

*Ordinance No. 2024-1*  
**CHATTOOGA COUNTY ORDINANCE FOR SUBDIVISION  
DEVELOPMENTS, MULTI-FAMILY DEVELOPMENTS AND  
COMMERCIAL DEVELOPMENTS**

**ARTICLE I. IN GENERAL**

**Section 1. General.**

- (a) *Rules of construction.* The term "must" or "shall," is mandatory in nature, indicating that an action shall be done. The term "may" or "should" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future.
- (b) The words, terms and phrases as set forth in Section 9 of this Article 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 and Effective Date.**

This ordinance shall be known and may be cited as the “Subdivision Development Ordinance” of the county and shall be effective as provided by the governing authority of the county.

**Section 3. Jurisdiction.**

It is the intent of these regulations to provide guidance and requirements for the development of subdivisions, multi-family housing and commercial properties within the unincorporated limits of the county, whether the development involves 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 plans for subdivision development; establish minimum design and construction standards for subdivision development, streets and improvements; set forth the procedure to be followed in applying these regulations; and set forth other matters pertinent to the development of subdivisions, multi-family dwellings and commercial property.

**Section 5. Purpose.**

The various articles and sections of this ordinance have been adopted in order:

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

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

### **Section 6. Scope; applicability of regulations.**

- (a) No person shall use, divide, or subdivide, or cause a subdivision development, multi-family development or commercial development to be made, by any conveyance, deed, contract, or plat/map, of any parcel of land located within the unincorporated boundaries of the county in disregard of this ordinance or any applicable federal, state and county laws.
- (b) Owners and developers have the responsibility to determine and comply with any local, state or federal laws that may apply to the particular project or development. A permit from the county under this ordinance does not release the permit holder from compliance with other laws. Regardless of any provision of this ordinance to the contrary, no lot of land 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 for water supply and sewage disposal systems.
- (c) Any owner or developer of any tract of land situated within the county who creates a subdivision development, a multi-family development or creates, divides or subdivides a tract of land for commercial purposes shall cause a plat of such subdivide and/or development 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 unless waived by the planning commission or its designated representative or otherwise exempted by this ordinance. No person shall submit such plat to be recorded to the Clerk of Superior Court of Chattooga County, Georgia unless and until it shall have been submitted to and approved by the planning commission or its designated representative.
- (d) These regulations bear no relation to any private easement, covenant, agreement, or restriction, and the responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied herein to any public official. When these regulations call for more restrictive standards than those required by private contract the provisions of these regulations shall control.
- (e) No provision of this ordinance is intended to prohibit, and shall not be interpreted to

prohibit, any person from devising by deed, will, or otherwise by law, any real property. However, any conveyance of real property so devised and its use thereof, shall be subject to this ordinance and all other existing county, state and federal laws, rules and regulations. Any property so devised and subdivided lots must be accessible by means of a public road, private road or easement.

- (f) The provisions of this ordinance shall only be applicable to subdivision developments, multi-family developments or commercial developments.

## **Section 7. Reserved.**

## **Section 8. Administration.**

(a) *Administrative body.* The planning commission or any other duly authorized representative as it may designate is hereby delegated the authority and power to administer these regulations.

(b) *Authority.* The planning commission or its duly appointed representative is vested with the authority to review, approve, conditionally approve, and disapprove applications for the creation of a subdivision development, multi-family development or commercial development, including sketches and plats in accordance with these regulations.

(c) *Professional consultation and technical assistance.* In the performance of its duties, the planning commission or its duly appointed representative may call for opinions or decisions, either oral or written from the county attorney, the county surveyor, or other departments and agencies.

(d) *Development of regional impacts (DRIs).* Prior to any action taken by the planning commission or county commissioner, on all applications, a determination should be made if the proposed subdivision qualifies as a development of regional impact (DRI). If so, then the county will request a formal review by the NW Georgia Regional Commission under the state guidelines for development of regional impact.

(e) *Fees.* Application fees for the submission of a development pursuant to this ordinance shall be paid simultaneously with the submission of the application pursuant to a fee schedule set by the County Commissioner. All application fees are non-refundable.

## **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 entry to another's property. An access easement is privately maintained and shall not be maintained by the county. Often referred to as an "easement" by general definition. See *Easement*.

*Alley* means a minor public right-of-way, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street and is not intended for general traffic circulation

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

*Apartment* means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and restroom facilities for each family.

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

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

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

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

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

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

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

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

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

*Commercial Development* is any property used exclusively for business- related purposes, which includes factories, warehouses, or large buildings used as distribution, manufacturing, assembly, production, or storage centers. However, the following are not included in this definition:

- (a) Properties that are used for agriculture, agricultural operations or agricultural farm products, as defined by Georgia law or otherwise used in the raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products;
- (b) Small business operators who use their homes or other outbuildings on their property and

have no more than 4 employees are exempt from this ordinance as long as the property is not subdivided and no permanent structure, as defined, is added for commercial or industrial purposes.

*Commissioner* means the Commissioner of Chattooga County.

*Condominium* means a building containing multiple single family dwelling units connected together with each unit having housekeeping facilities for only one family.

