All areas located within the right-of-way shall be free of structures and all areas disturbed during construction on the existing right-of-way shall be vegetated with low ground cover plants (including sod or seeded grass) not exceeding two feet in height at maturity. The maintenance of entrance landscaping will be the responsibility of the developer for the duration of the maintenance period. In addition:
1. For every 30 feet, or fraction thereof, of required landscape strip, one tree of two-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs. Trees may not be planted on the right-of-way.
 2. For every ten feet, or fraction thereof, of required landscape strip, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by two-inch caliper trees at the rate of ten shrubs equals one tree.
- d. *Industrial uses.* A minimum of four percent of net disturbed area, or, at the option of the developer, a landscape area of at least 30 feet in depth along the property frontage on all public rights-of-way adjacent to the property. In addition:
1. *500 square feet.* For every 500 square feet, or fraction thereof, of required landscape area, one tree of two-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 2. *100 square feet.* For every 100 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by two-inch caliper trees at the rate of ten shrubs equals one tree.
 3. *Landscape strip required.* All properties except those containing single-family detached or attached residences, or two-family residences, shall provide landscape strips, as herein defined, of ten feet in width along the developed portion of side and rear property lines. This landscape area may account for up to 25 percent of the landscape area required by subsection (3)d. of this section. It shall be the responsibility of the property owner of a lot to be used or built upon to install the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.
- (4) *Trees.* Trees shall be required along nonresidential roads built within a development. These trees shall be planted outside the right-of-way. The street tree requirement shall be one tree with a minimum two-inch caliper for every 30 linear feet of roadway. The trees may be placed in a linear pattern or be clustered to create a more natural effect. Final location of trees is to be determined by the site designer in conjunction with the planning director.

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- (5) *Parking lot landscape requirements.* Landscaping shall be required in all commercial, institutional, or industrial developments. A minimum of five percent of net parking area shall be landscaped. In addition:
- a. For every 100 square feet, or fraction thereof, of required landscape area, one tree of two-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - b. For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by two-inch caliper trees at the rate of ten shrubs equals one tree.
- (6) *Screening material.* If a wall or fence is not used pursuant to this section then the following must apply where multiple-family residential or nonresidential property abutting single-family residential property. Required screening landscaping will not be counted as part of the minimum landscape area required by these regulations.
- a. Landscaping shall be provided along the side and rear property lines so that a solid screen five feet in height when planted is formed and will, within a year, grow to six feet.
 - b. If deemed necessary by the planning director, or his designee, due to topographical changes between the multiple-family residential or nonresidential and residential property, the minimum height may be increased to eight feet.
 - c. At a minimum, materials shall consist of 25 percent evergreen trees a minimum of six feet tall, 25 percent ornamental and/or shade trees with a minimum three-inch caliper or in small groups of ornamental and/or shade trees six feet tall having the same effect of a three-inch caliper ornamental and/or shade tree, and 50 percent evergreen and deciduous shrubs, provided that no more than 25 percent of the shrubbery may be deciduous.
- (7) *Ground cover.* Except where occupied by planting beds, all perimeter landscaping areas shall be sodded or seeded. If seeded, grass shall be established through proper watering and fertilization as needed.
- (8) *Exemptions from landscape requirements.* The following are not subject to these landscape requirements:
- a. Temporary structures such as job shacks or trailers associated with construction activities.
 - b. Change in existing structure, unless the structure is expanded by more than ten percent.
 - c. Temporary buildings in place for a maximum of five years and erected as accessory buildings for elementary and secondary schools.
- (9) *Installation and maintenance.*
- a. The owner and/or user of the property shall be responsible for installing all required landscaping and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary.
 - b. Where fences or walls are involved, this also includes any and all necessary maintenance and/or repair.
 - c. Necessary trimming and maintenance shall be the responsibility of the property owner or user of the property to maintain the health of all plant and landscaping materials, to provide an aesthetically pleasing appearance, and to ensure that all screening actually serves the purpose for which it is intended.

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- d. In cases of noncompliance, the planning director, or his designee, shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

(10) *Drought exemptions.* The planning director may allow a delay in the planting of required landscaping during times of state declared, level four drought. If such exemption is granted the required landscaping shall be planted within 30 days of the lifting of the drought declaration by the state. The required two-year maintenance period and surety period will start when all required planting has been completed.

