*'* CHATTOOGA COUNTY LAND DEVELOPMENT ORDINANCE

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#### ARTICLE I. IN GENERAL

**Section 1. General.**

1. *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.
2. The words, terms and phrases as set forth in Section 9 of this Atiicle I, and when used in this ordinance, shall have the meanings ascribed to them in Section 9, except where the context clearly indicates a different meaning.

**Section 2. Short title.**

This document, containing ce1iain 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 fmih the procedure to be followed in applying these regulations; and set forth other matters pertinent to the development of land.

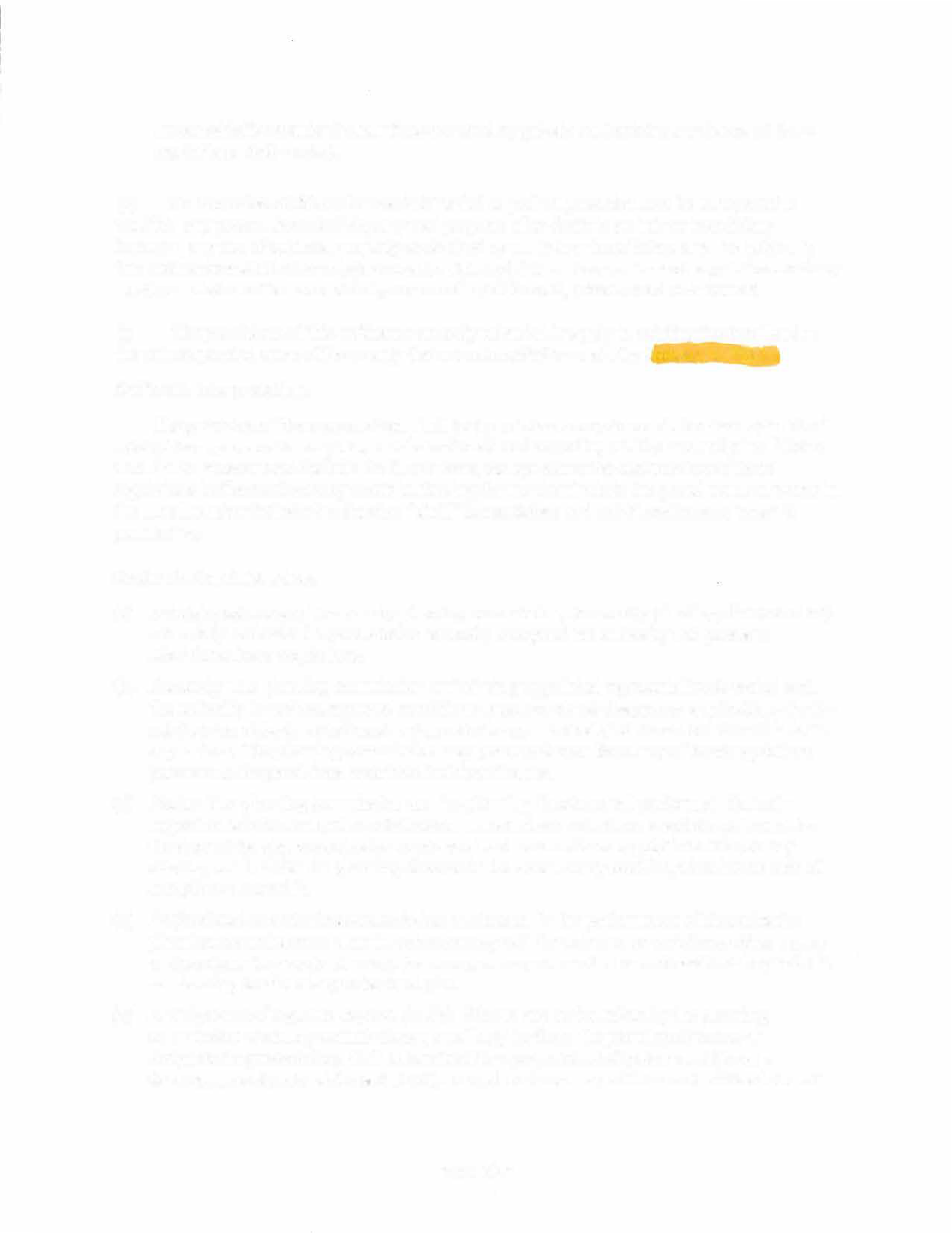
**Section 5. Purpose.**

The various aiiicles 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.
  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 ofland 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 ofland 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.**

1. No person shall use, 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, state and county 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.
2. 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 Health Department and the Georgia Department of Public Health.
3. 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.
4. 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 public official. When these regulations call for

more restrictive standards than those required by private contract the provisions of these regulations shall control.

1. No provision of this ordinance is intended to prohibit, and shall not be interpreted to prohibit, any person from devising any real prope1ty after death to an heir or beneficiary, however, any use of said real property so devised by an heir or beneficiary shall be subject to this ordinance and all other existing county, state and federal laws, rules and regulations and any subdivided lot must be accessible by means of a public road, private road or easement.
2. The provisions of this ordinance are only intended to apply to existing tracts of land in the unincorporated areas of the county that are subdivided on and after the effective date of this ordinance.

