

OGLETHORPE COUNTY

UNIFIED DEVELOPMENT CODE



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Article I: Adoption, Purpose and Applicability

Section 100. Purpose

This Article provides for the adoption of the Unified Development Code, sets out its purpose and intent, describes the lands and development to which the Code applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Code.

Section 101. Title and authority.

Section 101.01 Short title.

This Code shall be known as and may be cited as “The Unified Development Code of Oglethorpe County, Georgia” or, for brevity, “The Development Code.”

Section 101.02 Authority.

- a) This Development Code is adopted pursuant to the authority conferred by the Georgia Constitution, and for purposes of promoting the health, safety, aesthetics, convenience, order, prosperity or the general welfare of the present and future inhabitants of Oglethorpe County as contained and detailed herein.
- b) Pursuant to the statement of purpose and intent herein, and the authority and requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 *et seq.*) and other applicable State laws and requirements, this Development Code contains provisions regulating the location, height, number of stories and size of buildings and other structures; the uses of land, buildings, and structures for industry, commerce, agriculture, conservation, recreation, residences, public activities, and other purposes; creating districts for said purposes and establishing boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement and for an Appeals Procedure; and repealing conflicting Regulations and other matters.

Section 102. Adoption.

Under the authority and for the purposes stated herein, the Board of Commissioners of Oglethorpe County does hereby enact as law The Unified Development Code of Oglethorpe County, Georgia and the Articles and Sections set forth herein.

Section 102.01 Components of the Development Code.

This Code and the official zoning maps of the county on file and maintained in the office of the Planning Department shall together constitute the Unified Development Code of Oglethorpe County, Georgia.

Section 102.02 Conflict with other regulations.

Whenever the regulations of this Development Code require a greater lot width or depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Development Code shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Development Code, the provisions of such statutes or covenants shall govern.

Section 102.03 Repeal of conflicting resolutions or ordinances.

All Resolutions or Ordinances and parts of Resolutions or Ordinances in conflict with this Development Code are hereby repealed to the extent of such conflict.

Section 102.04 Severability and validity.

- a) Should any Article, Section, paragraph, sentence, clause or word of this Code be declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of the Code as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.
- b) It is hereby decreed to be the intention of the Board of Commissioners of Oglethorpe County that the Articles, Sections, paragraphs, sentences, clauses and words of this Development Code are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality

shall not affect any of the remaining words, clauses, sentences, paragraphs, Sections and Articles of this Development Code as the same would have been enacted by the Board of Commissioners of Oglethorpe County without the incorporation in this Code of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles.

Section 102.05 Effective date.

This Development Code shall take effect May 8, 2018. Ordained, adopted, and approved by the Board of Commissioners of Oglethorpe County after a public hearing held on May 7, 2018.

Section 103. Purpose and intent.

The purpose of this Development Code is to promote the health, safety, order and general welfare of the community.

Section 103.01 Intent in interpretation.

In the interpretation and application of this Development Code all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the property owner; and
- c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 103.02 Intent relative to private property agreements.

This Code is not intended to abrogate, annul or otherwise interfere with any private easement, covenant or other agreement or legal relationship between private parties; provided that, when the regulations of this Code are more restrictive or impose higher standards or requirements than such private easements, covenants, or other private agreements or legal relationships, the regulations of this Code shall govern. In no case, however, shall Oglethorpe

County be required to enforce such private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive or less restrictive than the standards or requirements of this Development Code.

Section 104. General applicability.

Section 104.01 Lands to which this code applies.

This Development Code applies to all lands and the buildings, structures and uses thereon within the unincorporated areas of Oglethorpe County, Georgia.

Section 104.02 Subdivisions with prior approval exempt.

Subdivisions which received preliminary plat approval prior to the adoption of this Development Code shall be allowed to continue development according to said preliminary plat under the Subdivision Regulations in effect at the time the preliminary plat was approved. This provision shall expire 2 years following the date of preliminary plat approval,

unless Site Development and/or Construction Plans are approved by the County within that time. Furthermore, Site Development and/or Construction Plans approved pursuant to such subdivisions or approved prior to the adoption of this Development Code shall expire within 1 year from date of approval, unless construction has begun and continuous work is being performed on the project.

Section 105. Application of the regulations.

Except as hereinafter provided:

Section 105.01 Use, occupancy and construction.

- a) No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with this Development Code.
- b) All buildings and structures erected hereafter, all uses of land, water, buildings or structures established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Development Code which are applicable to the zoning district in which such buildings, structures, uses or land are located.

- c) Existing buildings, structures and uses that comply with the regulations of this Code shall be subject to all regulations of this Development Code. Existing buildings, structures and uses that do not comply with the regulations of this Development Code shall be authorized to continue subject to the provisions of this Article relating to nonconformities.
- d) All subdivisions, planned developments and land development projects proposed for approval and permitting hereafter shall be subject to all regulations of this Development Code.

Section 105.02 General prohibitions.

- a) No building or structure, and no use of any building, structure, land, or property, and no lot of record, now or hereafter existing, shall hereafter be established, constructed, expanded, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Development Code.
- b) No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval and issuance of a development permit from the County in conformity with the provisions of this Development Code.
- c) Unless conditioned upon final plat approval and containing notice that there is no currently approved plat, the transfer of, sale of, or contractual agreement to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final subdivision plat approval by the County in conformity with the provisions of this Development Code and recorded in the office of the Clerk of the Superior Court of Oglethorpe County is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from compliance with this provision.
- d) No land dedicated as a public street shall be accepted, opened or improved, nor shall any utilities or other facilities be installed therein, unless:
 - 1. Such street shall have been accepted or opened as, or otherwise shall have received the legal status of a public street prior to the adoption of this Development Code; or
 - 2. Such street corresponds in its location and lines with a street shown on a final subdivision plat given final approval by the designated subdivision review staff in conformity with the provisions of this Development Code with its stamps and signatures properly placed on the plat and said plat has been recorded in the Clerk of the Superior Court's office.
- e) No building permit shall be issued on a lot that gains its access from a street that has not been improved to the standards required by this Development Code, unless:
 - 1) The lot, in its current size and configuration, existed as a legal lot of record on the date of adoption of this Development Code; or
 - 2) The lot was created through approval of a subdivision in which improvement of the street was not required under the provisions of this Development Code.

Section 105.03 Division of property.

- a) No person shall divide or subdivide or cause a subdivision to be made, by deed or map, of any parcel of land which is located within the boundaries of unincorporated Oglethorpe County, except in conformity with the provisions of this Development Code.
- b) Any owner or developer of any tract of land situated within the county who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of Superior Court of Oglethorpe County, Georgia. No such plat of subdivision shall be recorded unless and until it shall have been submitted to and approved by Oglethorpe County as provided herein. No land shall be subdivided for residential use if it is not zoned for residential development as specified on the zoning maps of the county.
- c) This Development Code bears 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 this Development Code calls for more restrictive standards than those required by private contract, the provisions of this Development Code shall control.

Section 105.04 Height and density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- a) Exceed the height limits.
- b) Be occupied by more dwelling units per acre or occupy a smaller lot area per family than are herein required.
- c) Have narrower or smaller front, rear or side yards or other open spaces than are herein required or specified; or in any other manner be contrary to the provisions of this Development Code.

Section 105.05 One principal building or use on a lot.

With respect to single-family detached dwellings, only one principal residence and its customary accessory buildings and structures may be erected on any one lot except as provided in the Specific Provisions subsection of this Development Code.

Section 105.06 Reduction in lot size.

No lot shall be reduced in size so that required lot width or depth, size of yards, lot area per family or any other requirement of this Development Code is not maintained, except to provide for the extension, establishment or widening of a county street or state highway.

Article II: Definitions

Section 200. General Interpretation

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The word "map" means the Official Zoning Map for Oglethorpe County, Georgia.

Section 201. Specific Definitions

When used in this Regulation, the following words and phrases shall have the meaning given in this Section:

ACCESSORY DWELLING UNIT - Self-contained secondary living spaces that are either inside of, attached to, or detached from a single-family dwelling. It means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling it accompanies. An ADU usually consists of one bedroom, a sitting room, a bathroom, and a kitchen. ADUs are typically secondary to the main dwelling unit in terms of size, appearance, and location.

ACCESSORY USES/ACCESSORY STRUCTURES- A related use or structure on the same lot with, and of a size and/or nature customarily incidental and subordinate to, the principal or primary building and/or use on the property. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot. Examples of some types of accessory structures are, but are not limited to, the following:

- Detached garage and/or carport
- Storage buildings and/or barns
- Freestanding workshops or greenhouses
- Gazebos
- Guest House for the non-commercial, short-term, temporary use of the owner's personal guests. Except as otherwise provided in this Ordinance, a guest house shall not be rented or leased (short- or long-term), or used as a separate dwelling unit.
- Swimming pools and pool houses
- Tennis courts
- Radio and/or TV antenna/satellite dish structures not attached to the principal structure
- Paved areas other than driveways and walkways
- Property identification signs not associated with or attached to a mailbox
- Perimeter fencing and/or walls (may be located on the property line)

ADJACENT – Sharing at least one common property line, or portion thereof, or located on the opposite side of a public right-of-way or private access drive or easement. Same as adjoining or abutting. When used in the phrase "adjacent residence" in the A-1 Intensive Agriculture or A-2 General Agriculture Districts, it shall not be interpreted to include the residences of the owner/operator or caretakers/employees located on the same tract as the agricultural operation.

AEROBIC TREATMENT UNITS - Small scale sewage treatment system similar to a septic tank system, but which uses an aerobic process for digestion rather than just the anaerobic process used in septic systems. ATUs use biological processes to transform both dissolved and solid constituents into gases, cell mass, and non-degradable material.

ALTERNATIVE TOWER STRUCTURE – (See Telecommunications Tower, Alternative Structure)

ANIMAL FEEDING/CONTAINMENT OPERATION – An agricultural facility (other than an aquatic animal production facility) where animals are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and the animal confinement areas do not sustain crops, vegetative, forage growth, or post-harvest residues in the normal growing season. Structures used for the storage of animal waste from animals in the operation also are part of the animal feeding operation. Two or more animal containment facilities for livestock or poultry production under common ownership shall be considered to be a single operation if they adjoin each other or if they share a common system for the disposal/management of wastes.