(11) *Miscellaneous requirements.*

- a. All required landscape areas adjacent to vehicle use areas shall be protected by wheel stops, curbs, or other physical barriers.
- b. All required landscape areas shall be located outside the exterior perimeter of the footprint of a building or structure.
- c. With the exception of landscaping required in the side and rear yards, a minimum of 75 percent of all remaining required landscape areas shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, the minimum percentage to be placed on either frontage shall be determined by the planning director, or his designee.
- d. No artificial plants, trees, ground cover or other artificial vegetation may be installed.
- e. Unless otherwise specified by this section, any walls constructed pursuant to the requirements of this section shall be a minimum of six feet in height and constructed of brick, stone, or concrete block textured or coated with an architectural finish (paint, stucco, etc.).
- f. When fencing is provided pursuant to this section, the finished surface of the fence shall face externally to the project. Fences shall be located in a manner that accomplishes the purposes of this section and shall be constructed of solid wood or other approved material that achieves the desired visual and acoustical screening.
- g. Areas reserved for stormwater detention/retention are not permitted within buffers of landscape strips. However, exceptions may be granted by the planning director, or his designee, if, after consultation with the planning director, no reasonable alternatives are available or undue hardship is shown.

(12) *Modification of landscape requirements.* The planning director, or his designee, may approve minor variations in the location of required landscape materials due to unusual topographic restraints, sight restrictions, sight requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted and specify the modifications requested and present a justification for such modifications.

Sections 333 - 352. Reserved.

ARTICLE XIII. VARIANCES

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Section 353. Purpose.

The purpose of a variance is to provide relief when a strict application of this ordinance would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structure thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized or in a manner not authorized by this ordinance. No variance may be granted for a self-imposed hardship.

Section 354. Conditions.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article and this ordinance. Guarantees and evidence may be required that such conditions will be and are being complied with.

- (1) The planning commission is responsible for considering and making decisions on requests for variances.
- (2) The variance must specify which requirements are to be varied from. It must specify alternative standards and requirements to be met.

Section 355. Criteria for granting.

- (a) Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four of the following expressly written findings are made:
 - (1) A strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship.
 - (2) These are exceptional or extraordinary circumstances or conditions applicable to the property involved or to be the intended use of the property which do not apply generally.
 - (3) The granting of the variance will not be detrimental to the public health, safety, or welfare.
 - (4) The granting of the variance would support general objectives contained within this ordinance.
- (b) Variances in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Section 356. Road and street requirements.

Any variance to road, street and/or paving requirements, which apply to or affect streets or roads, which are to be dedicated to the county for county maintenance can only be considered for approval by the planning commission if the application is accompanied by a letter from the director of public works. The application for the variance is incomplete without this letter and cannot be accepted.

Sec. 26-357. Procedures.

The following procedures apply to variances:

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- (1) The planning commission will review the completed application and any investigation reports at a public hearing.
- (2) The planning commission shall determine whether the evidence supports a finding that the criteria have been met and will either approve, approve with conditions, or deny the application accordingly.
- (3) Application for variance shall be filed with the planning commission on the form prescribed by the county, with all required information by any person with a legal interest in the property.

Section 358. Compliance with conditions attached to approval.

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitute a violation of this ordinance.

Section 359. Vested interest in approved variances.

A valid variance supersedes conflicting provisions of or amendments to this ordinance unless specifically provided otherwise by the provisions of this article or the conditions of approval to the variance.

Section 360. Investigations and reports.

The planning commission or its designated representative shall make or cause to be made an investigation to provide necessary information to ensure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.

Section 361. Revocation.

Variances shall be automatically revoked if not exercised within one year of the date of approval.

Section 362. Limitations of reapplication.

Applications for which a substantially similar application has been denied cannot be resubmitted for a period of six months from the date of the denial by the planning commission.

Section 363 - 382. Reserved.

ARTICLE XIV. INSPECTION

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Section 383. Right of entry.

- (a) The County Commissioner, the planning commission or their designated representative shall have the power to conduct such investigation as they may reasonably deem necessary to carry out the duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of subdivision activities.
- (b) No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who represents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 384. Independent inspection.

- (a) With the approval of the planning commission or its designated representative, all inspections required by this ordinance may be performed by an independent inspector or independent inspection engineering firm or agency certified and qualified to do so within the state.
- (b) If an applicant desires to take this action, the information concerning the use of private inspection service must be submitted to the planning director. This must be preapproved. No work shall be permitted, performed, inspected or approved until the independent inspection firm has been approved, in writing, by the planning director.

Sections 385 - 411. Reserved.

ARTICLE XV. ENFORCEMENT

Section 412. Civil penalties.

Any person violating any provision of this ordinance shall be liable for a civil penalty of not less than \$100.00 per day or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate violation.

Section 413. Revocation of business license or other permits or authorization.

Any person failing to comply with any provision of this ordinance shall be subject to revocation of his business license, work permit, building permit or other authorization, if issued by the County, for the conduct of business and associated work activities within the unincorporated areas of the county.

Section 414. Stop work orders.

Any person failing to comply with any provision of this ordinance shall be subject to a stop work order and/or citation. Upon receipt of notice of the stop work order, by posting on the work site, hand delivery, or by mail, any work on the project shall be immediately stopped. As soon as practicable a notice, in writing, shall be given to the owner of the property, his authorized agent or the person or persons in charge of activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

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Section 415. RESERVED.