### 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.

1. *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.
2. *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.
3. *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.
4. *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.
5. *Development of regional impacts (DRis).* Prior to any action taken by the planning commission or county commissioner, on 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

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by the NW Georgia Regional Commission under the state guidelines for development of regional impact.

**Section 9. Definitions.**

*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 ent1y 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.*

*Alley* means a minor public right-of-way, which is used primarily for vehicular service access to the back or side of prope1iies otherwise abutting on a street.

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

*Appeal* means the process by which an aggrieved pmiy 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 oflocal governments.

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

*Biiffer* 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.

*Biiffer, 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.

*Biiffer, 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.

*Biiffer, 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 permit* means a written permit issued by the planning depmiment authorizing construction, renovation, or repairs to a structure.

*Commissioner* means the Commissioner of Chattooga County.

*County* means the County of Chattooga.

*County road* means a public road that is included in the official county records as a county­ maintained road or otherwise is deemed a county road by state law.

*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 rnnoff and passing under a driveway or street.

*Covenants* means a legal document that obligates the purchaser of a tract of land to ce1iain requirements.

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

*Developer* includes a firm, corporation, paiinership, association, institution, or person.

*Development* means any manmade change on improved or unimproved real estate, including but not limited to, buildings, strnctures, mining, dredging, filling, grading, paving, excavation, drilling, or pe1manent storage of materials or equipment.

*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 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.

*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 paii 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.

*Fill* means the placement eaiih 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.

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

*Governing body* means the County.

*Grade* 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.

*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.

*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:

(I) A single lot ofrecord.

1. A portion of a lot of record of sufficient size to meet the minimum requirement.
2. A combination of complete lots ofrecord, of complete lots of record and portions oflots of records, or of portions oflots of record combined so as to create a parcel of sufficient size to meet the minimum requirements of this ordinance.
3. A parcel ofland 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, 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..

*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.

*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 ofland that is created by a patiitioning of land.

*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, paiinership, 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* 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.

*Preliminmy 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.

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

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

*Right-oj--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 eve1y 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* means a fence, wall, berm, hedge, tree row, or other dense structure intended to visually perform a buffering effect in a limited space.

*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.

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

*Storm sewer* means the pipe system designed to accommodate and carry 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 te1m "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.

*Subdivider* means any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this ordinance to affect 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 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 goveimnental agencies supplying the same.

*Variance* means a grant of relief from the strict requirements ofa 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 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 /}ystem, shared/community,* means a water system operated by an individual, a company, a homeowner' s association or group of homeowners which may or may not require approval by the EPD.

*Yard* means a required open space other than a comi 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.

**Sections 10 - 34. Reserved.**

#### ARTICLE II. PENALTIES FOR VIOLATION

**Section 35. Violations.**

1. 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 a fine not exceeding

$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.

1. 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 Ill. SUBDIVISIONS

**Section 59. Classes of subdivisions.**

To promote the stated purpose of this ordinance and the comprehensive plan, this ordinance establishes a subdivision into classes labeled Class I through Class V.

### Section 60. Class I subdivision.

A class I subdivision is the division of a tract of land into five or more parcels (including the original tract). 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.) 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.

### Section 61. Class II subdivision.

A class II subdivision is the division of a tract of land into five or more parcels (including the original tract) 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 with the approval of the county governing authority or Georgia Depaitment of Transportation, as applicable. Class II subdivisions may not be accessed from a private road or an easement. All roads within a Class II subdivision must meet all the requirements for a county road as provided by Article VIII... All lots within a class II subdivision must front on the newly created subdivision road and cannot front on or have direct access to a state route or county road. A maximum of twenty percent (20%) of the lots of a Class II subdivision may be flag lots with the flagpole being a minimum width of 30 feet and a maximum length of 500 feet.

### Section 62. RESERVED.

**Section 63. Class Ill subdivision.**

A class III 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. Each lot may be developed with a minimum lot size of 25,500 square feet (0.585 acre). The maximum density for Class III subdivisions will be one unit per gross acre. Flag lots are not allowed. The minimum tract size for a class III designation is ten acres.

### Section 64. Class IV subdivision.

A class IV subdivision shall be considered a minor subdivide allowing for one division of property every two years, creating up to three aad±t-i�na¾ arcels/lots, containing a minimum

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lot size of 1.0 acre.