*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 runoff and passing under a driveway or street.

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

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

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

*Development* means any man-made change on improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

*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.

*Duplex* means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

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

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

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

*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 all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

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

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

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

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

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

*Lot, 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.

*Multi-family development* means residential buildings with more than one attached housing unit. Each unit has its own kitchen, living room, bedroom, and bathroom. For the purposes of this ordinance that includes apartments, townhomes, condominiums and duplexes.

*Nonconforming structure or use* means a lawful existing structure or use, at the time this ordinance or any amendment thereto becomes 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 of land that is created by a partitioning of land.

*Parking space* means an area permanently available for the parking of a full-size automobile, having dimensions of not less than nine (9) feet by eighteen (18) feet.

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

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

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

*Planning commission* means the county planning commission as created in this ordinance or its designated representative.

*Planning department* means the county planning commission as created in this ordinance or its designated representative.

*Plat* means a map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a single lot, multiple lots or a subdivision.

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

*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 road.* means a road maintained by the county or other governmental body.

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

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

*Right-of-way* means a strip of land occupied or intended to be occupied by any or all of the following: a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage for

the term "right-of-way," for land platting purposes, means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

(a) *Right-of-way width* means the distance across a street from property line to property line.

*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 term "street" includes all arterial highways, freeways, collector streets, local streets, and lanes. See *Public road, County road*.

*Street jog* means a situation that exists when a street intersects a cross street.

*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.

*Subdivision development* means the division of a tract or parcel of land into six (6) or more lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future,



of sale, lease, or building development for profit. The term shall include the opening of a new street/road, or a change in existing streets; or divisions of land involving the extension of water, sewer, or gas lines and includes re-subdivision and where appropriate to the context, relates to the process of subdivision or to the land or area subdivided; provided, however, that the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county and state and no new roads or road location changes are involved shall not be considered a subdivision development.

*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 governmental agencies supplying the same.

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

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

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

*Water system, shared/community*, means a water system operated by an individual, a company, a 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 court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Sections 10 - 34. Reserved.**

## **ARTICLE II. ENFORCEMENT OF ORDINANCE AND PENALTIES FOR VIOLATION**

### **Section 35. Violations.**

- (a) No person shall violate or fail to abide by any provision of this ordinance. 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 may 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 O.C.G.A. § 15-10-60. Each day such violation continues shall constitute a separate offense.
- (b) Failure to comply with the regulations of this ordinance 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, if such permits are otherwise required by county law.

### **Section 36. Enforcement.**

*Civil penalties:* In addition to any criminal penalties provided under this article, 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.

*Stop work:* 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.

*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 a county issued 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.

*Injunction or mandamus:* The County Commissioner, in addition to other remedies, may institute legal action seeking an injunction, mandamus or other appropriate action in proceeding to stop the violation.

### **Section 37. Inspection.**

(a) The county commissioner, the planning commission or their designated representative shall have the power to conduct such investigation as he or she may reasonably deem necessary to carry out his or her duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the site developments of any applicants.

(b) No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who represents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(c) 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.

- (1) 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.

### **Section 38. Severability.**

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

### **Section 39. Liability.**

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

### **Section 40. Remedies.**

If any land is used in violation of these regulations, the planning commission, the planning director, the public works director, the county attorney, and the county commissioner, or any adjacent property owners who would be damaged by such violation, in addition to other remedies,

may institute legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute a violation.

**Sections. 41 - 58. Reserved.**

### ***ARTICLE III. SUBDIVISION DEVELOPMENT***

#### **Section 59. Classes of subdivisions.**

This ordinance establishes the subdivision of property into classes labeled Class I through Class IV. A division of property not classified as either Class I, II, III, or IV shall not be deemed a subdivision development.

#### **Section 60. Class I subdivision.**

A class I subdivision development is the division of a tract of land into six (6) or more parcels (including the original tract). Each parcel must contain a minimum lot size of one acre and each lot must have a minimum of fifty (50) 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 development is the division of a tract of land into six (6) 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 Department 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 fifty (50) feet and a maximum length of 500 feet.

#### **Section 62. Class III subdivision.**

A class III subdivision development is the division of a tract of land into six (6) or more parcels 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 the development of a Class III subdivision shall be no less than ten acres.

#### **Section 63. Class IV subdivision.**

A class IV subdivision is the division of a tract of land into six (6) or more lots each consisting of a minimum of ten 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 agricultural purposes containing one principal residence with customary accessory buildings.

**Section 64 - 68. RESERVED.**

**Section 69. General subdivision development requirements.**

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

**Section 70. Subdivision development requirements.**

- (a) The following are requirements for a platted subdivision development in the county:
  - (i) All residences constructed on any lot within a class I, II, III, or IV, subdivision development shall contain a roof pitch of no less than 5 vertical to 12 horizontal, with an overhang of no less than one foot exclusive of gutters.
  - (ii) 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.
  - (iii) All subdivision development plats of more than twenty-five (25) lots submitted for development on a county road which does not meet current county road requirements must be submitted with a registered professional engineer's traffic study. This study must show the current traffic volume, the increase in traffic

volume from the development, and the traffic capacity of the road. If the proposed traffic volume exceeds the traffic capacity of the road, the developer may be required to improve the road, at the developer's expense, to ensure that the capacity of the road is not exceeded by the proposed development.