Section 416. Enforcement by injunction or mandamus.

The County Commissioner, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation.

Sections 417 - 445. Reserved.

ARTICLE XVI. MISCELLANEOUS PROVISIONS

Section 446. Administration by planning commission; appeals.

- (a) The planning commission is hereby assigned the responsibility for administration (other than enforcement which shall lie with the County Commissioner or the County Commissioner's designated representative) of this ordinance; provided, however, that any decision of the planning commission may be appealed to the County Commissioner as provided herein. The planning commission may assign such duties under this ordinance as it deems necessary to the planning director.
- (b) An applicant or permittee may appeal any decision or action of the planning commission under this ordinance to the County Commissioner; provided, however, that any such action or decision shall remain in full force and effect pending such appeal. If an applicant or permittee desires to appeal a decision or action of the planning commission, he shall file said appeal with the planning department, in writing, within ten days of the date of the action or decision of the planning commission. The planning department shall submit the appeal along with all records pertaining to the action being appealed to the County Commissioner within 30 days of the appeal being filed. Upon receipt of this notice the County Commissioner shall establish a date and time on which the appeal shall be heard and shall notify the applicant or permittee in writing at the address provided.

Section 447. Liability.

Neither the approval of a plat under the provisions of this ordinance, nor the compliance with the provision of this ordinance shall relieve any person from the responsibility of compliance with any applicable federal, state or local regulations or for damage to any person or property otherwise imposed by law nor impose any liability upon the county for damage to any person or property.

Sections 448 - 479. Reserved.

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ARTICLE XVII. AMENDMENTS AND MODIFICATIONS

Section 480. Procedure.

These regulations may be amended or modified from time to time as needed. Before enacting an amendment or a modification to the regulations, the County Commissioner shall hold a public hearing thereon, notice of which shall be published at least fifteen days prior to such hearing in the legal organ of Chattooga County. The County Commissioner may then adopt the changes.

Sections 481 - 498. Reserved.

ARTICLE XVIII. REMEDIES

Section 499. Right to legal proceedings.

If any land is used in violation of these regulations, the planning commission, the planning director, the public works director, the county attorney, and the County Commissioner, any adjacent property owners who would be damaged by such violation, or any other citizen of the county in addition to other remedies, may institute legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute a violation.

Secs. 26-500—26-543. Reserved.

ARTICLE XIX. WAIVING OF CURB AND GUTTER REQUIREMENTS

Sec. 26-544. Criteria.

The following is a list of criteria that must be met, where possible, in order to apply for a variance to the curb and gutter requirements of this ordinance:

- (1) Ditches must be constructed of or lined with a soil that has a moderate to low potential for erosion as defined by the USGS soil survey and lined with temporary matting or blankets to prevent erosion during the establishment of permanent vegetation.
- (2) Ditch shall be constructed so that the velocity of the runoff does not exceed five feet per second without permanent soil reinforcement matting and does not exceed ten feet per second when flowing at bank full discharge or at the 25-year frequency discharge.
- (3) Ditches shall be turned out at appropriate intervals to prevent velocities from exceeding requirements of subsection (2) of this section.

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- (4) Turnouts will be constructed with a level spreader to return the flow to a sheet flow condition when possible. Turnout shall be located at or near natural drainage paths or lot lines.
- (5) All areas of concentrated flow require a minimum ten-foot-wide permanent drainage easement.
- (6) No impervious areas will be directly connected with state waters when preventable by design.
- (7) The use of permanent down drain structures will be allowed in areas of excessive flow velocity, but are not allowed to drain directly into state waters.
- (8) Ditches shall be constructed with a parabolic or trapezoidal section where possible to allow for increases contact with the vegetative lining.
- (9) Ditch side slopes shall not exceed three to one (3:1).

Secs. 26-545—26-566. Reserved.

ARTICLE XX. MULTIFAMILY HOUSING

Section 567. Jurisdiction.

This article shall apply to all land within the unincorporated area of Chattooga County, and to any and all multifamily housing developments as defined herein.

Section 568. Definitions.

When used in this article, the following words and phrases have the meaning as defined in this section. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the content. The terms 'must' and 'shall' are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the past. Words used in the present tense include the future. The word "developer" includes a firm, corporation, co-partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include the words 'intended, arranged, or designed to be used or occupied.'

Access. The place, means, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

Accessory structure or accessory use. A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

Agriculture. The tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

Alley. A minor public right-of-way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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Alter. A change, addition, or modification in construction or occupancy of a building or structure.

Amendment. A change in the wording, content or substance of the land use resolution, or a change in any other regulation or ordinance.