* + 1. Any prope1ty involved in the minor subdivide cannot be further divided within the two-year period immediately following the initial division.
    2. Minor subdivide prope1ties may be allowed off an easement or private road.
    3. Each subdivided lot/parcel shall otherwise be subject to this ordinance and all other existing county, state and federal laws, rules, and regulations.
    4. The planning director shall approve or disapprove of a minor subdivide. Any person aggrieved by a decision of the planning director concerning a minor subdivide may appeal to the planning commission by submitting a written notice

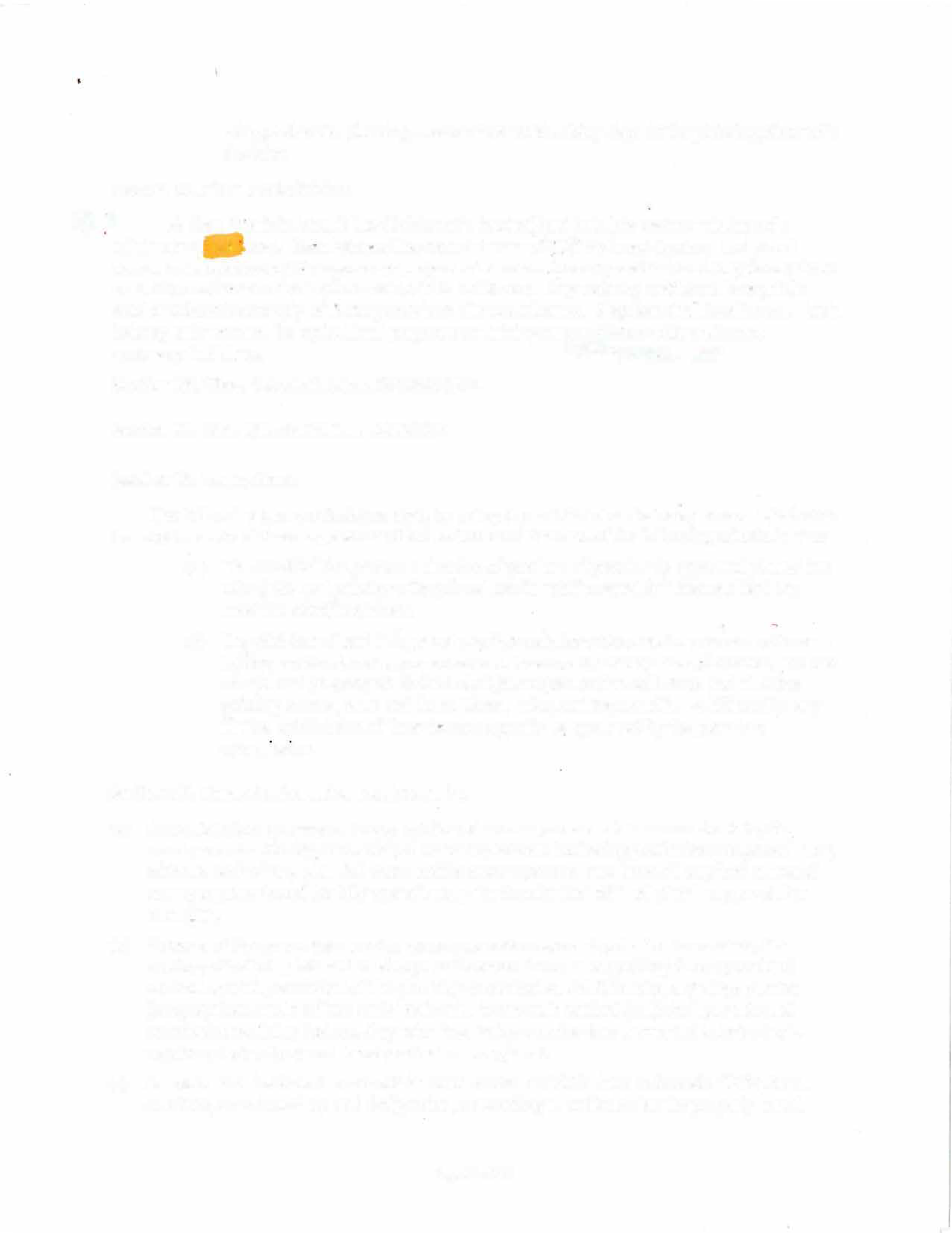
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of appeal to the planning commission within thirty days of the planning director's decision.

### Section 65. Class V subdivision.

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A class V subdivision is the division of a tract of.land into lots each consisting of a

minimum of thirteen acres. Each lot must have a minimum of fifty feet road frontage and direct access to an existing public road or a newly created road. A newly created road may be a private road if it conforms to the requirements of this ordinance. Any existing road must be a public road or otherwise comply with the provisions of this ordinance. Flag lots shall be allowed. Each lot may only be used for agricultral purposes containing one principal residertce with

customary accessory buildings.

### Section 66. Class VI subdivision. RESERVED.

**Section 67. Class VII subdivision. RESERVED 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:

(I) The combination or recombination of portions of previously approved platted lots wher� the total number of appr·oved lots 'is not increased and the resultant lots meet the standards herein.

(2) The division of land into parcels, each consisting offive acres or rn'ore, with each lot having direct, ·and approved access, to a county or state road, however, any use of said real propetty s0 divided shall.be subject to this ordinance and all other existing county, state and federaL!aws, rules, and tegulations. Additionally, any further subdivision of these tracts may\_ only b� approved by the planning comm1ss1on.