ANIMAL UNIT – A unit of comparative measurement for any animal feeding operation as defined by the U.S. Department of Agriculture, U.S. Environmental Protection Agency, and the Environmental Protection Division of the Georgia Department of Natural Resources, based on 1000 pounds of live weight as the standard and where the equivalent number of any type of livestock is considered one animal unit. To calculate the total number of animal units, multiply the number of animals, by type, by the equivalent animal unit a shown below. If a single site or location has more than one type of animal, the total animal units equals the respective computed animal units added together. Producers should use the highest number of animals most likely to be present for 45 days in a 12-month period to determine the animal units on their operation.

- Slaughter and Feeder Cattle - 1.0
- Mature Dairy Cattle - 1.4
- Swine weighing over 55 pounds - 0.4
- Swine weighing between 15 to 55 pounds - 0.1
- Sheep or Lamb - 0.1
- Horses - 2.0
- Hens or Broilers (continuous overflow watering-solid manure) – 0.01
- Hens or Broilers with liquid manure system – 0.0333
- Turkeys – 0.018

APARTMENT - A suite of two (2) or more rooms and a bath which is designed according to the Southern Building Code regulations, and is also designed or intended for occupancy by one (1) family doing its cooking therein, or by one (1) person doing his or her cooking therein. For zoning purposes, an apartment shall be regarded as a dwelling unit. A structure containing three (3) or more such apartments shall be regarded as a multi-family dwelling.

APARTMENT, GARAGE - A dwelling unit for one (1) family, erected above a private garage and detached from the main dwelling.

APARTMENT, STUDIO or EFFICIENCY APARTMENT - One room which is designed or intended for occupancy by, or which is occupied by one family doing its cooking therein, or by one person doing his/her own cooking therein. For zoning purposes, a studio apartment or efficiency apartment shall be the same as an apartment and shall be regarded as a dwelling unit. A structure containing three (3) or more such apartments shall be regarded as a multifamily dwelling.

APPLICANT - Any person, firm, or governmental agency who executes the necessary forms and procedures to procure official approval of a project or a permit to carry out construction of a project.

AUTOMOBILE GARAGE – Any area of land, including structures thereon, used for the retail service or major repairs, minor repairs, and painting of automobiles, including the incidental services of lubrication and cleaning.

AUTOMOBILE SERVICE STATION – Any area of land including structures thereon, used for the retail sale of gasoline, oil, automobile accessories and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, automatic washing, or automobile sales or rental.

BENEFICIAL OWNER(S) - All property owners in a subdivision that derive benefit from a stormwater management facility, detention facility, retention facility, or drainage easement may be considered owners of that facility or easement.

BEST MANAGEMENT PRACTICES, SOIL EROSION AND SEDIMENTATION CONTROL - An engineering technique, or a management strategy, that has been determined and accepted to be an effective and practical means of preventing or reducing soil erosion or nonpoint source pollution in a local area.

BEST MANAGEMENT PRACTICES , STORMWATER MANAGEMENT - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BIOMEDICAL WASTE - Pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, and other such waste materials. If treated in accordance with the following procedures, such waste shall no longer be considered biomedical waste and may be combined and handled with regular solid waste.

Biomedical waste shall be treated by one of the following methods prior to disposal at a permitted solid waste disposal facility: Incineration in a thermal treatment technology facility which provides complete combustion of waste to render it nonpathogenic; Decontamination by heating with steam under pressure (autoclave) so as to render the biomedical waste noninfectious; or other proven and accepted methods for decontamination as may be approved by the appropriate State or Federal regulatory agencies.

BLOCK – A parcel of land entirely surrounded by public highways or streets, railroads, rivers, streams, or U.S. Government property, regardless of size or shape of such land or the number of lots thereon.

BOARD OF COMMISSIONERS – The Board of Commissioners of Oglethorpe County, Georgia. The governing body or governing authority of Oglethorpe County, Georgia.

BOARDING HOUSE - A building other than a hotel where, for compensation and/or by prearrangement, meals and lodging or just lodging are provided for more than four (4) but fewer than twenty (20) persons; provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a boarding or rooming house shall be considered a multi-family dwelling.

BRIDGE - A structure having a clear span of more than twenty feet designed to convey vehicles and/or pedestrians over a water course, railroad, public or private right-of-way, or any depression.

BUFFER/SCREENING - The establishment or retention of an opaque fence, wall, dense natural or landscaped plant material, landscaped earthen berm, or combination thereof, for the purpose of minimizing the effects of incompatible or objectionable uses, sights, noise, or odors on surrounding properties.

BUFFER, STREAM – State water’s vegetative buffer or other riparian buffer

BUILDING - Any structure, either permanent or temporary, above or below ground, having a roof or other covering and designed, built or used as a shelter or enclosure for persons, animals or property of any kind, and including tents or awnings used for the purposes of a building.

BUILDING, HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the gables of a pitch or hip roof.

BUILDING, PRINCIPAL - A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is situated.

BUILDABLE AREA - The portion of a lot remaining and available for construction of a building or related facility after required yards, open space, and buffers have been provided.

BUILDING SETBACK LINE – A line, set back a specified distance from and parallel to the front property line or street right-of-way line beyond which the foundation wall and any roofed porch, vestibule, or other such portion of a building shall not project.

BUSINESS ENTITY - Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

CAMPAIGN CONTRIBUTIONS - A contribution as defined in paragraph (6) of O.C.G.A. §21-5-3.

CARPORT - A partially enclosed structure usually attached to a principal structure and used for the housing of motor vehicles, the property of, and for use only by, the occupants of the lot upon which said structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure, and not as an accessory structure.

CLEAN WATER ACT - The Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

CLINIC - An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

CLOSURE - A procedure approved by the Environmental Protection Division of the Georgia Department of Natural Resources which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.

CLUB/LODGE - Building and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

CO-LOCATION - The placement of antennas of two or more service providers on a single tower or alternative tower structure.

COMMERCIAL RECREATIONAL ENTERPRISES - Commercial uses, as opposed to private or publicly owned and operated uses, which by their nature are recreational, such as bowling alleys, skating rinks, miniature golf courses, driving ranges, go-cart tracks, tennis and racquetball courts, swimming pools, video arcades, pool halls, etc.

COMMERCIAL SOLID WASTE - All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

COMMUNITY WATER SYSTEM - A private system formed by a developer to serve a new subdivision in an outlying area. It includes approved water treatment and distribution facilities.

COMMUNITY SEWERAGE SYSTEM – A private sewerage system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

COMPREHENSIVE PLAN - Any part or element of a Comprehensive Plan for Oglethorpe County, Georgia, and the Cities of Arnoldsville, Crawford, Lexington, and Maxeys, as adopted September 5, 1995, by the Oglethorpe County Board of Commissioners, and as may be amended.

CONDITIONAL USE - A use which is not automatically permitted inherently, but which may be permitted within a zoning district subject to meeting specific conditions contained in this ordinance or required by the approving body.

CONDITIONAL ZONING – The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in the zoning ordinance. The rezoning conditions must promote the general welfare and not merely private interest, the rezoning does not otherwise constitute illegal spot zoning, the conditions imposed are reasonable and not otherwise illegal and there is no express agreement bargaining away the county’s authority to make subsequent zoning changes to the property.

CONDOMINIUM - A type of ownership of attached or detached dwelling units, offices, or other space within a structure as defined by the Official Code of Georgia Annotated (O.C.G.A. §§ 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant, but in which all common areas of the buildings and grounds are jointly owned.

CONSERVATION SUBDIVISION – *“See Subdivision, Conservation”*

CONTAMINANT - Any physical, chemical, biological, or radiological substance or matter.

CONSTRUCTION ACTIVITY - Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

CONSTRUCTION/DEMOLITION WASTE - Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

CORRIDOR - All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in the Environmental Protection Provisions of this Ordinance.

CUL-DE-SAC - A local street with only one (1) outlet, closed and terminated by a vehicular turnaround.

DAM - A structure or wall constructed for the purpose of stopping water, whether constructed as an earthen embankment, reinforced concrete, or other material.

DAY-CARE CENTER - Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay, for group care, for fewer than twenty-four (24) hours per day, without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed or commissioned by the Georgia Department of Human Resources. For the purposes of this ordinance, such a facility shall not be classified as a Home Occupation.

DAY-CARE HOME, FAMILY – (See Family Day-Care Home.)

DAY-CARE HOME, GROUP – (See Group Day-Care Home.)

DEED RESTRICTIONS/PRIVATE COVENANTS - Private stipulations which govern lot size, minimum floor area, uses permitted, dedicated open space, and in some instances architectural design. These may be stricter than provisions included in this Zoning Ordinance.

DETENTION - The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

DETENTION FACILITY - A basin or structure used for the temporary storage of stormwater runoff for the purpose of controlling the peak discharge and which is designed to completely drain after a specified period of time.

DESIGN PROFESSIONAL OF RECORD - The licensed professional whose seal appears on plats or plans subject to these regulations.

DEVELOPMENT PERMIT - This shall include building permits, rezoning applications, conditional use permit applications, variance applications, and preliminary and final subdivision plat applications.

DRAINAGE EASEMENT – An area set aside for the purpose of transporting storm water. Maintenance of these easements are the responsibility of the private owner unless dedicated and accepted by the County for maintenance.

DRASTIC METHOD - The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).

DRUG REHABILITATION CENTER – A building or portion of a building, whether private for-profit, non-profit, or institutional, principally engaged in providing services for treatment of addiction, psychiatric, psychological or other behavioral health conditions where care may be provided on a short or long term basis whose operators are licensed to provide such care by the State of Georgia

DWELLING, MULTI-FAMILY – A residential structure designed for or occupied by three (3) or more families living independently of each other in individual dwelling units or three (3) or more boarders or roomers.

DWELLING, SINGLE-FAMILY – A detached residential structure designed for and occupied exclusively by one family.

DWELLING, SINGLE-FAMILY ATTACHED – A residential structure divided by a coincidental property line and common wall which separates the structure into individual single-family dwelling units, each occupying its own lot.