Appeal. The process by which an aggrieved party may petition for review of a decision made by an official or department of county government.

Applicant. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, waterways, or boundary lines of local governments.

Bond. Any form of a surety bond in an amount and form satisfactory to the governing body.

Buffer. A horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development. A buffer may be natural, planted or a combination or both.

Buffer, natural. A natural buffer (also known as an undisturbed buffer) is a prescribed area that is left in its natural condition with all vegetation undisturbed.

Buffer, planted. A planted buffer is a buffer within which specified plantings are used to obstruct views. A planted buffer may be used to supplement a natural buffer where vegetation is sparse.

Building. A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure".

Building height. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip-roof.

Building line. A line that coincides with the front side of the main building.

Building permit. A written permit issued by the planning department authorizing construction, renovation, or repairs to a structure.

Cluster development. A subdivision, planned development, or grouping of lots or dwellings arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steep slopes remain undeveloped and the lot layout requires a reduced amount of street and utility placement.

Common open space. Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents or a particular development or the public in general.

Commissioner. The County Commissioner of Chattooga County, Georgia.

Construction plan. The maps or drawings and schedule accompanying a subdivision plat and showing the specific location and design improvements to be installed in a subdivision or on a site in accordance with the requirements of this regulation and the planning commission as a condition of the approval of the plat.

Conventional construction. A building constructed on the building site from basic materials delivered to the site and from lumber cut on the job, also called 'stick built'. A conventional building is subject to local codes and ordinances.

County. Chattooga County, Georgia.

County road. A public road that is included in the official records as a county maintained road.

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Court. A open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Cross drain. The pipe system designed to accommodate a drainage basin's 25-year storm water run off and passing under a driveway or street.

Cul-de-sac. A local street with one lone outlet, closed and terminated by a vehicular turnaround.

Density, gross. A number indicating dwellings per acre using the total size of the parcel with no deductions.

Density net. A number indicating dwellings per net acre, based on the total area of the parcel and excluding separate or non-contiguous lands, designated common open space, and excluding rights-of-way or easements.

Development standard. A specific requirement of this article regulating land use, generally quantitative in nature.

Driveway. An access way connecting one or more dwelling units and/or their parking spaces with a street.

Dwelling, apartment or multiple-family. A building designed and used for occupancy by three or more families, all living independently or each other, and having separate kitchen facilities for each family.

Dwelling, single family. A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

Dwelling, two-family (duplex). A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling, condominium. A building containing multiple single family dwelling units connected together with each unit having housekeeping facilities for only one family.

Dwelling unit. One or more rooms, meeting the minimum size requirements of the building code, designed for occupancy by one family and not having more than one cooking facility.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Engineer. A registered, practicing engineer, licensed by the State of Georgia.

Factory-built housing. Georgia law has now changed "Factory-Built Housing" to "Industrialized Building." See *Industrialized building*.

Family. One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Fence. A barrier constructed of wood, metal, masonry or other materials commonly used for fence construction. A fence is not required to meet the setback requirements of this article.

Fence, sight obscuring. A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure vision at least 80 percent.

Fill. The placement earth or fill material to raise the elevation of an area of land.

Final subdivision plat. The map of a subdivision to be recorded after approval by the planning commission.

Floor area. The sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

Frontage. The portion of a lot that abuts on a street.

Goal. A general statement establishing a direction for policies, resolutions, or actions.

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Governing body. The body of the local government having the power to adopt local ordinances or regulations. The Commissioner of Chattooga County is the governing body of the county.

Grade, ground level. The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Hazards. Threats of life, property, or the environment such as landslides, flooding, subsidence, erosion, or fire.

Health department. The Chattooga County Health Department.

Hospitals. Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more non-related individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours.

Hotel (motel, motor hotel, tourist court). A building or group of buildings used for transient residential purposes containing guest rooms that are designed to be used, or which are used, rented, or hired out for sleeping purposes.

Industrialized building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly in facilities or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the on-site without disassembly, damage to, or destruction thereof.

Junk or wrecking yard. Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling of auto parts, equipment parts or any scrap or waste material.

Land use. Any use of the land including, but not limited to, commercial, industrial, institutional, public or government, residential, agriculture, recreation, public utilities, forest management, or natural uses.

Land use district. Land use districts are areas of land within the county that have different development standards and criteria. These differences are intended to promote the separation of incompatible uses to help maintain property values and retain the character of the community.

Land use plan. An element of the Comprehensive Plan of Chattooga County. The land use plan provides an inventory of existing land uses, a description of existing and future land uses by planning areas and a discussion of land use problems and issues.

Loading space. An off-street space or berth on the same lot, or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

Lot. For purposes of this article, a lot is a parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or easement, and may consist of.