### Section 69. General subdivision requirements.

1. 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 recorcjing.
2. 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.
3. All plats shall indicate the date of the most cunent FEMA's data: to include FIRM Panel numbers, zone boundary and designation, or wording to indicate that the property is not

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within FEMA's designated special flood hazard areas and shall delineate all stream buffers, and if applicable, all building setbacks and other required buffers.

1. 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.
2. 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.**

1. 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 ofcomts.

*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.

1. All residences constructed on any lot within a subdivision class shall contain a roof pitch of no less than five vertical to 12 horizontal, with an overhang ofno less than one foot exclusive of gutters.
2. For each new driveway created within any lot of all subdivision classes, paving is required for any portion of said driveway from the edge of any existing state or county paved road to the boundary line of the existing right of way.
3. All subdivision classes require adequate on-site parking for the number of vehicles to be maintained on each lot. If possible, each lot should contain a turnaround area or other provisions to avoid backing vehicles into the street.
4. All preliminaiy subdivision plats of more than 25 lots submitted for development on a county road which doesn't meet cun-ent 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.**

1. *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:

()) A sign will be posted on the property by the planning department adve1iising the date of the meeting.

* 1. 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.
  2. The divider of these lots must send a letter, via certified mail, to the owner of all lots in the subdivision that share a prope1iy 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. The planning commission meeting will be held on [date]."

* 1. 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.
  2. 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.
  3. Each lot resulting from \_the split must have a minimum of30 linear feet of frontage on a subdivision road and be accessed from that frontage.
  4. Both lots which would result from a split must be approved by the county environmental health depaiiment.
  5. No re-subdivide may result in a lot less than one acre.

**Sections 72 - 98. Reserved.**

#### ARTICLE IV. PLATT/NG JURISDICTION

**Section 99. Authority.**

1. 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 comi of the county unless and until it shall have been submitted to and approved by the plam1ing commission and/or the plam1ing director and such approval entered in writing on the plat by the plam1ing director and/or the appropriately designated person of the plam1ing commission.
2. 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 uninc01porated 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 plam1ing director and such approval entered in writing on the plat by the plam1ing director and/or the appropriately designated person of the plam1ing 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 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 plam1ing depaiiment 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 delive1y 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 comi of the county will be date stainped 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, com1ections, or other facilities or utilities in any street within the county ut1less 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 plam1ing commission or on a street plat made and adopted by said plam1ing commission.

##### Section 103. Public access.

Except as otherwise provided by this ordinance, access to every subdivision lot shall be provided over a public street or a public access street.

##### Sections 104 - 164. Reserved.

**Section 165. Recording.**

Upon approval of a plat by the planning connnission, the 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.

##### Section 166. Inspection.

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

(!) *Scale.* The final plat shall be clearly and legibly drawn at a scale not smaller than

100 feet to one inch.

* 1. *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.
  2. *Information to be provided on plat.*
     1. Name and address of owner of record and subdivider.
     2. Nmth point or arrow, graphic scale.
     3. Name of subdivision and class designation.
     4. Total acreage of the subdivision or tract.
     5. Vicinity map showing the location of the subdivision.
     6. Bearings and distances to the nearest existing street lines or benchmarks or other pe1manent monuments (not less than two) shall be accurately described on the plat.
     7. Municipal, county and land lot lines accurately tied to the lines of the subdivision by bearing and distance when such lines are nearby.
     8. Exact boundary lines of the tract, dete1mined 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.

1. 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.

1. Lot lines with bearing and distance.
2. Minimum setbacks, front, rear and side.
3. Lots numbered consecutively in numerical order.
4. Location, dimension, area, and purpose of any easements and/or any areas to be reserved or dedicated for public use.
5. Accurate location, material and description of monuments and markers and identified as to whether they were found or established (set).
6. A statement on the plat of any private covenants.
7. Any land which abuts U.S. Government Land must show a tie to U.S. Government Land.
8. 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.
9. Drainage easements for all drainageways.
10. Certification statement that all stormwater structures are constructed as per design and are of adequate size to meet the sto1mwater requirements.
11. A minimum of two benchmarks labels with a description and horizontal and ve1iical location based on state regulations.
12. The following certifications, directly on the plat, in the exact language set forth below, properly executed:
    1. Surveyor/engineer's certification.