### **Section 71. Requirements for splitting parcels in an existing Subdivision Development**

- (a) *Subdivision lot.* A lot within a Class I, II, III, or IV Subdivision Development may be further divided only if allowed by this ordinance and when a request to divide has been submitted to and approved by the planning commission. The following requirements must be met before the request for division will be heard by the planning commission:
- (1) A sign will be posted on the property by the planning department advertising the date of the meeting.
  - (2) A recorded copy of the subdivision covenants must be provided with the application, or an affidavit (under oath) stating that no covenants exist. If recorded subdivision covenants address and allow a lot to be split, the requirements of subsections (a)(3) and (a)(4) of this section need not be met in order to be heard by the planning commission.
  - (3) The divider of a lot must send a letter, via certified mail, to the owner of all lots in the subdivision that share a property line with the subject lot. This letter will be addressed to the owner of the lot at the address of the previous year's tax bill and will be postmarked a minimum of two weeks prior to the planning commission hearing on the proposed lot split. The letter shall contain the following statement: "As owner (or agent of owner) of Lot No. \_\_\_\_\_ in the \_\_\_\_\_ Subdivision which is adjacent to your Lot, I am applying for permission from the Chattooga County Planning Commission to allow my Lot to be subdivided. The planning commission meeting will be held on [date]."
  - (4) A copy of the letter and the receipt of mailing will be provided to the planning department at least one week prior to the scheduled hearing as proof that this notice was mailed at least two weeks prior to the planning commission hearing of the lot split.
  - (5) No lot resulting from the splitting of a platted subdivision lot may have an area less than the average acreage of all subdivision lots in the platted subdivision. The average acreage of the subdivision lots will be the average of all lots at the adoption of regulation, or as existing at the time of the application, whichever is smaller.
  - (6) Each lot resulting from the split must have a minimum of 30 linear feet of frontage on a subdivision road and be accessed from that frontage.
  - (7) Both lots which would result from a split must be approved by the county environmental health department.
  - (8) No re-subdivide may result in a lot less than one acre.

**Sections 72 - 98. Reserved.**

## ***ARTICLE IV. PLATTING JURISDICTION***

### **Section 99. Authority.**

- (a) The planning commission shall be the official platting authority, and no person shall submit a plat depicting a subdivision development within the unincorporated portion of the county to be filed or recorded in the office of the clerk of the superior court of the county unless and until it shall have been submitted to and approved by the planning commission or its designated agent and such approval entered in writing on the plat as approved by the planning commission.

### **Section 100. Penalties for transferring lots of unapproved subdivides.**

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

All plats depicting a Class I, II, III or IV subdivision development shall be delivered to the planning department to be reviewed for compliance with this ordinance. If the platted property is found to be in compliance or otherwise exempt from this ordinance, the plat shall then be properly stamped and returned to the owner or agent. Any plat not in accordance with this ordinance shall be returned to the person who presented it.

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

The governing authority of the county shall not accept, layout, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the county until 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 this ordinance or unless such street is shown on a plat approved by the planning commission.

### **Sections 103 - 164. Reserved.**

### **Section 165. Recording.**

Upon approval of a plat for any subdivision development classified as Class I, II, III, or IV by the planning commission, the plat must be filed for recording in the office of the clerk of the superior court of the county within sixty (60) days of the date of approval. Otherwise, such approval shall be void and before any required permits may be issued the plat must be resubmitted for approval.

### **Section 166. Inspection.**

A plat for a subdivision development classified as Class I, II, III, or IV, a multi-family development or a commercial development shall conform to and meet the following specifications and contain the information required by this ordinance:

- (1) *Scale.* The final plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.
- (2) *Sheet size.* Sheet size shall at a scale no larger than 17 inches by 22 inches with a one-inch margin on each side. If the plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- (3) *Information to be provided on plat.*
  - a. Name and address of owner of record and subdivider.
  - b. North point or arrow, graphic scale.
  - c. Name of subdivision development and class designation.
  - d. Total acreage of the subdivision development or tract.
  - e. Vicinity map showing the location of the subdivision development.
  - f. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than two) shall be accurately described on the plat.
  - g. Municipal, county and land lot lines accurately tied to the lines of the subdivision development by bearing and distance when such lines are nearby.
  - h. Exact boundary lines of the tract, determined by a field survey, giving bearing and distances, balanced and closed with information on type equipment used and closure method. Certification by a surveyor as to the accuracy.
  - i. Exact location, right-of-way width, type, width of surface and name of all adjoining streets and roads.
  - j. Street centerlines with angles of deflection or intersection, radii, length of tangent, and total road lengths for each road.
  - k. Lot lines with bearing and distance.
  - l. Minimum setbacks, front, rear and side.