- (1) A single lot of record;
- (2) A portion of a lot of record of sufficient size to meet the minimum requirement;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record combined so as to create a parcel of sufficient size to meet minimum requirements of the article;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this article.

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Lot area. The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets or rights-of-way.

Lot coverage. The portion of a lot or parcel of land that is covered with buildings, parking, drives and maneuvering area, patios, decks, covered or paved storage area, or any other impervious surface.

Lot depth. The average distance measured from the front lot line to the rear lot line.

Lot, flag (panhandle lot). A flag lot is a lot that is designed to provide access to a street, water or other feature by shaping a portion of the lot to resemble a long 'handle or flagpole'.

Lot line, front. For an interior lot, a line separating the lot from the street and for a corner lot, a line separating either (but not both) frontage of the lot from the street. If the structure is designed to face the corner the setback shall be measured as the front setback from both rights-of-way.

Lot line, rear. For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another, and for an irregular or triangular shaped lot, a straight line ten feet in length that is parallel to and at the maximum distance from the front lot line.

Lot line, side. For an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, for corner lots, a line separating the lot from the abutting lot along the same frontage.

Lot width. The average distance between side lot lines.

Multifamily housing development. The planning, construction, or operation or any development consisting of one or more structures intended for use or used as a dwelling for two or more independent housekeeping units.

Non-conforming structure or use. A lawful existing structure or use, at the time this article or any amendment thereto become effective, which does not conform to the requirements of this article.

Non-residential subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Open area. The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

Owner. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land, including the attorney and agent thereof.

Parking area, private. Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this article and not open for use by the general public.

Parking area, public. Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots that may be required by this article for retail customers, patrons, and clients.

Parking space. An area permanently available for the parking of a full size automobile, having dimensions of not less than nine feet by 18 feet.

Parcel. A unit of land that is created by a partitioning of land.

Pavement. That portion of a street having an all-weather, stable constructed surface and subsurface for the support and movement of vehicular traffic.

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Pavement width. The shortest distance as measured from edge of pavement to edge of pavement exclusive of curb and gutter.

Person. Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Planning commission. The Chattooga County Planning Commission.

Plat. Includes a final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Policy. A definitive statement of requirement of the comprehensive plan or development ordinance, generally qualitative in nature.

Prefabricated building. A broad term applied to any building completed in a factory setting.

Preliminary plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for approval.

Public improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, other improvement, or other facility for which the county may ultimately assume the responsibility for maintenance and operation thereof or which may affect an improvement for which county responsibility is established.

Public road. Roads or streets open for use by the general public, does not include access easements.

- (1) *Arterial.* Arterial roads are roads designed to move traffic at higher speeds over greater distances within or between communities. They are usually but not necessarily state and federal highways.
- (2) *Collector roads.* Collector roads connect residential streets and rural roads to arterial roads.
- (3) *Local road and street.* Local roads or streets are designed to provide access to abutting property such as a local street in a municipal area. Local roads are not intended for through traffic.
- (4) *Residential street.* A residential street is designed to provide access within residential communities. They are designed for low speeds and relatively low volumes of traffic.
 - a. *Street.* May be a major or minor street which connects other streets, courts, etc.
 - b. *Lane.* A residential street that serves a maximum of six dwelling units.
 - c. *Court.* A residential street designed as a cul-de-sac.
 - d. *Circle.* A residential street designed as a loop that has both ends connecting to the same street.

Public utilities. Water, sanitary and storm sewer, natural gas, electrical and communications lines and facilities owned by local governments, authorities, public or private corporations.

Reserve strip/area. Land which is set-aside for a specific purpose.

Right-of-way. A strip of land occupied or intended to be occupied by any or all of the following: a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage for the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Screen. A fence, wall, berm, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, and may be required in addition to a buffer.

Setback. The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

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Shoulder. That portion of a street or road from the outer edge of the paved surface or back of curb to the inside edge of the ditch or gutter or original ground surface.

Sidewalk. The portion of the right-of-way that is parallel to the street or road and intended for pedestrian traffic.

Site-built. Constructed on-site ("stick-built") but includes pre-constructed wall units, etc., including packaged homes, as opposed to "Industrialized Building."

Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be a sign.

Sign, advertising. A sign which directs attention to a business, product, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

Slope. The rate of deviation of the ground surface from the horizontal surface, expressed as a percent.

Storm sewer. The pipe system designed to accommodate and carry the storm water runoff.

Street. A public thoroughfare or right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this article. The word "street" shall include all arterial highways, freeways, collector streets, local streets, and lanes. (Also see *Public road, County road.*)

Structure. Something constructed or built or having a fixed base on, or fixed connection to, the ground or another structure. (For the purpose of setbacks, structure does not include fences.)

Subdivider. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this article to effect a subdivision of land hereunder for himself or for another.

Subdivide land. To divide a parcel or tract of land. (See subdivision regulations for restrictions.)