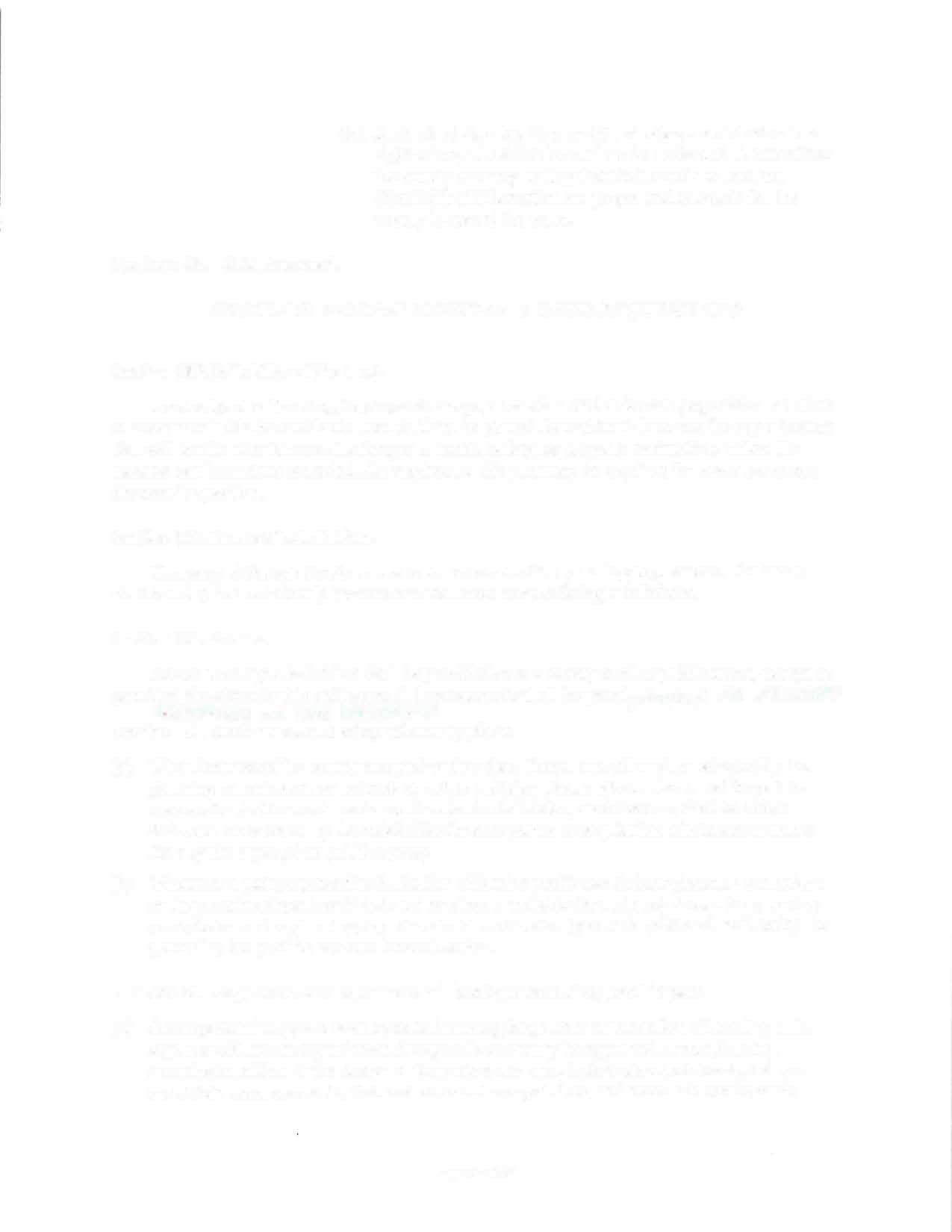
|  |  |  |
| --- | --- | --- |
| It is hereby ce1iified that this plat is true and conect and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as 'Future', and their location, size, type, and material are conectly 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 | |  |

* 1. 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 |

* 1. 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.
  2. A certificate of approval by the appropriate public health agency, directly on the plat.
  3. 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 |

* 1. 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.)
  2. If the roads are to be dedicated to the county ce1iain 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:
     1. 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, topcoat paving, grass, and stormwater management facilities.
     2. 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.
     3. The surety will be released upon final inspection and approval of the completed road, but no earlier than 18 months after final plat approval.
     4. 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 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 eve1y lot within the area in question.

### Section 187. Name of subdivision.

The name of the subdivision must have approval of the planning depaitment. 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.

### Section 189. Conformance to adopted county plans.

1. When features of the county comprehensive plan, if any, and other plans adopted by the planning commission, or schools or public building sites, parks or other land for public uses are located in whole or in pmt 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.
2. Whenever a plat proposes the dedication of land to public use that the planning commission or the planning depaitment finds not required or suitable for such public use, the planning commission or the planning depaitment 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.

1. 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 standai·d streets, lot, and subdivision anangements, if departure from the regulations and standards can be made

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without destroying its intent, and if substantial evidence can be provided demonstrating the acceptable performance of the nonconformance.

1. 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.**

1. 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.
2. 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
3. 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.
4. 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 prope1iy subdivision, provide a conforming easement over and through their property.

**Section 192. Reservation of public sites and open space.**

1. Where the features of any comprehensive plan such as school sites, parks, playgrounds, and other public spaces are located in whole or in paii 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.
2. 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 plaiming commission may grant variances to specific requirements to save significant natural features.

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### Section 194. Responsibility for privately maintained roads.

1. 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."**

1. 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 ofproperty.
2. Streets and roads which are to be privately maintained, may reqµ£st from the planning commission a waiver from the requirements of curb and gutter and/or paving. 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.

1. Privately maintained roads may not be acceptable or adequate for school bus service, for mail or parcel delivery services, or for emergency vehicles unless specifically

approved by the county school superintendent,county postmaster and emergency

managemen�,respectively. (\_\_

1. 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 ofthe 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.
2. 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 p01tion of the road be less than the required width.