- m. Lots numbered consecutively in numerical order.
- n. Location, dimension, area, and purpose of any easements and/or any areas to be reserved or dedicated for public use.
- o. Accurate location, material and description of monuments and markers and identified as to whether they were found or established (set).
- p. A statement on the plat of any private covenants.
- q. Any land which abuts U.S. Government Land must show a tie to U.S. Government Land.
- r. A statement that none of the land is within the 100-year flood zone or if a portion of the land is within the flood zone a delineation of the 100-year flood zone.
- s. Drainage easements for all drainageways.
- t. Certification statement that all stormwater structures are constructed as per design and are of adequate size to meet the stormwater requirements.
- u. A minimum of two benchmarks labels with a description and horizontal and vertical location based on state regulations.
- v. The following certifications, directly on the plat, in the exact language set forth below, properly executed:

1. Surveyor/engineer's certification.

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

2. Owner's Certification.

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

- 3. A certificate of dedication by the owner submitted with the final plat and in such form as approved by the county

attorney which sets forth the description of the areas and improvements dedicated by the owner to the public or property owners' association and the extent of title which is being dedicated.

4. A certificate of approval by the appropriate public health agency, directly on the plat.
5. A certificate directly on the final plat in the exact language as set forth below, properly executed, as follows:

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

6. A statement concerning privately maintained roads, if any; and a statement concerning school bus service, fire, police, emergency medical service and mail and parcel delivery service if roads are privately maintained. (See Sections 194 and 195.)

**Sections 167 - 184. Reserved.**

## ***ARTICLE V. GENERAL DESIGN AND OTHER REQUIREMENTS***

**Section 185. Application.**

The provisions/sections of this Article VII shall only apply to a subdivision development, multi-family development or commercial development.

**Section 186. Suitability of the land.**

Land subject to flooding, improper drainage, or erosion or topographical limitations or other reasons unsuitable for residential or commercial use shall not be platted unless the hazards can be and are corrected. An engineered site plan may be required for every lot within the area in question.

**Section 187. Name of subdivision.**

The name of the subdivision development, multi-family development or commercial development must have approval of the planning department. The name shall not duplicate or closely approximate the name of an existing development.

**Section 188. Access.**

Access to every subdivision development, multi-family development or commercial development shall be provided over a paved county road or public street, except as provided elsewhere in this ordinance.

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

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

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

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

**Section 191. Easements.**

- (a) Utility easements, if required, shall be a minimum width of 12 feet and located along the side or rear lot lines. Access easements to wells and detention ponds shall be a minimum of 20 feet wide with a grade of 20 percent or less or approved by the planning director and allow access to the well/pond by county personnel/employees/agents and equipment/vehicles.
- (b) Where a subdivision development, multi-family development or commercial development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way easement of adequate width, but not less than ten feet.
- (c) Ingress/egress easements must be of a minimum width of 40 feet and must be cleared a full 20 feet to provide easy access for emergency vehicles.
- (d) An easement in existence prior to the adoption of this ordinance may remain as a nonconforming use but may not be extended except in conformance with these regulations.

However, any owner subdividing property on a nonconforming ingress/egress easement must, as a part of the property subdivision, provide a conforming easement over and through their property.

### **Section 192. Reserved.**

### **Section 193. Community assets.**

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

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

- (a) The owner, agent, or seller of any subdivision development, multi-family development or commercial development where the roads or streets, as approved by the planning commission, or otherwise allowed by the ordinance, are to be private and not accepted by the county shall include the following statement on the instrument of transfer and, if applicable, the sales contract:

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

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

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

- (a) Privately maintained roads may not be acceptable or adequate for school bus service, for mail or parcel delivery services, or for emergency vehicles unless specifically approved by the county school superintendent, county postmaster and emergency management director respectively.

- (b) It is the responsibility of the developer, property owner's association 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 VI. REQUIREMENTS FOR STREETS AND RIGHTS-OF-WAY***

### **Section 214. Continuation of existing streets.**

Existing streets shall be continued and extended only at the same or greater width of the existing street into a subdivision development, multi-family development or commercial development.

### **Section 215. Street names.**

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

- (a) Minor streets or courts designed to have one end permanently closed shall be a minimum of 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.
- (b) Where, in the opinion of the planning commission, it is desirable to provide street access to adjoining property, the street shall be extended to the boundary of such property and provided with a temporary turnaround.

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

In all subdivision developments which qualify as Class I, II, III, or IV, or a multi-family development, the planning commission shall require a street approximately parallel to and on each side of a major thoroughfare, limited access highway, or a major artery either as a marginal access street or at a distance suitable for an appropriate use of the intervening land, with a nonaccess reservation suitably planted. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no direct access to a major thoroughfare, limited access highway, a major artery, or any county road having a daily traffic count of five hundred or more cars per day, but only to an access or other street.

**Section 219. Alleys.**

Alleys are permitted in any Class I, II, III, or IV subdivision development, but are not to be used for general traffic circulation.