DWELLING, TWO-FAMILY - A detached residential structure designed primarily for single- family use, which also includes one additional but secondary dwelling unit, such as a separate apartment, contained within the attic, the basement, or otherwise within the principal building, or located within a garage or other permitted accessory building.

DWELLING, TWO-FAMILY DUPLEX - A residential structure designed for and occupied exclusively by two (2) families living independently of each other.

DWELLING, TENANT - A residential structure located on a farm, said structure being owned by the farm owner/operator and occupied by a non-transient farm worker who is employed by the owner/operator of the

farm. At least one of the occupants must be an employee of the farm operation or their presence must be necessary and essential for the orderly operation of the farm.

DWELLING UNIT - A building or portion thereof which is designed or used for non-transient residential purposes, constituting a separate, independent housekeeping establishment containing independent cooking, sleeping and toilet facilities, and which is physically separated from any other dwelling units or uses which may be in the same structure.

EASEMENT - A grant, made by a property owner, to the general public, or a corporation, or certain individual(s), for the use of land for a specific purpose or purposes.

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

EROSION CONTROL AND SEDIMENTATION CONTROL PLAN - Plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

EXTENDED DETENTION - The detention of stormwater runoff for an extended period, typically 24 hours or greater.

EXTREME FLOOD PROTECTION - Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

FALL-OUT SHELTER/STORM SHELTER - A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raid, storms or other emergencies.

FAMILY - One or more persons occupying a single dwelling unit on a non-transient basis, where all members are related by blood, marriage, adoption, or foster care, provided that a related family may also have up to two additional unrelated individuals living with them. The term "family" shall also include a group of no more than four (4) unrelated persons occupying a single dwelling unit on a non-transient basis. The term "family" does not include any organization or institutional group, or persons occupying a boarding house, rooming house, or hotel, as herein

FAMILY DAY-CARE HOME - A private residence operated by a person who receives therein for pay for supervision and care fewer than twenty-four (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under eighteen (18) year of age who are not related to such persons and whose parents or guardians are not residents of the same private residence and which is registered with the Georgia Department of Human Resources.

FAMILY MEMBER, IMMEDIATE – The spouse, child/step-child, grandchild, parent, or sibling of the property owner.

FINANCIAL INTEREST - All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10) percent or more.

FLOODING - A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

FLOOD PLAIN - Any land area, such as lowland and relatively flat areas adjoining state water, susceptible to being inundated by water from any source including those areas identified by the Federal Emergency Management Agency (FEMA) on flood insurance rate maps and identified or defined through standard engineering analysis by other government agencies or a licensed professional engineer, but not yet incorporated into a FEMA flood insurance rate map.

FLOOR AREA - The floor area is the sum of the gross horizontal areas of the total number of floors of a structure, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) or more attached buildings. Floor space shall be exclusive of attic space providing headroom of less than seven (7) feet, unusable basement or cellar space, uncovered steps for fire escape, open porches, patios, carports, interior parking spaces, accessory off-street parking spaces, accessory off-street loading berths, and accessory water or cooling towers.

FRATERNAL ORGANIZATION – “A non-profit/professional membership organization based primarily on social affinity or formed to pursue common interests, typically under the recognition or sanction of an established parent group or organization, and which has regular meetings, rituals, and formal membership requirements.

FRONTAGE– The distance for which the front boundary line of the lot and the street line are coincident. In the case of corner lots or through lots, all sides of a lot adjacent to streets shall be considered frontage.

GARAGE, PRIVATE - An accessory building or a portion of a main building for the private use of the owner or occupant of the principal building or use for parking or storage of vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC/COMMERCIAL - A building or portion thereof designed or used for commercial or public storage, rental, servicing, washing, or adjusting of vehicles, but not including major automotive repairs.

GARAGE, REPAIR - Any area of land, including structures or portions of structures thereon, designed or used for major service and repair, bodywork, painting, and equipping of motor vehicles. The sale of motor vehicles or the outside storage of wrecked vehicles, dismantled parts or supplies shall be prohibited unless such areas are completely screened from view from adjoining properties or public streets.

GENERALIZED WETLAND MAP - The current U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Maps for Oglethorpe County, Georgia.

GEORGIA STORMWATER MANAGEMENT MANUAL, VOLUME 2 - Technical handbook, produced as a result of a collaborative effort between the Atlanta Regional Commission (ARC), the Georgia Department of Natural Resources-Environmental Protection Division (EPD), and 35 cities and counties from across Georgia that provides guidance on the techniques and measures that can be implemented to meet a set of stormwater management minimum standards for new development and redevelopment, as amended from time to time.

GIS – Geographic Information System.

GPS – Global Positioning System.

GREENSPACE - Permanently protected areas of the site that are preserved in a natural state. See also under "open space."

GROUP DAY-CARE HOME – Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the Georgia Department of Human Resources.

GROUP HOME/REHABILITATION HOME - A facility which provides a temporary living environment for no more than seven (7) unrelated persons undergoing physical or emotional trauma, or for those persons required by law to reside apart from their immediate family to undergo counseling or rehabilitation; which facility operates as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. All group homes/Rehabilitation Homes must have a permit from the

Georgia Department of Human Resources. A group home shall not include intermediate care homes, nursing or convalescent homes, alcohol or drug treatment centers, residential treatment facilities, emergency shelters, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. A Group Home/Rehabilitation Home shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals.

HAZARDOUS WASTE -Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is same definition as used in the Georgia Hazardous Waste Management Act.)

HOME OCCUPATION - An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

HORTICULTURE – The cultivation of row crops, orchard, vineyard, or garden.

HOTEL/MOTEL - A facility offering transient lodging accommodations to the general public at a daily rate, for a period of time not to exceed thirty (30) days, and which may also provide additional services such as restaurants, meeting rooms, or recreational facilities.

HYDROLOGIC SOIL GROUP (HSG) - The U.S. Natural Resource Conservation Service (NRCS) classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff. NRCS HSG information may be found in the Georgia Stormwater Management Manual Appendix B.

ILLUMINATION - A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

EXTERNAL ILLUMINATION: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

INTERNAL ILLUMINATION: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting are considered internal illumination.

ILLEGAL CONNECTION - An illegal connection is defined as either of the following:

- Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- Any pipe, open channel, drain or conveyance connected to the Oglethorpe County Separate Storm Sewer System that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE - Any direct or indirect non-stormwater discharge to the Oglethorpe County storm drain system, except as exempted in the storm drainage and stormwater management division of the erosion control and stormwater management article of this Development Code.

IMPERVIOUS SURFACE – Man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, conventional paved roads, driveways, parking lots,

and patios (unless such paving consists of approved porous/pervious concrete or other such porous materials), and swimming pools.

INDUSTRIAL ACTIVITY - Activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

INDUSTRIAL STORMWATER PERMIT - A national pollutant discharge elimination system (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INDUSTRIAL WASTE - Solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products, nonferrous metals manufacturing/ foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

INDIVIDUAL ON-SITE DEWAGE DISPOSAL SYSTEM – A septic tank, seepage tile sewage disposal system, or any other individual on-site sewage treatment device and system approved by the Oglethorpe County Health Department.

INERT WASTE LANDFILL - A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed herein.

INFILTRATION - The process of percolating stormwater runoff into the subsoil.

INSPECTION AND MAINTENANCE AGREEMENT - A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records, constitutes a restriction on the title to a site or other land involved in a land development project.

INTERMEDIATE CARE FACILITY - A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.

JUNK YARD/SALVAGE YARD - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. Such facilities may or may not include auto crushing and scrap metal processing.

JURISDICTIONAL WETLAND DETERMINATION – A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

JURISDICTIONAL WETLAND - An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

KENNELS - Any location where four (4) or more adult dogs, cats, or other domestic animals are kept for the purpose of boarding, care, grooming, breeding, training, raising, or sale, and which is carried on for commercial purposes. The personal care and sale of litters of domestic animals under the age of six (6) months, by private individuals, shall be excluded.

KINDERGARTEN - A school or class either public or private for children ranging in age from four (4) to six (6) years old, the intent of which is to provide beginning social and educational training.

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

LAND DEVELOPMENT ACTIVITIES. Those actions or activities that comprise, facilitate, or result in land development.

LAND DISTURBING ACTIVITY - Grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.

LAND DISTURBANCE PERMIT – Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards as provided by law.

LANDSCAPE ARCHITECT - A registered, practicing landscape architect licensed by the State of Georgia.

LARGE WATER SUPPLY WATERSHED – A watershed containing one hundred (100) square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

LAUNDROMAT - A business that provides home-type washing, drying, and/or ironing machines.

LAUNDRY AND DRY CLEANING PICK-UP - A business that provides only for the convenience of taking and picking up of laundry and dry cleaning. Such establishments do not having any equipment for processing of the laundry or dry cleaning.

LOADING SPACE, OFF-STREET - Space logically and conveniently located within the main building or on the same lot, providing for the standing, loading, or unloading of trucks or other carriers, scaled to the delivery vehicles expected to be accommodated.

LOT - A parcel of land which is designated as a single unit of property.

LOT, CORNER - A lot abutting two (2) or more public streets at their intersection.

LOT, DOUBLE FRONTAGE - A lot having frontage on two public streets that do not intersect at a point abutting the property, as distinguished from a corner lot. Also referred to as a through lot.

LOT, INTERIOR - A lot with frontage on a single street, as opposed to a corner lot or double frontage lot.

LOT COVERAGE - The area of a lot occupied by all buildings, areas of operation, and accessory structures/uses, including parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, and other accessory uses, expressed as a percentage of the gross area of the lot. Driveways should not be included in the percent coverage.

LOT DEPTH - The mean horizontal distance between front and rear lot lines, measured in the direction of the side lines of the lot.

LOT FRONTAGE – That portion of a lot adjacent to a public street or right-of-way.

LOT LINE - A boundary of a lot. Lot line is synonymous with property line.

LOT OF RECORD - An individual lot or a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia; or a lot or parcel of land, the deed of which, or whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Superior Court of Oglethorpe County.

LOT WIDTH - The least horizontal distance between side lot lines, as measured at the minimum required front building setback line.