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##### Section 215. Street names.

1. Proposed streets that are obviously in alignment with others already existing and named, shall bear the name of the existing street.
2. 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.
3. 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 unifo1m 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 cunent 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.

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

1. 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 turnaround as required by these regulations at the closed end. Street lengths shall be measured from the intersection of the centerlines.
2. Where, in the opinion of the planning commission, it is desirable to provide street access to adjoining prope1ty, the street shall be extended to the boundary of such prope1ty 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 plmming 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 pe1mitted.

**Section 220. Street right-of-way widths.**

1. The right-of-way width shall be defined as the distance across a street from property line to property line.
2. 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.
3. Residential subdivision streets. Minimum right-of-way and pavement widths:
   1. Residential subdivision streets that are not connectors and cannot be used as collectors may have a right-of-way width ofno 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.
   2. 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.
   3. Turnarounds (including temporary) shall have a minimum right-of-way of not less than I 00 feet in diameter with a minimum pavement width, excluding curb and gutter of 80 feet in diameter. (Tempormy turnarounds must be 80 feet in dimneter but may have a gravel surface; surface must be paved prior to acceptance into the county road system.)
   4. Alleys must have a minimum of 16-foot right-of-way, if approved by the planning commissioner.
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.

1. 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 cmTent minimum right-of-way and street width requirements (equally measured from each side of the centerline). The entire amount ofrequired 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. 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.
3. No street grade shall be less than one-half of one percent in cases where streets are curbed and guttered.
4. 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 minimum ve1iical 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.*
   1. 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.
   2. The maximum design speed for a residential subdivision street shall be 35 miles per hour.

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

**Section 224. Intersections.**

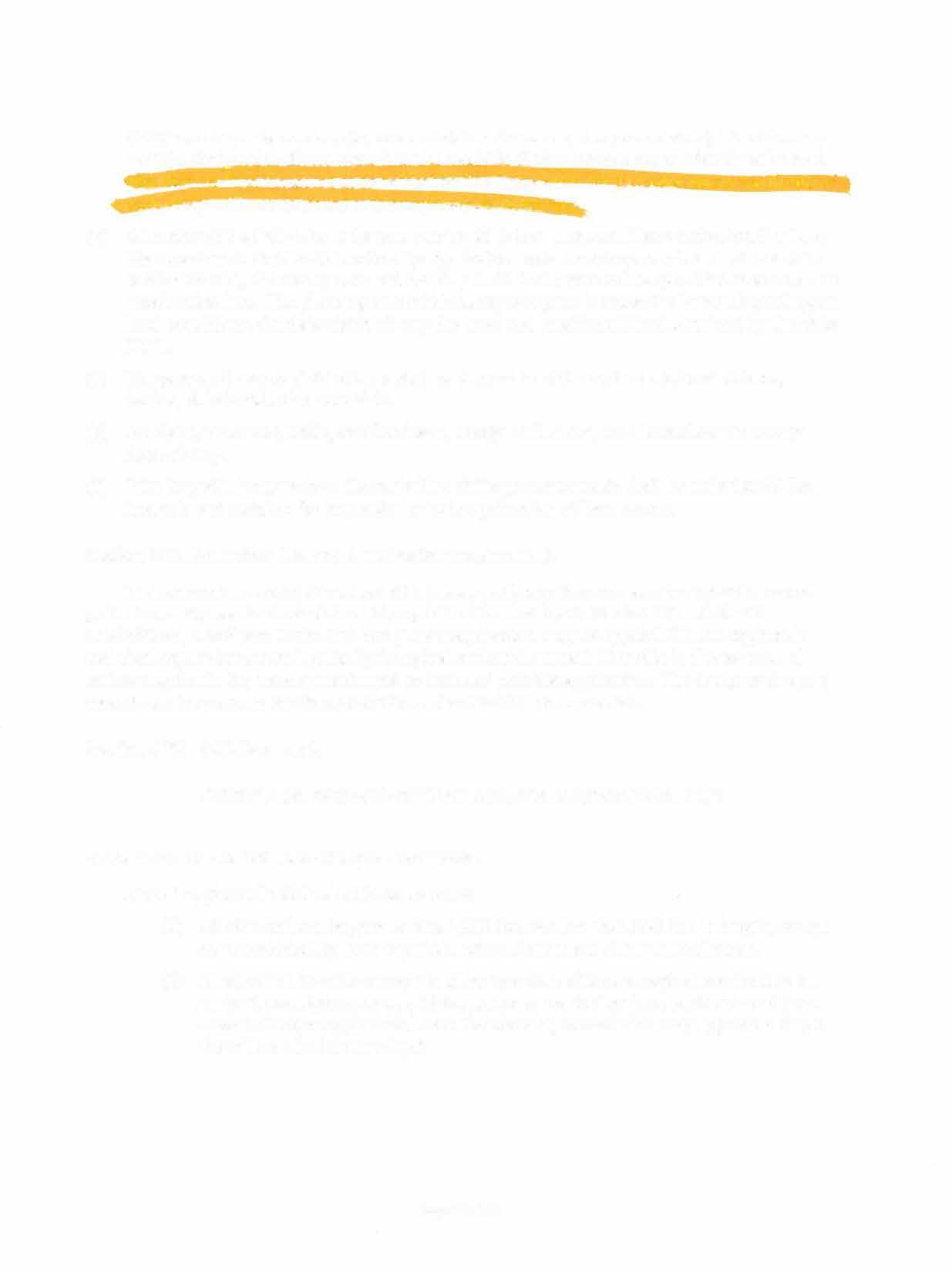
1. *Residential streets.*
   1. Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 75 degrees, unless required by unusual circumstances and approved by the public works director.
   2. Property lines at street intersections shall 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 Transpo11ation 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.
2. *Intersection sight distance.*