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

- (a) Minimum street right-of-way widths in any subdivision development, multi-family development or commercial development shall be as follows:
  - (1) Major street widths shall be considered as major thoroughfares and shall have a minimum right-of-way width of 60 feet and a minimum pavement width of 20 feet.
  - (2) Minimum right-of-way and pavement widths within a residential

subdivision development or multi-family development shall be:

- a. Residential subdivision streets that are not connectors and cannot be used as collectors may have a right-of-way width of no less than 50 feet with a pavement width of 20 feet for two-way streets. Pavement width may be reduced to 12 feet and right-of-way width to 30 feet for one-way streets, if approved by the planning commission.
  - b. Streets which are connectors and may be used as collectors shall have a right-of-way width of 50 feet or greater with a pavement width of 20 feet or more.
  - c. Turnarounds (including temporary) shall have a minimum right-of-way of not less than 100 feet in diameter with a minimum pavement width, excluding curb and gutter of 80 feet in diameter. (Temporary turnarounds must be 80 feet in diameter but may have a gravel surface; surface must be paved prior to acceptance into the county road system.)
  - d. Alleys must have a minimum of 16-foot right-of-way.
- (3) 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 county director of public works and/or the road superintendent agreeing with the change.
  - (4) 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.**

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

### **Section 222. Requirements for roads to be dedicated to the County.**

If the roads are to be dedicated to the county certain information and items must be submitted for approval at the time the final plat approval is requested. These items include but are not limited to:

1. A thirty-six-month bond or letter of credit in an amount equal to twenty percent (20%) 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 24 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.

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

(1) *Residential streets.*

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

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

### **Section 224. Intersections.**

(a) *Residential streets.*

- (1) Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than 75 degrees, unless required by unusual circumstances and approved by the public works director.
- (2) Property lines at street intersections shall be rounded with curb radius of 30 feet; and where the angle of the intersection is less than 75 degrees, the planning commission may require a greater radius.



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

**Section 225. RESERVED.**

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

- (a) Disturbed area shall be kept to a minimum during road construction; the smallest practical area shall be disturbed at any one time. Erosion control measures must be installed prior to or concurrent with the land disturbing activity. Suitable vegetative cover or mulch shall be applied immediately following construction to all disturbed areas and rights-of-way. Mass grading of subdivision roads and lots together is prohibited.
- (b) Permanent drainage structures shall be designed for anticipated runoff of a 24-hour, 25-year storm and installed in the initial phase of road construction. These structures shall be protected and kept open to control runoff. These structures must be grouted, clean, undamaged and in proper working order prior to the issuance of a final approval.
- (c) All streets shall have shoulders of no less than five feet per side, clear of all obstruction other than breakaway posts or stationary mailboxes, with a slope of no greater than 1.25 inches per foot and no less than 0.75 inch per foot.
- (d) The driveway must be designed to divert water into the roadside ditches or onto areas other than the road.
- (e) The proposed county right-of-way shall be cleared the full required width of all trees, bushes, debris and other materials.
- (f) No signs, structures, wells, or other items, except mailboxes, are allowed on the county right-of-way without county authorization.
- (g) 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.

**Sections 227 - 247. Reserved.**

***ARTICLE VII. 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 of lots of minimum depth.

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

- (a) 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, Article III)
- (b) 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.

#### **Section 252. Panhandle or flag lots.**

Panhandle or flag lots may be allowed within certain classes of subdivisions as allowed by this ordinance. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 50 feet wide, and 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.**

- (a) All building setbacks are measured from any portion of the structure to the property line and/or the nearest edge of the right-of-way. Fences and retaining walls are not required to meet setbacks.
- (b) The minimum building setbacks in Class I, II, III, or IV subdivision developments shall be as follows:
  - (1) The front setback shall be 30 feet from any right-of-way and/or the front

property line, all other setbacks shall be 20 feet unless different setbacks are specified elsewhere in these regulations or this ordinance.

- (2) All lots adjacent to a state route must have a minimum of a 50-foot setback from the right-of-way.
- (3) Corner lots and lots with road frontage on more than one street shall meet the front yard setback for that lot from the structure to every right-of-way.
- (4) Ingress/egress easements shall be treated as rights-of-way for the purpose of setback requirements. Setbacks from easements may be reduced 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 artery or other disadvantageous use.

#### **Sections 255 - 271. Reserved.**

### ***ARTICLE VIII. REQUIRED IMPROVEMENTS***

#### **Section 272. Performance and specifications.**

It is the responsibility of the subdivider of any land with a Class I, II, III, or IV subdivision 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.**

- (a) *Minimum pipe diameter.* The minimum pipe diameter to be used for a culvert or in a drainage system is 18 inches. Driveway cross drainpipes shall be sized to accommodate the drainage area, but not less than 12 inches.
- (b) *Storm drain materials.* All storm drain materials on the right-of-way shall be approved by the county prior to being installed. All storm piping and structures shall be inspected prior to backfilling. Inspections shall be scheduled a minimum of 24 hours in advance.
- (c) *Storm drain structures.* All storm drain structures shall be grouted prior to backfilling and inspection.
- (d) *Construction of drainpipes.* Storm drainpipes shall be constructed of class I reinforced concrete (or greater), high density polyethylene corrugated-smooth lined pipe, or polymer coated corrugated steel pipe.
- (e) *Foundation and bedding.* Unsuitable or unstable foundations shall be undercut and replaced with suitable material. A four inch to six inch 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.
- (f) *Backfill above springline.* RCP shall be placed with backfill with less than 50 percent passing the No. 200 sieve, plasticity index less than ten, with maximum particle size of 1.25 inches, compacted to minimum 90 percent standard proctor density as per AASHTO T99.  
All backfill to be placed in eight inches maximum 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.
- (g) *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.
- (h) *Pipe under travel bearing surfaces.* HDPE pipe may be installed in travel bearing applications or reinforced concrete pipe shall be used.