MANUFACTURED HOUSING – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site. Such units typically arrive at a site from the factory or dealer as a complete dwelling unit or in two sections, with fixtures and major appliances included, and plumbing and electrical connections provided for attachment to outside systems. Units originally constructed with wheels for movement shall not change classification if the wheels are removed. Travel trailers and recreational vehicles shall not be included in this definition. For the purposes of this Ordinance, manufactured housing shall be classified as follows:

- “Class A” Manufactured Housing – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall). In addition, “Class A” Manufactured Housing shall be that which DOES comply with both the Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements, and the minimum standards for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in *Subsection 901.02, Minimum Compatibility Standards*, in this Ordinance.
- “Class B” Manufactured Housing/Mobile Home - A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall); and which DOES comply with the Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements, but which DOES NOT comply with the minimum standards for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in *Subsection 901.02, Minimum Compatibility Standards*, in this Ordinance.
- “Class C” Manufactured Housing – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, which DOES NOT satisfy the construction, fire, or safety standards specified for either “Class A” or “Class B” Manufactured Housing. Any Manufactured Housing that does not meet the minimum requirements for “Class B” Manufactured Housing shall be prohibited from being moved into Oglethorpe County. Any existing “Class C” Manufactured Housing already located in Oglethorpe County prior to the adoption of this Ordinance may be relocated within Oglethorpe

County subject to the conditions specified in paragraph #3 of Subsection 901.03, Manufactured Housing as Single-Family Dwellings, in this Ordinance.

- **Modular Housing/Industrialized Housing** - A factory-fabricated, transportable building consisting of units mass produced in factories and designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes. The building shall be manufactured in accordance with the Georgia Industrialized Building Act, and each unit must bear a seal of approval issued by the Commissioner of the Department of Community Affairs (DCA seal). The DCA sticker of approval is normally placed on the inside of the electrical panel or on the inside of kitchen cabinet doors.

MANUFACTURED HOUSING PARK - A tract of land under single ownership that is planned, used, or designated to accommodate two (2) or more manufactured housing units, where either the spaces for such and/or the manufactured housing units are held out for rent, on a non-transient basis. Manufactured housing located in a Manufactured Housing Park may be used only to provide living and sleeping accommodations. A Manufactured Housing Park shall not include a manufactured housing sales lot on which unoccupied manufactured housing is parked for inspection or sale.

MINING - Any operation involving but not limited to Surface Mining or Quarrying, or Stone Crushing, or Dimension Stone Mining or Quarrying, whether strip, surface, or subsurface, in which the extraction of sand, rock, minerals, or elements is removed from the earth

MODULAR HOUSING/INDUSTRIALIZED HOUSING – [See Manufactured Housing.]

MUNICIPAL SOLID WASTE - Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

MUNICIPAL SOLID WASTE DISPOSAL FACILITY - Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.

MUNICIPAL SOLID WASTE LANDFILL - A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by Georgia EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NATURAL VEGETATIVE BUFFER – An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced by human intervention. The river corridor contains the flora native to that area. The natural flora for specific areas are described in Georgia Geologic Survey Bulletin 114, “The Natural Environments of Georgia.” Habitats for endangered and threatened species may require human management of the river/stream corridor in order to maintain those species.

NET DENSITY – For the purposes of conservation subdivisions, net density shall be the total contiguous acreage within the boundaries of the subdivision divided by the total number of building lots and shall be expressed in “lots per acre”

NEW DEVELOPMENT - A land development activity on a previously undeveloped site.

NON-CONFORMING USE OR NON-CONFORMING STRUCTURE - Any building, structure, or use of land existing and lawful at the time of passage or amendment of this Ordinance, which, after the passage or amendment of this Ordinance, does not conform with the regulations of the district in which it is located.

NONPOINT SOURCE POLLUTION - A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NON-STORMWATER DISCHARGE - Any discharge to the storm drain system that is not composed entirely of stormwater.

NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICE OR NONSTRUCTURAL PRACTICE- Any natural or planted vegetation or any other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

NURSERY SCHOOL - a preschool, usually privately operated, providing educational care for children not yet of age to attend elementary school.

NURSING HOME - A facility for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three (3) or more unrelated persons, not operating as the functional equivalent of a family, are provided with food, shelter, and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured and not including personal care homes. Nursing homes usually have comprehensive medical staff including RNs and LPNs or other state licensed health care providers.

OFF-SITE FACILITY (Stormwater) - A stormwater management facility located outside the boundaries of the site.

OGLETHORPE COUNTY SEPARATE STORM SEWER SYSTEM - Any facility, owned or maintained by the county, designed or used for collecting and/or conveying stormwater, including but not limited to roads with drainage systems, Oglethorpe County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

ON-SITE FACILITY (Stormwater) - A stormwater management facility located within the boundaries of the site.

OPEN BURNING - The combustion of solid waste without: control of combustion air to maintain adequate temperature for efficient combustion; containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and control of the emission of the combustion products.

OPEN DUMP - A disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment. Open dumps are illegal and are strictly prohibited.

OPEN SPACE - An area free of buildings, parking, paved areas, and other accessory structures or uses, the purpose of which is to provide a balanced relationship between buildable area and lot size. Such areas can be utilized for active or passive recreational pursuits or for the enhancement of lot aesthetics.

OVERBANK FLOOD PROTECTION - Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

OUTLOT – A lot which is either unsuitable for building, or not intended for development and is allocated to be used for aesthetic purposes, safety, or common public use.

OWNER - The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in operational control of the site.

PARCEL – A general term including all plots of land shown with separate identification on the Official Tax Appraisal maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

PAVED ROAD WIDTH – The shortest distance as measured from curb face to curb face or, if without curbing, as measured from edge of pavement to edge of pavement.

PERENNIAL RIVER/PERENNIAL STREAM – Any river or section of river, stream, or watercourse that flows throughout the whole year (indicated by a solid blue line on a USGS 7½ minute topographical series map.)

PERMITTED USE - That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

PERSONAL CARE HOME – A profit or non-profit facility, home, or structure for the protective care and watchful oversight for residents. Such home shall not provide chronic or convalescent medical or nursing care. Personal care includes responsibility for the safety of the residents while inside the building. Personal care may include daily awareness by management of the residents' functioning and whereabouts, the reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment. Personal Care Homes are distinguished from Nursing Homes in that Personal Care Homes do not have a comprehensive or full-time medical staff.

Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term Personal Care Home shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All Personal Care Homes must have a permit from the Georgia Department of Human Resources. Personal care facilities are exempt from the definition of a family and shall be classified in one of the following ways:

- 1) Family – Two (2) to six (6) clients, plus manager.
- 2) Group – Seven (7) to fifteen (15) clients, plus manager.

3) Congregate – Sixteen (16) or more clients, plus manager.

PERVIOUS SURFACE – A surface that allows water and air to travel through it, reducing stormwater run-off (one of the leading contributors to pollution of fragile waterways), facilitating groundwater recharge, and allowing trees to feed naturally, unlike impervious surfaces like asphalt or conventional concrete. Pervious surfaces also tend to have a more natural look in the landscape. Pervious surfaces can be particularly useful for parking areas, driveways, sidewalks or trails, boat ramps, cart paths in sensitive natural and historic areas, or where run-off or drainage problems might result from large-scale paved areas or where paving must be placed within tree drip lines.

Types of pervious surfaces include materials such gravel, crushed stone, open paving blocks, pervious paving blocks, and pervious concrete. Pervious concrete is a cement-based concrete with approximately 20% void space. The voids (between 1/8 to ¼ inch in diameter) are produced through the elimination of the fine aggregate generally found in typical concrete mixes. It is placed with standard paving equipment and compacted with rollers. The final product looks like a loose granular base, but it is held together by the cement.

PHYSICAL FITNESS CENTER – Recreational facilities used by the public, who, as members, seek exercise and fitness through active pursuit of aerobics, weight-training, court sports, or related organized fitness programs.

PLANNING AND ZONING OFFICIAL(S) - Any designated person or persons authorized by the Oglethorpe County Board of Commissioners to enforce the provisions of this Ordinance.

PLAT – A map, plan or layout of a county, town section, subdivision, parcel or lot indicating the location and boundaries of properties.

PLAT, FINAL – A plat of a subdivision of property that is intended to be recorded with the Clerk of Superior Court of Oglethorpe County.

PLAT, PRELIMINARY – A plat showing a layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

PLAT, SKETCH- A generalized representation of the proposed subdivision submitted prior to the preliminary plat that will enable the developer to reach general agreement with the Commission as to the form of the plat and the objectives of these Regulations.

PLAYSCHOOL - A school for pre-kindergarten children ranging in age from three (3) to four years and which operates for less than four (4) hours per day.

POLLUTANT - Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

POLLUTION - Contamination or other alteration of any water's physical, chemical, or biological properties by addition of any constituent including but not limited to a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

POLLUTION SUSCEPTIBILITY - The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

POLLUTION SUSCEPTIBILITY MAP - Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)

POOL - Any structure, chamber, or tank containing an artificial body of water having a minimum depth of eighteen (18") inches, and which has a closed- loop circulation of water through a water treatment or filtration system with a return to the structure and which is located in-ground or above-ground, either partly or entirely outdoors.

PRINCIPAL USE/ PRINCIPAL BUILDING - The primary purpose for which land or a building is used.

POST-CLOSURE - A procedure approved by the Environmental Protection Division of the Georgia Department of Natural Resources to provide for long-term financial assurance, monitoring, and maintenance of a solid waste disposal facility to protect human health and the environment.

POST-DEVELOPMENT - the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

PRE-DEVELOPMENT - The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by Oglethorpe County. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first element of construction and/or phase being approved or permitted shall establish pre-development conditions.

PREMISES - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PRIVATE ACCESS DRIVE/EASEMENT - A private drive or easement, serving as the exclusive access for a landlocked parcel or parcels of land, and which is not owned or maintained or intended to be owned or maintained by the County. A private access drive/easement that serves no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of-way or easement width of thirty (30') feet. A private access drive/easement that serves two or more lots shall have a minimum right-of-way or easement width of fifty (50') feet.

PRIVATE BRIDGE - A bridge owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oglethorpe County for maintenance, over which a roadway passes.