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

**Section 225. RESERVED.**

**Section 226. General requirements for road construction.**

1. 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.
2. Permanent drainage structures shall be designed for anticipated runoff of a 24-hour, 25-year sto1m 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.
3. All streets shall have shoulders of no less than eet inwidth, 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.
4. 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 dive1t water.into the roadside ditches or onto areas other than the road.*

1. *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.*

1. *The proposed county right-of-way shall be cleared the full required width of all trees, bushes, debris and other materials.*
2. *No signs, structures, wells, or other items, except mail boxes, are allowed on the county right-of-way.*
3. *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 repott 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 repo1t should also incorporate the items listed in section 26-567 when possible.*

**Sections 228 - 247. Reserved.**

# ARTICLE IX. DESIGN STANDARDS FOR BLOCKS AND LOTS

### 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 oflots of minimum depth.*

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**Section 249. Lot sizes and proportions.**

1. Residential lots shall meet the lot area requirements for individual lots not within a subdivision class unless provided for elsewhere in this ordinance. (See classes of subdivisions.)
2. 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 te1Tain 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.

**Section 253. Building setback lines.**

1. 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.
2. The minimum building setbacks shall be as follows:
   1. The front setback shall be 30 feet from any right-of-way and/or the front prope1iy line, all other setbacks shall be 20 feet unless different setbacks are specified elsewhere in these regulations or this ordinance.
   2. All lots adjacent to a state route must have a minimum of a 50-foot setback from the right-of-way.
   3. Comer 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.
   4. 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 then 50 feet by the planning director with just reason.
   5. 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 miery or other disadvantageous use.

**Sections 255 - 271. Reserved.**

#### ARTICLE X. REQUIRED IMPROVEMENTS

**Section 272. Performance and specifications.**

Eve1y subdivider or developer shall be required to make the improvements outlined in this miicle 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.

**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.
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.

**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.

1. *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.
2. *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.
3. *Storm drain structures.* All stonn drain structures shall be grouted prior to backfilling and inspection.
4. *Pipes 24 inches or larger.* All pipes 24 inches or larger shall have standard state DOT approved concrete headwalls on all open ends.
5. *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 Ml 70, 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

* 1. *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 pmiy ce1iification, and approved on state DOT QPL No. 51
  2. *Corrugated steel pipe, polymerprecoated 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.

1. *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.
2. *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 pmiicle 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.

1. *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.
2. *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.

G) *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.

1. *Drainage systems shall be designed for a 25-year storm event.* All live stream crossings shall be designed for the 100-year storm event.
2. *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 entty 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 preliminaty 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.
3. *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 repoti.
4. *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.
5. *Detention ponds and sediment basins.* All detention ponds and sediment basins shall be completely installed and stabilized prior to the grading of any roads. Temporaty 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.

1. *Curb and gutter construction.* On roads with curb and gutter construction, all catch basins 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 sto1mwater runoff from the curb and gutter must be routed through a detention facility.

**Section 276. Storm drainage plan.**

A stmm drainage plan shall be submitted at the prelimimuy review stage and shall contain the following info1mation:

* 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 ofland 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 Drainaf!,e 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 stmm 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 |

**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.**

1. 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.
2. 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 applicable water authority indicating approval. A letter of completion and final acceptance by the applicable water authority must be submitted to comm1ss10n.
3. 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. RESERVED.**

**Section 280. Placement of fire hydrants and valves.**

Fire hydrants may be required as directed by the planning commission, or applicable public water authority, for all classes of subdivisions 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 infonnation:

(I) Location of all proposed and existing wastewater treatment facilities on the site and info1mation concerning present and projected capacities.

1. Location and size of all existing and proposed sewer lines in the development and tie points to other systems.
2. Location of all sewer laterals.
3. Direction of flow of each sewer line and average slope as built.
4. Location of each manhole and other sewerage system appurtenances including lift stations, oxidation ponds and treatment plants.
5. Profile of sewerage system.
6. A ce1iificate of the exact language as set forth below, properly executed, shall be attached to the sanitary sewerage plan.

Sanitmy Sewerage System Certification:

State of Georgia, County of Chattooga.