Subdivision. Subdivision means all divisions of a tract or parcel of land. (See subdivision regulations for restrictions.)

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vehicle. A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Water-related. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

Water system, public. An EPD approved water system operated by a county; city or state authorized authority that has met all federal, state and local requirements.

Water system, shared/community. A water system operated by a homeowners association or group of homeowners which may or may not require approval by the EPD.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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Section 569. Requirements.

From and after the effective date of this article, it shall be unlawful for any person, business or other entity to construct, erect, renovate, establish or operate, or to offer to lease, rent, or sell, any multifamily housing or housing development as defined herein within the unincorporated area of Chattooga County, without the prior written approval of the planning commission as provided herein.

Section 570. Development standards.

All multifamily developments shall meet or exceed the following minimum standards:

- (a) *Tract size:* For any multifamily housing structure or development the minimum tract or lot size shall be four acres. However, the planning commission may approve a single duplex structure on a minimum 1.5 acre lot. (The duplex must be compatible to surrounding structures in appearance. Drawings or photos must be submitted to and approved by the planning commission.) Any property used for multifamily housing must be no less than 60 feet in width at any point including along the right-of-way.
- (b) *Density, maximum bedrooms per acre:*

<i>Individual well and septic:</i>	Four bedrooms/acre.
<i>Shared/community well and septic:</i>	Four bedrooms/acre.
<i>Public water and septic:</i>	Six bedrooms/acre.
<i>Public water (with buildings sprinklered) and septic:</i>	Eight bedrooms/acre.
<i>Public water and public sewer:</i>	Twelve bedrooms/acre.
<i>Public water (buildings sprinklered) and public sewer:</i>	Sixteen bedrooms/acre.

Where units are required to have sprinklers, they must provide plans by a state certified sprinkler contractor to verify the system is designed correctly and that pressure and volume are sufficient for proper operation.

Community septic systems are considered septic and not sewer for the purposes of this article.

(Existing, previously approved, multifamily developments with less than the specified minimum density as described above, may apply to the planning commission for a revision in their density requirements by submitting plans indicating the changes desired. To request approval they must agree to meet all of the requirements of this article without requesting a variance and upon receipt of approval the development will fall under all the guidelines of this article.)

- (c) *Road access:* Multifamily developments cannot be served by an easement or private road. Each multifamily housing development shall have direct access to a paved county or state maintained road. The property must be a minimum width of 60 feet at the right-of-way of a paved county or state maintained road. The minimum width for a driveway or access road from the paved county or state roadway is 24 feet for two-way traffic and 12 feet for one-way traffic. (A larger access road may be required by the planning commission if deemed necessary because of traffic or topographical concerns.)
- (1) Developments planned to access a state highway must provide written proof that an access permit has been issued by the state department of transportation.
 - (2) The site plan must show the site distance along the road for each entrance and exit to the development and a statement by the design engineer that the site distance meets Georgia D.O.T. requirements for the road in question.

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- (3) All roads, parking areas, and driveways within the development shall be paved to county standards.
 - (4) All multifamily developments (does not include single duplex unit) must have curb and gutter with a properly designed storm water control system.
- (d) *Setbacks:* All structures within the development shall be set back no less than 50 feet from every property line and/or right-of-way.
 - (1) Minimum 25-foot separation between structures, except for attached garages, carports or storage units provided as accessory uses to the apartments.
 - (2) Fencing and retaining walls are not required to meet setback requirements.
 - (3) Parking must be a minimum of 25 feet from any right-of-way or property line.
- (e) *Parking:* Off street parking must be paved to county standards and shall be provided at a ratio of not less than two designated parking spaces for each dwelling unit plus one extra space per building.
 - (1) Each standard space shall be a minimum of ten feet in width and 20 feet in length.
 - (2) Handicapped spaces shall be the minimum as required in the Georgia Accessibility Code.
 - (3) All parking spaces must be clearly marked.
 - (4) Parking area must be adequately lighted to provide safety and security with no less than one security light for each 12 spaces.
- (f) *Solid waste disposal:* Developer/landlord/owner shall provide rodent proof garbage or trash containers. Containers shall be located a minimum of 50 feet from any dwelling. (Single unit duplex is exempt from this requirement and may have individual trash containers.)
 - (1) Containers/dumpsters must be shielded from view by fencing, walls or other appropriate means.
 - (2) Container/dumpster pads must be sloped and drained to prevent runoff water from entering the parking lot, county ditches, or any nearby pond, creek, stream or other water source.
- (g) *Green space:* A 25 foot undisturbed buffer is required along all property lines (except road frontage). Where existing vegetation is thin, non-existent, or too low to adequately function as a buffer, supplementation with a planted buffer must be used. The developer may have the option of substituting a six-foot privacy fence with the finished side out and a ten-foot planted buffer on the inside.
- (h) *Accessory uses:* A multifamily development is limited to multifamily housing and its associated uses. Such associated uses must be for the exclusive use of the tenants and are identified as: garage and/or storage areas, club houses, bath houses, swimming pools, playgrounds, tennis courts and/or other sports and recreation uses normally associated with a multifamily development.
- (i) *Signs:* Each multifamily housing development may have only one free standing on-site sign identifying the development. The sign must be a pedestal sign with no more than two sign faces and each sign face no greater than 24 square feet. The sign must be located off the right-of-way and positioned so as not to interfere with sight distance or otherwise obstruct or create an unsafe condition for traffic. (Single duplex units shall not have signage.)
- (j) *Subdivision:* No multifamily housing development tract shall be further divided and no such subdivision shall be approved by the planning commission unless the minimum requirements for tract size and density are maintained. Development of single duplex units in an effort to avoid meeting the development requirements of this article is prohibited.