PRIVATE DAM - A dam owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oglethorpe County for maintenance, over which a roadway passes.

PRIVATE RESIDENTIAL POOL - Any pool, permanent or non-portable, that is intended for noncommercial use by not more than one (1) owner family and their guests.

PROFESSIONAL - When used in connection with "use" and "office" a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors.

PROFILE GRADE – The grade of the centerline of a street measured at any point along the street, expressed as a percent.

PROTECTED RIVER - Any perennial river or watercourse with an average annual flow of at least 400-cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of river covered by the Metropolitan River Protection Act or the Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limits of the jurisdiction of the Coastal Marshlands Protection Act.

PUBLIC IMPROVEMENT - Any drainage ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the County may ultimately assume the responsibility of liability for maintenance or operation, or which may affect an improvement for which County responsibility and liability is established.

PUBLIC POOL - Any pool, permanent or non-portable, used by the public for swimming, diving, wading, recreation or therapy, together with buildings, appurtenances and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes, but is not limited to, municipal, school, hotel or motel pools, pools and spas operated by or serving clubs, fraternal orders, veterans organizations, camps, churches, day care centers, group home facilities of twelve or more clients, institutions, parks, condominiums, apartment complexes, mobile home parks, recreational vehicle parks, associations, health clubs, special purpose pools and recreational water park attractions.

PUBLIC SEWER – A government owned sanitary sewer collection and treatment system.

PUBLIC USE – A use which is owned, operated, or conducted by Oglethorpe County or other unit of government.

PUBLIC UTILITY OR UTILITIES - Service or services provided by a public utility company or a private entity which provides such service or services and all equipment and structures necessary to provide such services, as well as natural and improved drainage facilities.

PUBLIC WATER – Water for human consumption which is provided from a governmental source and is conveyed to private properties by government owned water lines.

PROPERTY INTEREST - The direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.

RAMP - (1) A sloping roadway or passage used to join two different levels of streets, structures or buildings; (2) Driveways leading to parking aisles.

REAL PROPERTY - Any tract or parcel of land and if developed any buildings or structures located on the land.

RECHARGE AREA - Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

RECREATIONAL VEHICLE – A recreational vehicle is a vehicle type unit that is one of the following:

- A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping
- A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis, or on a chassis cab or van that is integral part of the completed vehicle

- A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size and weight that may or may not required special highway movement permits when towed by a motorized vehicle. This type includes fifth wheel trailers.

RECREATIONAL VEHICLE PARK - A parcel of land which is used solely for the rental or lease of spaces for transient campers, recreational vehicles, or travel trailers for a period not to exceed thirty (30) days.

REDEVELOPMENT - A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

REGIONAL STORMWATER MANAGEMENT FACILITY OR REGIONAL FACILITY - Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

REGULATED ACTIVITY - Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States, excepting those activities exempted in Section 404 of the Federal Clean Water Act.

RESERVOIR BOUNDARY - The edge of a water supply reservoir defined by its normal pool level.

RESTAURANT - An establishment that prepares and serves food to customers, primarily inside an enclosed building.

RESTAURANT, FAST FOOD - A restaurant serving food from an ordering counter and vehicle drive-in/through. Food can either be consumed on or off the premises.

RIGHT-OF-WAY - Access over or across a particularly described property for a specific purpose or purposes.

RIGHT-OF-WAY, PUBLIC – That area which is owned by or under the control of Oglethorpe County or other unit of government, whether established by usage, recorded easement, deed, dedication, or by an official right-of-way map of Oglethorpe County, for the present or future use of roads, streets, highways, or other public ways or thoroughfares, together with drainage facilities and other supporting uses and structures.

RIGHT-OF-WAY LINE – The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

RIVER BANK/STREAM BANK - The rising ground, bordering a stream or river, usually marked by a break in slope, which serves to confine the water to the natural channel during the normal course of flow.

ROAD SUPERINTENDENT – Oglethorpe County Road Superintendent.

ROOMING HOUSE - A building other than a hotel where lodging for three (3) but not more than twenty (20) persons is provided with no meals served.

RUNOFF - Stormwater runoff

SCRAPMETAL PROCESSOR - One who, from a fixed location, utilizes machinery and equipment for dismantling, compacting, and processing iron, steel or nonferrous metallic scrap into prepared grades and whose principal

product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes. Includes auto crushing facilities.

SENSITIVE NATURAL AREA - Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- Habitat, including nesting sites, occupied by rare or endangered species;
- Rare or exemplary natural communities;
- Significant landforms, hydroforms, or geological features; or
- Other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

SETBACK LINE - The minimum required distance from a street right-of-way line or other property line beyond which a building or use is not permitted to extend under the provisions of this Ordinance.

SHOPPING CENTER - A property, under single ownership, planned and developed as a unit, and providing leased space for multiple commercial establishments, with common off-street parking provided on the property.

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

SIDEWALK - That portion of a street or road available exclusively for pedestrian traffic.

SIGN - Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public in written or pictorial form.

SIGN AREA - The area of the smallest rectangle or circle within which the entire sign can fit; excluding structural supports which do not contribute through shape, color, or otherwise to the sign's message; but including any separate surface, board, frame or shape on or within which the sign is displayed. The height of a sign shall be measured to the highest point of the sign, including any structural or ornamental projections above the sign proper, from the average ground level above which the sign is located. The dimensions of a sign shall be the length and width of such a rectangle or the diameter of such a circle.

SIGN HEIGHT - The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

SIGN, FREESTANDING - A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

SIGN, ILLUMINATED - A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

SIGNIFICANT RECHARGE AREAS - Areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 20 (1992 edition).

SITE - The parcel of land being developed, or the portion thereof on which the land development project is located.

SITE DEVELOPMENT PLANS - A set of plans, details and technical specifications for the construction of site improvements to a commercial, office, industrial or multi-family lot that includes but is not limited to building

footprints, drives, parking, drainage systems, utilities, buffers, landscaping, parking lot lighting, embankments, signage, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

SMALL WATER SUPPLY WATERSHED - A watershed that contains less than one hundred (100) square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

SOLID WASTE - Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

SOLID WASTE HANDLING FACILITY - Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

SOLID WASTE THERMAL TREATMENT TECHNOLOGY - Any solid waste handling facility the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

SPEED BUMP - A raised section of a paved surface or roadway designed to slow down and deter speeding traffic.

STREAM ORDER – Classification of streams using the Strahler Method (1957). A first-order stream has no perennial tributaries, a second-order stream is formed when two or more first-order streams join together, and a third-order, or higher-order, stream is formed when one or more second-order tributaries join together. A second-order or higher-order stream may have any number of lower-order streams emptying into it without having any effect on its order number. A higher-order results only when two like-ordered streams are joined.

STORMWATER - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER BETTER SITE DESIGN - Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

STORMWATER DISCHARGE - The flow rate of surface water resulting from precipitation.

STORMWATER MANAGEMENT - The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

STORMWATER MANAGEMENT FACILITY - Any infrastructure that controls or conveys stormwater runoff. Stormwater management measure. Any stormwater management facility, structure, or nonstructural stormwater management practice.

STORMWATER MANAGEMENT MANUAL - The most recent edition of the Georgia Stormwater Management Manual, Volume II (Technical Handbook), produced by the Atlanta Regional Commission (hereinafter in this article referred to as the "Georgia Stormwater Management Manual").

STORMWATER MANAGEMENT PLAN - A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this division.

STORMWATER MANAGEMENT SYSTEM - The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

STORMWATER MANAGEMENT RETROFIT - A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

STORMWATER RUNOFF - The quantity of surface water resulting from precipitation.

STORY - That portion of a building included between the surface of the floor and the surface of the ceiling or the floor next above it, but excluding any room, suite, story, cellar, or basement with more than one-half of its height below grade, which shall not be considered a story for the purposes of height regulations.

STREET – A public or private thoroughfare which affords the principal means of access to abutting property and is classified as follows:

- Arterial: A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)
- Major Collector: A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)
- Minor Collector: Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 501 and 2500 vehicles per day)
- Local: A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 500 vehicles per day)
- Cul-De-Sac: A local street with only one outlet, closed and terminated by a vehicular turnaround.
- Alley: A platted service way providing a secondary means of access to abutting properties.

STREET, MARGINAL ACCESS - A street that is parallel to and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

STREET, PRIVATE - A street within a gated or otherwise restricted access development, which serves the occupants of that development, but which is not open to the general public and is neither owned or maintained nor intended to be owned or maintained by the County.

STREET, PUBLIC - A street which is owned and/or maintained by Oglethorpe County or other unit of government.

STREET GRADE – The grade of the curb or centerline of a street measured at any point along the street.

STRUCTURAL STORMWATER CONTROL - A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, the velocity of flow, or the rate of discharge of such runoff.

STRUCTURE - Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, buildings, manufactured housing, signs, parking lots, pools, canopies, decks, gasoline pumps, walls/fences, telecommunication/transmission towers/antennas.

SUBDIVIDER - Any person, firm, corporation, syndicate, or other legal entity who undertakes the subdivision of land within the confines of Oglethorpe County, Georgia.

SUBDIVISION - Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

SUBDIVISION, CONSERVATION - A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state.

SUBDIVISION, TRADITIONAL - A form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

SUBDIVISION CONSTRUCTION PLANS - A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

SUBTITLE "D" LANDFILL – Any municipal solid waste landfill unit that meets the minimum requirements of (part II) 40 CFR parts 257 and 258, as amended, for Solid Waste Disposal Facility Criteria, Final Rule, and that has not received waste prior to October 9, 1993.

SURVEYOR - A registered, practicing surveyor, licensed by the State of Georgia.

TELECOMMUNICATIONS ANTENNA – Any exterior apparatus designed for sending or receiving wireless telecommunication, radio, or television communications.

TELECOMMUNICATIONS FACILITIES, WIRELESS – All buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to the conventional ground- wired communications system (including, but not limited to, telephone lines, video, and microwave transmission) through a series of short range, contiguous cells that are part of an evolving grid.

TELECOMMUNICATIONS TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, radio and television transmission towers, alternative tower structures, and other similar structures.