- (i) *Live streams.* Storm water pipes carrying live streams shall be reinforced concrete or HDPE.
- (j) *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.
- (k) *Drainage systems shall be designed for a 25-year storm event.* All live stream crossings shall be designed for the 100-year storm event.
- (l) *Detention facilities.* Detention facilities are required for all projects where the stormwater runoff is increased by more than 1.0 cfs for a 25-year storm event.
  - (1) Detention facilities must provide a minimum of one-foot freeboard over the design depth.
  - (2) Detention facilities must have a side slope of no greater than three vertical to one horizontal.
  - (3) Detention facilities over four feet in depth must be protected by a permanent fence or barrier of no less than six feet in height with a locked gate. The gate must be large enough to allow entry for maintenance.
  - (4) Detention facilities must be located within an easement at least ten feet larger than the facility and completely enclosing the facility. If fencing is required the fence must be located on the easement line. The easement must be shown on the preliminary and final plans.
  - (5) Detention facilities and their maintenance are the responsibility of the developer, owner, or property owners' association (POA) if located on a common area. The responsibility shall be clearly delineated on the property deed or covenants.
- (m) *Release rate.* The release rate of stormwater leaving a project shall not be increased from the predevelopment rate for the five, ten, and 25-year storm events. The detention structure shall be designed to route the 100-year storm event. The design, calculation and method of how this will be accomplished must be included in the preliminary submittal as a part of the plans and may be supplemented by a written report.
- (n) *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.
- (o) *Detention ponds and sediment basins.* All detention ponds and sediment basins shall be completely installed and stabilized prior to the grading of any roads. Temporary sediment basins must be installed at all detention facilities and elsewhere as required by the design engineer to prevent sediment from leaving the project. These basins must be maintained throughout the construction phase of the project.

### **Section 276. Storm drainage plan.**

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

- (1) Location of proposed drainageways, streams, detention ponds, sediment

ponds and their associated easements within the development.

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

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

**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.

**Section 278. Water supply system.**

- (a) To be considered a public water system the water system must have been approved and accepted for ownership by the county water authority or another state approved county, municipal or authority owned system.
- (b) All water systems shall meet all state and local requirements. All private water systems within a subdivision must have all required State and local approvals prior

to submittal for final plat approval. Any subdivision proposing to use public water must present a letter or copy of approved plans from the applicable water authority indicating approval. A letter of completion and final acceptance by the applicable water authority must be submitted to the planning commission or its designated representative.

- (c) Any community water system shall be approved by the appropriate health agency and must provide a letter of approval from the state department of human resources, public health division or the state as is applicable for the size system.

**Section 279. 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 information:

- (1) Location of all proposed and existing wastewater treatment facilities on the site and information 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 certificate of the exact language as set forth below, properly executed, shall be attached to the sanitary sewerage plan.

Sanitary Sewerage System Certification:

State of Georgia, County of Chattooga.

I, \_\_\_\_\_, a Registered Engineer in the State of Georgia, certify that the Sanitary Sewerage System shown on this drawing is properly

designed; meets all local and state specifications and is adequate both in size and established depth to serve the drainage area whose sewerage would normally be carried through this development or subdivision system, whether or not the total area to be served is within this subdivision. It is further certified that the information shown hereon is true and correct.

Registered Professional Engineer                  Number                  Date

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

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

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

**Section 282. Street construction.**

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

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

(b) *Base course.*

- (1) The base course shall consist of a graded aggregate of a minimum compacted thickness of six inches for residential streets and eight inches for all other streets.
- (2) The base course shall be placed on a stabilized subgrade in accordance with these standards and accepted construction practice.
- (3) The base course shall extend a minimum of one foot beyond the edge of the

asphalt on each side of the road.

- (4) No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.
- (5) All materials for the base course shall be secured from state DOT approved sources.
- (6) The graded aggregate base material shall consist of hard, durable particles of fragments of stone and stone mortar and graded according to the state DOT requirements for graded aggregate base for road construction.
- (7) Along curbs or walls or any other places not accessible to the roller the base course shall be tamped thoroughly with mechanical tampers.

(c) *Paving (wear surface).*

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

**Section 283. Street improvements.**

- (1) 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. No asphalt will be placed that is not in the temperature range of 350 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 the construction phase of road, 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 (c).