I, ,aRegistered Engineer in the State of Georgia, ce1iify that the Sanitm·y 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 fmiher ce1iified 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) (Title and Department) (Chattooga County Health Department)

Date

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 depmiment prior to commencing operation.

##### Section 282. Street construction.

1. *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.
5. *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.
6. 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.

1. All cut and/or fill slopes shall have a maximum slope of two horizontal to one ve1iical (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.
2. 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.
3. 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 I 00 percent compaction.
4. The subgrade shall be properly shaped, rolled and uniformly compacted to confo1m to the vertical and horizontal design as shown on the approved drawings.
5. All unsuitable materials must be excavated and replaced with acceptable compacted material.
6. The contractor/developer must contact the county to schedule an inspection of the completed subgrade prior to proceeding with base installation.
7. The finished subgrade must pass a proof roll with a fully loaded tandem dump.
8. During the proofroll, 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 or 95 percent compaction with a minimum of one test per 4,000 square yards per layer of fill.
9. 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.
10. The firm to be used must be approved in advance of testing by the planning department.
11. *Base course.*
    1. The base course shall consist ofa graded aggregate ofa minimum compacted thickness of six inches for residential streets and eight inches for all other streets.
12. The base course shall be placed on a stabilized subgrade in accordance with these standards and accepted construction practice.
13. The base course shall extend a minimum of one foot beyond the edge of asphalt on each side of the road.
14. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.
15. All materials for the base course shall be secured from state DOT approved sources.
16. 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.
17. Along curbs or walls or any other places not accessible to the roller the base course shall be tamped thoroughly with mechanical tampers.
18. *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.
19. 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 topcoat 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.
20. All intersections shall have a paved surface with radius of no less than 30 feet.
21. 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.
22. 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 ve1iically and horizontally.

**Section 283. Street improvements.**

(I) 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 county may require the road to be core tested at the developer's expense. No asphalt will be placed that is not in the temperature range of350 to 400 degrees Fahrenheit.

(2) Depending on site conditions, workload or other reasons the county may require testing, at the developer's/contractor's 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 re-accomplished.

### Section 284. Newly constructed road acceptance procedure.

Final approval of street improvements shall be granted, and streets accepted for maintenance by the county only upon approval of the County governing authority and are subject to following provisions:

1. An inspection by the governing authority and/or its designated representative(s). Prior to inspection, all items on the right-of-way including utility construction, shoulder grading, and final vegetation shall be complete.
2. A proposed resolution to accept the road(s) into the county road system will be prepared by the county attorney and placed on the agenda for the first available Commissioner's meeting for road acceptance.
3. Completion by developer of all repairs requested during construction phase of road, the ditches, shoulders, and slopes by public works department and/or the planning department.
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.

### Section 285. Privately Maintained Roads.

Privately maintained roads shall comply with all requirements of Section 282 except for subsection (d).

ARTICLE Xlll. VARIANCES

## 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.

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(I) 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.**

1. 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.
5. 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 3S6. 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:

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 info1mation 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 constitutes 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 rep01i 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

**Section 383. Right of entry.**

1. 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 cany out the duties as prescribed in this ordinance, and for this pmpose to enter at reasonable times upon any prope1iy, public or private, for the pmpose of investigating and inspecting the sites of subdivision activities.
2. 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.**

1. 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.
2. 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.**

In addition to any criminal penalties provided under Article II, any person violating any provision of this ordinance shall be liable for a civil penalty of not less than $100.00 and not more than $500, 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.

**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.**

1. 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.
2. 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 peimittee 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.**

###### 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. 500-579. Reserved.**

#### ARTICLE XIX. 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.**

1. *Members.* The County Planning Commission shall consist of five (5) members, appointed by the County Commissioner.
2. *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.
3. *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;
4. Failure to maintain permanent residence within the jurisdiction of Chattooga County; or
5. Violation of Planning Commission rules of procedure or bylaws or Chattooga County's land development regulations by a member.
6. *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.**

1. The Planning Commission Chair shall be appointed by the County Commissioner. The term of the Chair shall be two years, with eligibility for reappointment.
2. The Planning Director shall serve as the Planning Commission's Secretmy and may delegate the performance of the tasks required of the Secretmy to his subordinates.
3. The Planning Commission shall make its own rules of procedure and determine its time of meeting.
4. The Plmming 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 Plmming 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 Plmming Commission.

**Section 585. Officers.**

Annually, at the regular meeting of the Planning Commission held in the month of Janumy, 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 Plmming 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 Plmming 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 Plmming 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 perfonn 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;
  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.**

* 1. 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.
  2. The Planning Commission Secretary shall notify each Planning Commission member as soon as it is realized that a meeting is cancelled.

**Section 595. Appeals.**

Should a person or entity be dissatisfied with a decision of the Planning Commission, an appeal may be filed to the Commissioner of Chattooga County by providing a written request to the Commissioner of Chattooga County, Georgia within ten days of the Planning Commission's decision. The Commissioner shall conduct a hearing after notice to the appealing paity. The Commissioner may either affirm, deny or modify the Planning Commission's judgment.