TELECOMMUNICATIONS TOWER, ALTERNATIVE STRUCTURE - Manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of telecommunication antennas or towers (such alternative design structures are also known as “stealth design”). The dimensions of such structures should fall within a reasonable range of the dimensions for related non-tower/antenna structures or objects normally found in the area.

TELECOMMUNICATIONS TOWER, MONOPOLE - A telecommunications tower consisting of a single pole, constructed without latticework and without guy wires or ground anchors.

TELECOMMUNICATIONS TOWER, TEMPORARY – Mobile wireless telecommunications towers mounted upon trailers and operated temporarily. Also known as “cellulars on wheels.”

TOWNHOUSE – A building which is one or more stories in height, designed to contain single- family dwelling units, in a contiguous group of at least three (3), but not more than ten (10) such units, each with individual front and rear entrances, and separated from each other by a fire rated common walls extending from the foundation to the roof decking. A townhouse shall be considered a multi-family structure.

TOWNHOUSE, FEE SIMPLE – A townhouse as defined above, where the common wall separating individual single-family dwelling units is situated on the coincident property line and where each unit and lot is independently owned and financed by the occupant.

TRADITIONAL SUBDIVISION - See “Subdivision, Traditional.”

TRAVEL TRAILER – A vehicular portable structure whose measurements do not exceed eight feet in width and thirty-five feet in length (8' x 35'), and designed as a temporary dwelling for travel, recreational, and vacation uses.

TRAVELWAY - The paved or otherwise improved portion of a street or road specifically provided and set aside to carry vehicular traffic. Travelways are commonly identified as the pavement between the curbs or between the shoulders of a road if no curbs are provided.

VARIANCE - A variance is a minimal relaxation or modification of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be granted for variations of the spatial requirements, only, and shall not be granted for variations pertaining to land uses. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. A variance may also be granted from the requirements for public water, public sewer, or both, applicable to the R-1, R-2, and R-3 zoning districts.

VEGETATIVE BUFFER – An undeveloped natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.

VETERINARY CLINIC - Facility for the treatment boarding and treatment of domestic animals, operated under the supervision of a licensed veterinarian and conducted inside a fully enclosed building.

WAREHOUSE - A building for the bulk storage of goods and merchandise or materials for later pick-up by or shipment to retail or wholesale distributors.

WAREHOUSE, MINI SELF-STORAGE – A facility with multiple storage compartments, where each compartment, which is usually not more than two hundred (200) square feet in size, has an individual separate door accessed

directly from the exterior vehicular use area and where the person(s) leasing the individual spaces keep the key in their possession.

WASTE DISPOSAL BOUNDARY - The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices).

WASTEWATER - Any water or other liquid discharged from a facility, that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products.

WATER SUPPLY RESERVOIR – A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corp of Engineers.

WATER SUPPLY WATERSHED - The area of land upstream of a governmentally owned public drinking water intake.

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

WETLANDS - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

YARD - A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT - An open space on the same lot with the principal building, extending the full width of the lot and situated between the front lot line and the front line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the front yard shall be measured as the least horizontal distance between the principal building line and the front lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On double frontage lots and multiple frontage lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, excepting that where necessary to promote continuity of design and where in compliance with all other requirements of this Ordinance, the Zoning Board may allow such lots to be oriented in the same manner as adjacent developed lots along the same street within the same district. In all cases, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.

YARD, REAR - An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building or use and extending the full width of the lot, situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the rear yard shall be measured as the least horizontal distance between the rear line of the principal building and the rear lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required rear yard. On all lots, including corner lots, the rear yard shall be at the opposite end of the lot from the front yard, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.

YARD, SIDE - An open space on the same lot with a principal building, situated between the side line of the principal building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot, or right-of-way line. For the purposes of this Ordinance, the width of the required side yard shall be measured horizontally from the side line of the principal building to the nearest point of the side lot line, or right-of-way line. Covered porches, whether enclosed or open shall be considered as part of the main building and shall not project into a required side yard. On corner lots, double lots, and multiple frontage lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.

YARD TRIMMINGS - Leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

ZONING BOARD - The Zoning Board of Oglethorpe County, Georgia.

Article III: Establishment Of Zoning Districts

Section 300. Districts Enumerated

For the purpose of this Regulation, Oglethorpe County, Georgia is divided into districts designated as follows:

- A-1 Intensive Agricultural District
- A-2 General Agricultural District
- A-R Agricultural/Rural Residential District
- R-1 Single Family Residential District
- R-2 Double-Family Residential District
- R-3 Multi-Family Residential District
- OIP Office/Institutional/Professional District
- B-1 Local Business District
- B-2 Highway Business District
- B-3 General Business District
- LI Light Industrial
- HI Heavy Industrial District
- HI(me) Heavy Industrial District (Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations only)
- PG Public/Government
- PD Planned Development District
- OS Open Space Development District
- SP Scenic Preservation District
- RSC River/Stream Corridor Protection District
- WSW Water Supply Watershed Protection District
- WP Wetlands Protection District
- GRA Groundwater Recharge Area Protection District

Section 301. Interpretation of zoning district boundaries

Where uncertainty exists with respect to the locations of the boundaries of any Zoning District in Oglethorpe County, Georgia, the following rules shall apply:

- a) Where a zoning district boundary line is shown as approximately following a corporate limits line; a militia district line; a land lot line; or the centerline of a street, public road, or state highway, or of a creek or stream; or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- b) Where a boundary line is given a position within a street, road or alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley, or stream, and if the actual location of such street, road, alley, or stream varies slightly from the location as shown on the Official Zoning Map, then the actual location shall control.
- c) Where a zoning district boundary line is shown or noted as being located a specific distance from a street, property line, or other discernable physical feature, and approximately parallel thereto, then such zoning district boundary line shall be construed as being the noted distance or failing such a note, the scaled distance from the centerline of the street or property line, or other discernable physical feature, and as being parallel thereto.
- d) Where a district boundary line, as appearing on the zoning map, divides a lot in single ownership at the time of the enactment of these regulations, the location of the line shall be the noted distance, or failing such a note, the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than fifty (50') beyond the Zoning District boundary lines. In those cases where only a portion of a lot is within a zoning district, required setbacks shall be measured from the property line and not the zoning district boundary.

- e) In the case of a through lot fronting on two approximately parallel streets, where such lot is divided by a Zoning District boundary line generally paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.
- f) Whenever a zoning district boundary line divides a structure, the use of the entire structure shall either be those uses permitted in the less intensive district, or if more than fifty (50%) percent of the heated area of the structure and lot are located in the more intensive district and has its street frontage and access located in the more intensive district, the entire structure may be used for any use permitted in the more intensive district. This clause applies to the use of the structure and not to the surrounding property. The use of the surrounding property or expansion of the structure must follow the requirements of the district in which it is located. In addition, the heated floor space of such structure cannot be increased (if less than fifty (50%) percent of the structure is located in the more intensive district) so as to increase the percentage of the structure located in the more intensive district above fifty (50%) percent. If a structure is more than fifty (50%) percent located in the more intensive district, expansion of the structure for nonresidential use may only occur in the more intensive district (if nonresidential use is allowed in that district.) If such structure is used for any nonresidential use, front, rear, and side yard buffer requirements are applicable with the necessary buffer/screening requirements situated on the property lines and not the zoning boundary. Lot coverage, whether residential or nonresidential, may be calculated using the entire area of the lot; however, no development from the more intensive district can occur within the less intensive district.
- g) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the Zoning Board shall, upon application, determine the location of the boundary, using the appropriate scale from the Official Zoning Map.

Section 302. Official Zoning Map

The boundaries of these districts are hereby established as shown on the map entitled "The Official Zoning Map of Oglethorpe County, Georgia." Said map is hereby adopted by reference and declared to be a part of this Ordinance. As evidence of its authenticity, the Official Zoning Map and amendments shall be certified by the Chairman of Oglethorpe County Board of Commissioners.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the offices of the Planning and Zoning Official(s) and shall be the final authority as to the current zoning status of Oglethorpe County.

Section 303. Amendments to Official Zoning Map

If, in accord with the provisions of this Ordinance, changes are made in district boundaries portrayed on the Official Zoning Map, the date of such changes shall be promptly noted on the Official Zoning Map after the amendment has been approved by the Oglethorpe County Board of Commissioners and duly noted in the minutes of the Commissioners' meeting. No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance.

Section 304. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Oglethorpe County Board of Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map.

Article IV: General Provisions

The regulations set by this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 400. General interpretation

Any use that is not specifically permitted in a district as a principal use, an accessory use, a conditional use, or is not classified as a similar, compatible use by the Zoning Official(s) is prohibited. In the regulations for some districts, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses. Appeals of interpretation may be made to the Board of Commissioners.

Section 401. Lot requirements

Section 401.01 Access

Each lot shall front on a public street, or on a private street or private access drive/easement shown on an approved final plat, and shall have unobstructed, permanent access to such a public or private street, or private access drive/easement.

Section 401.02 Minimum required area for Lots

- a) In general, except as specified herein, any lot served by both a public or approved community water system and a public or approved community sewage system shall have a minimum area of no less than one-half (.5) acre of suitable soil. Each lot, however, shall comply with the minimum size requirements specified herein for the district in which it is located.
- b) In general, except as specified herein, any lot served by an individual septic tank system, whether the water is supplied by an individual well or a public or approved community water system, shall have an area of not less than one and one-half (1.5) acres of suitable soil per dwelling unit. Each lot, however, shall comply with the minimum size requirements specified herein for the district in which it is located. The site location on the lot of such facility shall be approved by the County Sanitarian in accordance with applicable Board of Health Regulations.
- c) A lot size larger than the general minimum specified above or specified herein for a particular zoning district may be required in cases where property or portions of property contain unusual or problematic topographical or soil conditions; where a portion of the property lies in the One Hundred Year flood plain, where utility lines or other dedicated easements cross a lot in such a way as might interfere with adequate septic tank and drain field placement; or where any other such situations exist that make compliance with this Ordinance, or any other legally adopted ordinances, codes, or regulations in effect including, but not limited to, Building, Fire, and Safety Codes, and Health Department and Sanitation Regulations, difficult or impossible.
- d) A lot size larger than the minimum specified above or specified herein for a particular zoning district may be required for certain intensive uses. Such requirements shall be determined on an individual basis, based on type of use, intensity of use, and proposed density. In general, the lot size shall be adequate to provide for the intended use, the required water and sewerage system, as well as the specified yards, necessary buffer areas, and off-street parking and loading requirements, in compliance with this Ordinance, or any other legally adopted ordinances, codes, or regulations in effect including, but not limited to, Building, Fire, and Safety Codes, and Health Department Regulations.