**Sections 286 – 303. Reserved.**

***ARTICLE IX. COMMERCIAL DEVELOPMENT REQUIREMENTS***

**Section 304. Area of applicability.**

- (a) Sections 69 (a),(c),(d),(e), 166, 190, 193, 194, 226, 274, 276, 280 and 281 of this Ordinance shall apply to Commercial Developments.
- (b) Sections 305 through section 307 apply to any commercial developments within the unincorporated areas of the county.

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

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

**Section 306. Parking lot lighting.**

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

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

**Section 307. Handicap requirements generally.**

- (a) Handicap parking spaces shall be placed at each off-street parking lot as determined by the planning director.
- (b) Any business shall install the appropriate signs and painted spaces.
- (c) Each parking space reserved for the handicapped shall be painted and display signs marking as such and shall be built to ADA standard guidelines for parking space accessibility.
- (d) For all buildings open to the general public, at least one accessible walk having no steps or abrupt changes in level and complying with all criteria specified within this ordinance, shall be provided from the parking spaces for disabled people into each accessible primary building entrance.
- (e) Accessible walks shall also be provided between buildings on a common site. Doors swinging onto or away from walks shall have level areas.
- (f) Walk surfaces shall be stable, firm and of sufficient texture to resist slippage.
- (g) Such commercial developments must also conform to the requirements of The Americans with Disabilities Act, as applicable.
- (h) For every two accessible parking spaces, there must be one shared access aisle between them providing marked and level space designated for moving independently.

**Section 308 – 352. Reserved.**

## **ARTICLE X. 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:

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

### **Section 355. Criteria for granting.**

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

### **Section 356. Road and street requirements.**

Any variance to road, street and/or paving requirements, which apply to or affect streets or roads, which are to be dedicated to the county for county maintenance can only be considered for approval by the planning commission if the application is accompanied by a letter from the

director of public works. The application for the variance is incomplete without this letter and cannot be accepted.

**Section 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 information by any person with a legal interest in the property.

**Section 358. Compliance with conditions attached to approval.**

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans 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 report of such investigation shall be included in the application file.

**Section 361. Revocation.**

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

**Section 362. Limitations of reapplication.**

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

**Section 363 - 445. Reserved.**

## ***ARTICLE XI. MISCELLANEOUS PROVISIONS***

### **Section 446. Administration by planning commission; appeals.**

- (a) The planning commission is hereby assigned the responsibility for administration (other than enforcement which shall lie with the County Commissioner or the County Commissioner's designated representative) of this ordinance; provided, however, that any decision of the planning commission may be appealed to the County Commissioner as provided in subsection (b). The planning commission may assign such duties under this ordinance as it deems necessary to the planning director.
- (b) An applicant or permittee may appeal any decision or action of the planning commission under this ordinance to the County Commissioner; provided, however, that any such action or decision shall remain in full force and effect pending such appeal. If an applicant or permittee desires to appeal a decision or action of the planning commission he shall file said appeal with the planning department in writing, within 20 days of the date of the planning department's certified mailing of the action or decision of the planning commission to the applicant or permittee. 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 by certified mail. The Commissioner may either affirm, deny or modify the Planning Commission's judgment.

### **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 - 498. Reserved.**

## ***ARTICLE XII. 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, 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.

**Sections 500-566. Reserved.**

***ARTICLE XIII. MULTIFAMILY DEVELOPMENT***

**Section 567. Jurisdiction.**

This article shall apply to a multifamily development.

**Section 568. Reserved.**

**Section 569. Requirements.**

It shall be unlawful for any person, business or other entity to construct or erect, any multifamily development within the unincorporated area of Chattooga County, without the prior written approval of the planning commission as provided herein.

**Section 570. Development standards.**

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

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

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

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

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

- (c) *Road access:* Multifamily developments may be served by an easement or private road or shall have direct access to a paved county or state maintained road. The minimum width for a driveway or access road from the paved county or state roadway is 24 feet for two-way traffic and 12 feet for one-way traffic. (A larger access road may be required by the planning commission if deemed necessary because of traffic or topographical concerns.)



- (1) Developments planned to access a state highway must provide written proof that an access permit has been issued by the state department of transportation.
  - (2) The site plan must show the site distance along the road for each entrance and exit to the development and a statement by the design engineer that the site distance meets Georgia D.O.T. requirements for the road in question.
- (d) *Setbacks*: All structures within the development shall be set back no less than 50 feet from every property line and/or right-of-way.
- (1) Minimum 25-foot separation between structures, except for attached garages, carports or storage units provided as accessory uses to the apartments.
  - (2) Fencing and retaining walls are not required to meet setback requirements.
  - (3) Parking must be a minimum of 25 feet from any right-of-way or property line.
- (e) *Parking*: Off Street Parking shall be provided at a ratio of not less than two designated parking spaces for each dwelling unit plus one extra space per building.
- (1) Handicapped spaces shall be the minimum as required in the Georgia Accessibility Code.
  - (2) All parking spaces must be clearly marked.
  - (3) Parking area must be adequately lit to provide safety and security with no less than one security light for each 12 spaces.
- (f) *Solid waste disposal*: Developer/landlord/owner shall provide rodent proof garbage or trash containers. Containers shall be located a minimum of 50 feet from any dwelling. (Single unit duplex is exempt from this requirement and may have individual trash containers.)
- (1) Containers/dumpsters must be shielded from view by fencing, walls or other appropriate means.
  - (2) Container/dumpster pads must be sloped and drained to prevent runoff water from entering the parking lot, county ditches, or any nearby pond, creek, stream or other water source.
- (g) *Accessory uses*: A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use. A multifamily development is limited to multifamily housing and its associated uses. Such associated uses must be for the exclusive use of the tenants and are identified as: garage and/or storage areas, club houses, bath houses, swimming pools, playgrounds, tennis courts and/or other sports and recreation uses normally associated with a multifamily development.
- (h) *Signs*: The sign identifying the multi-family development must be approved by the planning commission. The sign must be located off the right-of-way and positioned so as not to interfere with sight distance or otherwise obstruct or create an unsafe condition for traffic. (Single duplex units shall not have signage.)
- (i) *Subdivision*: No multifamily housing development tract shall be further divided and no such subdivision shall be approved by the planning commission unless the minimum requirements for tract size and density are maintained. Development of single duplex units in an effort to avoid meeting the development requirements of this article is prohibited.