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Section 571. Procedure.

An application for approval of a multifamily development shall be submitted to the planning department with all information required by this article. When the application is deemed complete it will be placed on the planning commission agenda.

- (1) The planning commission shall review the application and after considering all information available, make its determination as to whether the proposed application complies with this article or not.
- (2) If approved by the planning commission, the developer may then apply for a development/grading permit.
- (3) If the application is denied, the developer may have the opportunity to make corrections as suggested by the planning commission and resubmit, or to file an appeal of the denial directly to the commissioner.
- (4) Any appeal must be filed with the planning department within ten days of the denial by the planning commission.
- (5) The commissioner may then affirm, reverse or modify the planning commission's decision, or request more information and schedule a hearing with the applicant. The applicant will be notified of the decision within 30 days of the commissioner receiving the appeal.

Section 572. Application.

All applications for approval of a multifamily development must contain at a minimum the following information. Incomplete applications will not be accepted.

- (1) A boundary survey of the property.
- (2) A grading plan (topographic survey with existing and proposed contours).
- (3) A complete site plan showing all features of the development including but not limited to: an entrance plan, setbacks, buffers, drives, parking, building locations, utility locations, storm drainage, bodies of water and water courses.
- (4) Soil erosion plan with all information required by Chattooga County Soil and Sedimentation Control Ordinance.
- (5) A form or letter indicating an approved preliminary review of the on-site disposal system by the Department of Environmental Health or a letter indicating available capacity and approval to connect to an approved sewage system.
- (6) Construction plans or an artist rendering showing at a minimum a floor plan and front and rear elevation views of the proposed buildings.
- (7) Payment of the application fee.
- (8) Single duplex unit is exempt from items b and d above.

Section 573. Fees.

Application fees are: \$50.00 per acre + \$25.00 per multifamily building with a minimum fee of \$250.00. All application fees are non-refundable.

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Section 574. Duration of action.

- (a) Approval of a multifamily request by the planning commission expires 12 months from the date of said approval. A maximum of one extension for an additional 12-month period may be granted by the planning commission if requested in writing prior to the expiration of the initial period. The request must list the reasons for the extension. If the approval lapses the project must be resubmitted as if a new project.
- (b) If denied, another request for the same property may not be filed for 12 months. A variance to the 12-month period may be requested from the planning commission following normal variance procedures.

Section 575. Enforcement.

- (a) *[Stop work:]* A stop work may be issued by any member of the planning department for failure to comply with any portion of this article or the construction codes or the soil and sedimentation regulations. A stop work may be issued alone or in conjunction with a citation, depending on the nature or severity of the violation.
- (b) *Civil penalties:* Any person violating any provision of this article shall be liable for a civil penalty of not less than \$100.00 per day or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate violation.

Section 576. Inspection.

- (a) The county commissioner, the planning commission or their designated representative shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites.
- (b) No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 577. Severability.

If any paragraph, subparagraph, sentence, clause, phase, or any portion of this article shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this article to other circumstances not so held to be invalid. It is hereby declared to be the intent of the county commissioner to provide the separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 578. Liability.

Neither the approval of a plat under the provisions of this article, nor the compliance with the provision of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Chattooga County for damage to any person or property.

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Section 579. Remedies.

If any land is used in violation of these regulations, the planning commission, the planning director, the public works director, the county attorney, and the county commissioner, or any adjacent property owners who would be damaged by such violation, in addition to other remedies, may institute legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute a violation.

ARTICLE XXI. PLANNING COMMISSION

Section 580. Created.

There is hereby established the Chattooga County Planning Commission, to be governed by this Article.

Section 581. Terms of office; vacancies; compensation.

(a) *Members.* The County Planning Commission shall consist of five (5) members, appointed by the County Commissioner.