Section 401.03 Minimum Required Width for Lots

- a) Any lot served by both an individual well and an individual septic tank system shall have a minimum width of not less than two hundred (200') feet, at the building setback line, unless otherwise specified in this Ordinance.
- b) Any lot served by a public or approved community water system and an individual septic tank system shall have a minimum width of not less than one hundred twenty-five (125') feet at the building setback line, unless otherwise specified in this Ordinance.

- c) Any lot served by a public or approved community water system and a public sewage system shall have a minimum width of not less than one hundred (100') feet, unless otherwise specified in this Ordinance.
- d) The minimum required street frontage at the property line or street right-of-way line for all lots shall be fifty (50') feet, except for lots fronting on a private access drives as specified in Section 1112.07, Private Access Drives, herein, and provided that for all lots, the minimum lot width at the minimum required front building setback line or uniform designated building setback line shall be as specified herein.

Section 401.04 Yards, Parking, and Loading Requirements

- a) No part of a yard or open space, off-street parking, or loading spaces required for any one lot or building shall be included as part of the yard, open space, off-street parking, or loading spaces similarly required for any other lot or building, unless otherwise specified in this Ordinance.
- b) The required yard space for any building, structure, or use shall be contained on the same lot as that building, structure or use and such required yard space shall fall entirely upon land in the district or districts in which the principal use is permitted.

Section 401.05 Right-Of-Way Easements

Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear, or side yard for the purpose of meeting yard requirements.

Section 402. Building requirements

Section 402.01 Principal Buildings

Only one (1) principal building, together with its customary accessory buildings, shall occupy each lot, except in the case of Multi-Family Developments or Planned Developments. In such Developments, more than one (1) principal building may be permitted on the same lot, subject to the requirements and approval of the Health Department, provided that the structures or units are under one ownership, or if separately owned, are covered by a condominium declaration setting out the various rights and responsibilities of ownership, including access and the maintenance of common areas.

Section 402.02 Minimum Distance Between Buildings

- a) Where more than one (1) principal buildings per lot is permitted there shall be a distance of not less than twenty (20') feet between such buildings, unless otherwise specified within this Ordinance.
- b) There shall be a distance of not less than twenty (20') feet between a principal (main) building and any accessory building on the same lot or parcel.

Section 402.03 Height and Density

No building or structure shall hereafter be erected, constructed or altered in such a manner:

- a) That exceeds the height or bulk limits of this Ordinance;
- b) That accommodates or houses a greater number of families than is permitted in the zoning district;
- c) That occupies a greater percentage of lot area than is permitted in the zoning district;
- d) That provides narrower or smaller rear yards, front yards, side yards, or other open spaces, than required, except as specified herein;
- e) That in any other manner is contrary to the provision of this Ordinance unless a variance is granted by the Board of Commissioners or their designated official(s).

Section 402.04 Exceptions to Height Requirements

Certain structures or appurtenances hereafter constructed or altered may be excepted from the height limitations of the district in which they are located as specified below. Exceptions of height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach, transitional, or horizontal zone.

- a) The following structures and appurtenances may exceed the prescribed height, provided they are normally required for a use permitted in the district in which they are erected or constructed and further provided that a finding is made by the Board of Commissioners that such additional height will not be unduly detrimental to surrounding property: Flagpoles, Chimneys, Elevator Bulkheads, Belfries, Stacks, Silos, Storage Towers, Observation Towers, Monuments, Cupolas,

Cones, Spires, Stand- pipes, and other necessary mechanical appurtenances and their protective housing.

- b) Radio, television, microwave and other electronic transmission or receiving towers in excess of height limits may be allowed in certain districts as specified in Section 703, Telecommunication/Transmission Towers/Antennas, in this Ordinance.
- c) Public and semi-public buildings and structures such as hospitals, churches, sanitariums, schools and water reservoir towers may exceed the height limits of the district in which they are located, provided that such buildings and structures shall provide at least one additional foot of yard space on each side yard for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located and further provided that a finding is made by the Board of Commissioners that such additional height will not be unduly detrimental to surrounding property.

Section 402.05 Minimum Floor Area Requirements

- a) Unless otherwise provided, the minimum heated floor area requirement for single- family dwellings, including “Class A” Manufactured Housing and modular/industrialized housing, in any district shall be nine hundred (900) square feet.
- b) Unless otherwise provided, the minimum heated floor area requirement for two- family dwellings shall be nine-hundred (900) square feet for the principal dwelling unit and four hundred fifty (450) square feet for the secondary dwelling unit.
- c) Unless otherwise provided, the minimum heated floor area requirement for two- family (duplex) dwellings shall be six hundred (600) square feet per dwelling unit.
- d) Unless otherwise provided, the minimum heated floor area requirement “Class B” and “Class C” Manufactured Housing as specified in Manufactured Housing Section, in this Development Ordinance, shall be six hundred (600) square feet of floor area per dwelling unit.
- e) Unless otherwise provided, the minimum heated floor area requirement for multi- family dwellings shall be four hundred fifty (450) square feet per dwelling unit (one bedroom). The minimum floor area required is not to include porches, patios, garages, or carports.

Section 402.06 Code Requirements

All structures shall meet the requirements of all State or locally adopted codes currently in effect including, but not limited to, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Health and Sanitation Code, and Housing Code. Where such codes exceed the minimum requirements of this Ordinance, the stricter provisions shall apply.

Section 403. Accessory Uses/Structures

Accessory uses or structures shall be permitted provided they meet the following requirements:

- a) **Commercial Use/Structure Prohibition in R-1, R-2, R-3, and AR Districts.** Accessory structures within any R-1, R-2, R-3, or AR district shall not be used for any type of commercial operation whether permanent or part-time, except as part of a permitted Home Occupation in accordance with the provisions of the Home Occupations Section of this Development Ordinance.
- b) **Manufactured Housing or Trailer Used as Accessory Structure.** No manufactured housing, mobile homes, or camping/travel trailers of any type shall be used as an accessory structure in any district. No freight container or truck body shall be used as an accessory structure in any R-1, R-2, or R-3 district, or on any lot containing less than five acres within the AR district.
- c) **Uses/Structures Accessory to Public Uses, Buildings, or Activities.** There shall be no limitations regarding accessory uses to any use, building, or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

Section 404. Recreational vehicles

A travel trailer or recreational vehicle shall not, under any circumstances, be considered as a dwelling unit and shall not be allowed as a principal residential or accessory structure in any zoning district. Continuous occupancy extending beyond three continuous months (90 days) shall be presumed permanent occupancy and is prohibited by this Section, except as follows:

- a) Temporary accommodations for use by the landowner in connection with the construction of a dwelling shall be permitted on the same property as the construction site, not to exceed 2 years, provided that a valid building permit has been issued.
- b) Recreational vehicles may be used for such accommodations, to include cooking, living, and sleeping, provided that such use is discontinued once the certificate of occupancy for the dwelling has been issued.
- c) Any structure used for such accommodations must be approved by the Building Official and shall observe appropriate setback requirements.
- d) On-site sewage management systems must be approved by and meet all Health Department requirements for sanitary sewer and water.
- e) Accessory structures to a recreational vehicle are permitted, provided the recreational vehicle meets all other requirements. An accessory structure to a recreational vehicle includes a storage building, deck, awning, carport, patio, patio enclosure and similar structures incidental to the occupancy of the property by a recreational vehicle.
- f) When set up for use, a travel trailer or recreational vehicle shall not be installed on any type of permanent foundation such as a masonry foundation, nor have the running lights, moving hitch, wheels or axles removed.

Section 405. Outdoor lighting

Outdoor illumination devices shall be directed away from adjacent properties and shall be so placed and so shielded as to prevent direct view of the light source and to prevent the rays or illumination there from being cast onto adjacent property, public roadways, or into approaching vehicles.

Section 406. Vision clearance

In all districts no structure, fence, wall, shrubbery, sign, or other obstruction to vision (excluding tree trunks, utility poles, or official/traffic signs) between the heights of three (3') feet and ten (10') feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20') feet of the intersection of the pavement or surface edge of two streets, or the intersection of a pavement or surface edge of a driveway with the pavement or surface edge of a public street.

Section 407. Control of curb cuts and driveways

- a) All curb cuts/driveways shall comply with the current Oglethorpe County Project Design and Construction Standards.
- b) For development fronting on a State highway, no building permit shall be issued until any required approval from the Georgia Department of Transportation has been obtained by the applicant for entrances and exits, curb radii, drainage, and other matters that are the appropriate concern of that Department.
- c) New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

Article V: Use Requirements By District

Section 500. [A-1] Intensive Agricultural District

Section 500.01 Intent

The A-1 zoning district is comprised entirely of farmland used for intensive commercial agriculture including animal containment facilities/structures (including feeding operations) for poultry (including chicken houses), swine, and livestock, and dairy production, and related waste storage/handling structures. Intensive agricultural facilities shall have adequate land areas for their operation, any plan required by the Water Quality Control Act for the disposal of waste, and required setbacks and buffers. The uses of land authorized in the A-1 zoning district may result in odors, dust, noise, or other effects that may not be compatible with other zoning districts. However, the operations on land zoned A-1 shall be conducted in compliance with all applicable county, state, and federal laws and regulations, including land use, water quality, health, and environmental standards.

The specific setback and buffer requirements for the A-1 zoning district set forth herein are intended to minimize the adverse effects commonly associated with intensive agricultural uses, provided that larger setbacks or other conditions may be imposed as conditions in the rezoning of particular property to A-1 so as to minimize adverse effects on surrounding property in cases involving, but not limited to, uncommonly large operations, unusual topographical conditions, or proximity to sensitive natural, scenic, or historic areas, municipal boundaries, and residential areas.