**Section 571. Procedure.**

An application for approval of a multifamily development shall be submitted to the planning commission with all information required by this article. When the application is deemed complete it will be placed on the planning commission agenda. If the application is denied, the developer may have the opportunity to make corrections as suggested by the planning commission and resubmit the applications, or to file an appeal pursuant to Article XII of this ordinance.

**Section 572. Application.**

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

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

**Section 573. Fees.**

Application fees for the submission of a multi-family development shall be paid simultaneously with the submission of the application pursuant to a fee schedule set by the County Commissioner. All application fees are non-refundable.

**Section 574. Duration of action.**

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

**Section 575 – 579. Reserved.**

## **ARTICLE XIV. PLANNING COMMISSION**

### **Section 580. Created.**

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

### **Section 581. Terms of office; vacancies; compensation.**

- (a) *Members.* The Planning commission shall consist of five (5) members, appointed by the County Commissioner.
- (b) *Terms.* The terms of the members shall be for 4 years, except that in the appointment of the first Planning Commission under the terms of this Article, the first two members shall be appointed for a term of two years, the third member appointed shall be appointed for a term of three years, and final two members shall be appointed for a term of four years.
- (c) *Vacancies.* Any vacancy in membership shall be filled for the unexpired term by the County Commissioner. After a member is appointed, the County Commissioner may remove any member for cause, on written charges, after a public hearing, if requested by the member, including, but not limited to:
  - (1) Failure to attend at least 8 regular voting meetings of the Planning Commission in a calendar year, without justification. To be excused, members of the Planning Commission shall notify the Planning Commission Chair and County Commissioner when they intend to be absent from a meeting;
  - (2) Failure to maintain permanent residence within the jurisdiction of Chattooga County; or
  - (3) Violation of Planning Commission rules of procedure or bylaws or Chattooga County's land development regulations by a member.
- (d) *Payment to the Planning Commission members.* All members shall serve on a volunteer basis, however, members of the Planning Commission shall be reimbursed for travel expenses associated with their duties at a rate as set by the County Commissioner.

### **Section 582. Organization; rules; staff; finances.**

- (a) The Planning Commission Chair shall be appointed by the County Commissioner. The term of the Chair shall be two years, with eligibility for reappointment.
- (b) The Planning Commission's Secretary shall also serve as the Planning Director of the Commission and may delegate the performance of the tasks required of the Secretary to his subordinates.
- (c) The Planning Commission shall make its own rules of procedure, not otherwise in conflict with this Ordinance, and determine its time and location of meeting; however, said meeting must occur within Chattooga County.

- (d) The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with the State Planning Agency, and other consultants for such services as it may require. The expenditures of the Planning Commission shall be within the amounts appropriated for the purpose by the County Commissioner.

**Section 583. Powers and duties.**

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

**Section 584. Official name.**

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

**Section 585. Officers.**

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

**Section 586. Chair.**

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

**Section 587. Vice-Chair.**

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

**Section 588. Secretary.**

The Secretary shall:

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

- (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 promptly submit all funds collected to the County Commissioner's Office; and
- (6) Prepare appropriate legal notices of the Commission as required by this ordinance.

**Section 589. Meetings.**

Meetings of the Planning Commission shall be held as needed provided that reasonable advance notice is given each member and in accordance with law. Meetings may be called by the Chair.

**Section 590. Quorum.**

Official business of the Planning Commission shall not be conducted without the presence of a quorum of its members. A quorum shall consist of three members of the Planning Commission.

**Section 591. Order of business.**

The order of business at all 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 592. Commission bylaws.**

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

**Section 593. Cancellation of meetings.**

- (a) The Planning Commission may cancel a meeting if Chattooga County government has closed its offices due to inclement weather. In the event that the meeting is cancelled due to inclement weather, the meeting will be held the following week at the same time and location.
- (b) The Planning Commission Secretary shall notify each Planning Commission member as soon as it is realized that a scheduled meeting is cancelled.