(b) *Terms.* The terms of the members shall be for 4 years, except that in the appointment of the first Planning Commission under the terms of this Article, the first two members shall be appointed for a term of two years, the third member appointed shall be appointed for a term of three years, and final two members shall be appointed for a term of four years.

(c) *Vacancies.* Any vacancy in membership shall be filled for the unexpired term by the County Commissioner. After a member is appointed, the County Commissioner may remove any member for cause, on written charges, after a public hearing if requested by the member, including, but not limited to:

(1) Failure to attend at least 8 regular voting meetings of the Planning Commission in a calendar year, without justification. To be excused, members of the Planning Commission shall notify the Planning Commission Chair and County Commissioner when they intend to be absent from a meeting;

(2) Failure to maintain permanent residence within the jurisdiction of Chattooga County; or

(3) Violation of Planning Commission rules of procedure or bylaws or Chattooga County's land development regulations by a member.

(d) *Payment to the Planning Commission members.* All members shall be paid \$50.00 per meeting attended. Members of the Planning Commission shall be reimbursed for travel expenses associated with their duties at a rate as set by the County Commissioner.

Section 582. Organization; rules; staff; finances.

(a) The Planning Commission Chair shall be appointed by the County Commissioner. The term of the Chair shall be two years, with eligibility for reappointment.

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- (b) The Planning Director shall serve as the Planning Commission's Secretary and may delegate the performance of the tasks required of the Secretary to his subordinates.
- (c) The Planning Commission shall make its own rules of procedure and determine its time of meeting.
- (d) The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with the State Planning Agency, and other consultants for such services as it may require. The expenditures of the Planning Commission shall be within the amounts appropriated for the purpose by the County Commissioner.

Section 583. Powers and duties.

From and after the time when the Planning Commission shall have organized and selected its officers and shall have adopted its rules of procedure, said Commission shall have all the powers, duties and responsibilities as set forth in this ordinance.

Section 584. Official name.

The official name of the Planning Commission shall be the Chattooga County Planning Commission.

Section 585. Officers.

Annually, at the regular meeting of the Planning Commission held in the month of January, the Planning Commission shall elect a Vice-Chair. A member serving as a Vice-Chair may succeed themselves. If neither the Chair nor the Vice-Chair is present for a meeting and a quorum is present, then the Planning Commission can choose to either elect a member who is present or the Planning Director to serve as temporary acting Chair for that meeting only.

Section 586. Chair.

The Chair shall preside at all meetings of the Planning Commission and at other meetings and public hearings called by the Planning Commission. The Chair shall decide all points of order and procedure. The Chair shall have the authority to determine the need to call for a roll call vote when a voice vote is inconclusive. The Chair shall direct the Planning Director to prepare the agenda for each meeting, to transmit reports, plans and recommendations of the Planning Commission to the appropriate Governing Authority and, in general, to act as spokesman for the Planning Commission.

Section 587. Vice-Chair.

The Vice-Chair shall serve as Chair in the absence or the disability of the Chair. In the event of the death or resignation of the Chair, the Vice-Chair shall perform the latter's duties until such time as the County Commissioner appoints a new Chair. When there is an unexpected vacancy in the Vice-Chair position, the Planning Commission shall elect a new Vice-Chair at its next regular meeting.

Section 588. Secretary.

The Secretary shall:

- (1) Prepare the agenda for Planning Commission meetings;
- (2) Prepare and send out notices for regular and special meetings;

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- (3) Prepare and distribute minutes of Commission meetings;
- (4) Establish and maintain the Commission's files and its books of account;
- (5) Have the custody of all funds coming into the possession of the Commission and shall submit all funds collected to the County Commissioner's Office; and
- (6) Prepare the placement of appropriate legal notices as required by this ordinance.

Section 589. Regular meetings.

The regular meetings of the Planning Commission shall be held per the published schedule.

Section 590. Special meetings.

Special meetings of the Planning Commission may be called by the Chair, provided that reasonable advance notice is given each member and in accordance with law.

Section 591. Quorum.

A quorum shall consist of three members of the Planning Commission.

Section 592. Order of business.

The order of business at all regular meetings of the Planning Commission shall be as follows:

- (1) Roll call.
- (2) Approval of minutes of previous meeting.
- (3) Unfinished business.
- (4) New business.
- (5) Adjournment.

Section 593. Commission bylaws.

Subject to the approval of the County Commissioner, the Commission may adopt bylaws not otherwise in conflict with this ordinance.

Section 594. Cancellation of meetings.

- (a) The Planning Commission may cancel a meeting if:
 - (1) There is no business to go before the Planning Commission; or
 - (2) Chattooga County government has closed its offices due to inclement weather. In the event that the meeting is cancelled due to inclement weather, the meeting will be held the following week at the same time and location.
- (b) The Planning Commission Secretary shall notify each Planning Commission member as soon as it is realized that a meeting is cancelled.

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