Section 500.02 Non-conforming Uses

Existing intensive agricultural facilities and operations, which were in operation at the time the Zoning Ordinance of Oglethorpe County, Georgia (hereinafter "Ordinance") was adopted, and which do not meet the requirements for new or expanded intensive agricultural uses and facilities as described in this Section 500, shall be grandfathered as existing nonconforming uses for purposes of the Ordinance, provided that said facilities/operations were registered with the County as a nonconforming use within one year of the original adoption of the Ordinance. Such nonconforming uses shall not have to comply with the location and setback restrictions set forth herein for structures/facilities in existence as of the date of the original adoption of this Ordinance provided that such uses and structures/facilities are in compliance with applicable state and federal regulations for water and air quality. Such facilities and operations shall comply with all applicable state and federal regulations. If permitting of such facilities or operations is required by the state or federal government, then a copy of each such permit shall be provided to the Oglethorpe County Planning Department ("Planning Department") by the owner of such land.

Section 500.03 Construction or Expansion of Animal Containment Facilities on Property Zoned A-1 as of September 8, 2015

- a. This Subsection 500.03, shall be applicable to property zoned A-1 as of September 8, 2015.
- b. On property zoned A-1 as of September 8, 2015, the construction or expansion of animal containment or waste storage/handling structures shall require the submission to the Planning Department of a Comprehensive Site Development Plan and building permit, copies of any other applicable permits/approvals, information on the proposed water source and projected usage of water for the operations, and compliance with the requirements set forth in Subsection 500.06 of this Ordinance. Approval of such new or expanded structures by the Zoning Board or the Board Commissioners is not required on land which was zoned A-1 as of September 8, 2015.
- c. For property which, as of September 8, 2015, are:
 - i. Zoned A-2;
 - ii. Adjacent to real property zoned A-1, and
 - iii. Under common ownership with such adjacent A-1 zoned property, the construction on such property of an animal containment facility shall first require said real property to be rezoned to A-1 by the Board of Commissioners pursuant to the submission of a rezoning application and applicable fees as prescribed by Amendment Section of this Development Ordinance. Said real

property shall be subject to the legacy setbacks set forth in this Subsection 500.03 of this Ordinance and not those set forth in Subsection 500.04. Such property shall be subject to the provisions of Subsection 500.06 of this Ordinance.

- d. Legacy Setbacks- Property which is zoned A-1 as of September 8, 2015 (or which is rezoned to A-1 after September 8, 2015 pursuant to Subsection 500.03.c) shall be subject to the following setbacks for the construction or expansion of animal containment and waste storage/handling structures for swine/livestock/dairy and for poultry, in addition to any other applicable requirements:

Distance From	Structures for Swine/Livestock/Dairy	for Structures for Poultry
Property Line	400 feet	200 feet
Existing Residential Structures ¹	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	600 feet
Property Line of Existing Public Use Areas, including Parks and Recreation Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly, and Identified Significant Historic District or Sites	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	600 feet
Municipal Boundaries	1.5 miles	1 mile

Section 500.04 Requirements for Construction of Animal Containment and Waste Storage/Handling Structures Facilities on Property Zoned A-1 after September 8, 2015.

- a) This Subsection 500.04 shall be applicable to real property which is rezoned to A-1 after September 8, 2015, except for property which is rezoned pursuant to Section 500.03.c of this Ordinance.
- b) The rezoning of property to A-1 after September 8, 2015 shall require the following:
 - 1) The Applicant shall attend a pre-application conference with Planning Department staff to review:
 - i. the evaluation standards for such rezonings;
 - ii. the requirements for such a rezoning;
 - iii. the costs to apply for such a rezoning; and
 - iv. the process which will be followed by the County in considering the application. Applicant, upon the request of Planning Department staff, shall confirm by signed writing his or her understanding of the foregoing.
 - 2) The Applicant, upon the request of Planning Department staff, will be encouraged to participate in an optional informal preliminary conference with neighbors (as identified by Planning Department staff) likely to be impacted by the rezoning. The conference will be organized and facilitated by Planning Department staff and will occur either prior to or promptly after submission of the formal rezoning application. The purpose of such a conference will be to:
 - i. Apprise the Applicant of the opposition likely to be faced in the formal rezoning process;
 - ii. Allow affected neighbors to understand, at an early stage, the nature of the proposed rezoning; and

¹ The required setback from an existing residential structures may be waived in writing by the owner of such structure.

- iii. Facilitate a dialogue between the Applicant and affected neighbors to minimize community polarization. The refusal of the Applicant to participate in such a conference shall not be grounds for denial of such a rezoning application.
- 3) Submission of a rezoning application and fees as required by law.
- 4) Submission of a comprehensive site development plan.
- 5) Submission of copies of all required permits and approvals.
- 6) Submission of information regarding the proposed water source and projected usage of water by the operation.
- c) Upon completion of the construction contemplated by the rezoning, "as built" site plans shall be submitted to the Planning Department.
- d) The specific location and orientation of animal containment and waste handling/storage structures on A-1 land may vary from that depicted on the initially submitted comprehensive site development plan provided that all applicable setbacks and other requirements are observed. The "as built" site plan shall accurately depict the location and orientation of such structures.
- e) Animal containment and waste storage/handling structures, and related pits and litter storage (including stack houses) constructed on land rezoned to A-1 after September 8, 2015 shall, in addition to all other applicable requirements, be subject to the following setbacks for Swine/Livestock/Dairy and for Poultry:

Distance From	Structures for Swine/Livestock/Dairy	Structures for Poultry
Property Line of A-1 Property	400 feet	20 feet ¹
Property Line of non-A-1 Property	400 feet	600 feet ²
Existing Residential Structures	1,300 feet for 1,000 or less animal units/2,640 feet from more than 1,000 animal units ²	600 feet ²
Property Line of Existing Public Use Areas, including Parks and Recreation Facilities, Schools and Child Care Centers, Health Facilities, Places of Worship or Public Assembly, and Identified Significant Historic District or Sites	1,320 feet for 1,000 or less animal units; 2,640 feet for more than 1,000 animal units	1,320 feet ¹
Municipal Boundaries	1.5 miles ¹	1 mile ¹

Section 500.05 Additional requirements for Animal Containment and Waste Storage/Handling Structures for Poultry on land which is rezoned, or sought to be rezoned, to A-1 after September 8, 2015

- a) Road frontage shall be visually screened from land containing animal containment and waste storage/handling structures for poultry with either vegetation or terrain.
- b) Property in areas of a residential/commercial character depicted on the A-1 Restricted Overlay map prepared by, and on file with, the Planning Department shall not be rezoned to A-1.

Section 500.06 Provisions Applicable to A-1 Zoned Property and Animal Containment Facilities, Regardless of When Such Property was Zoned A-1

- a) All property zoned A-1, regardless of when it was zoned or rezoned to that classification, and all animal containment facilities thereon, shall be subject to and comply with all applicable requirements of this Subsection 500.06, in addition to any other applicable requirements.
- b) If, after a tract is zoned or rezoned to A-1, such land is not actively used for intensive agricultural purposes within twelve (12) months of such rezoning, or ceases such uses for any twelve-month

¹ Setback is not waivable or reducible.

² Setback may be waived in writing by the owner of affected property/structure.

period thereafter, the County may, at its discretion, initiate a review of the zoning classification of said tract and consider the rezoning of said tract to A-2. For purposes of this provision, periods in which intensive agricultural uses have ceased for the purpose of authorized upgrades, construction, repairs or maintenance on such tract shall not be counted toward said twelve (12) month period. The County may also initiate such a review twelve (12) months after the time set forth by state regulations for the voluntary closure of such intensive agricultural operations on such tract.

- c) **Air Quality Protection** - The intensive agricultural operations and the operation of animal containment facilities shall not exceed allowable emissions of substances or compounds regulated by state or federal Clean Air Acts, or the Clean Air Act Amendments of 1990, or any future amendments to either, or any other applicable statute or regulation.
- d) **Dead Animal Disposal** - Dead animals shall be disposed of in a way that does not adversely affect ground or surface water and does not compromise public health. Any dead animal shall be disposed of within seventy-two (72) hours of discovery by removal for rendering, cremation, burial or composting as approved by the Georgia Department of Agriculture and by the Environmental Protection Division of the Georgia Department of Natural Resources.
- e) **Notice and Waiver of Agricultural Adjacency and Reciprocal Setbacks** – The applicable required minimum setbacks specified in this Section 500 shall be applied to any non-agricultural use proposed for property adjoining/abutting or adjacent to any existing A-1 zoned property unless an agricultural adjacency waiver as prescribed by this subsection has been duly signed and recorded.
- f) When a non-agricultural use is proposed for property abutting A-1 zoned property or will be located within the required minimum setbacks for such districts, the developer or owner of such abutting property shall be provided by the Planning Department with a “Notice of Agricultural Adjacency” at the time an application for a building or occupancy permit or for a change in zoning classification or land use is filed. As a condition of and prior to any action on such application, the applicant shall be required to sign a waiver on a form provided by the Planning Department which will indicate that such applicant understands that there is an ongoing agricultural land use adjacent to the subject property which could produce odors, noise, dust, and other effects which may not be compatible with the applicant’s use, development, or enjoyment of the subject property. Said waiver shall indicate that the applicant agrees, by executing the form, to waive any objection to such effects and to the uses and operations on such adjacent land, and not to bring any action against the adjacent land owners or any local government based on a claim that the agricultural uses of such adjacent property, or the effects therefrom, constitute a nuisance, provided that such adjacent land is operated in accordance with this Ordinance and with all applicable local, state, and federal laws and regulations.
- g) **Form of Notice and Waiver** - The above referenced notice and waiver of agricultural adjacency shall be in substantially the following form:

You are hereby notified that all or part of the property you are proposing to use or build upon abuts or is located within the required minimum setback of agricultural land with one or more existing intense agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, without limitation, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. You should be prepared to accept such discomfort and inconveniences as a normal and necessary aspect of living on or using land in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural use or operation, or against the local government, asserting that the adjacent agricultural operation or use constitutes a nuisance.

[Signature of Applicant]

- h) **Effect of Failure to Give Notice or Obtain Waiver** – The failure of the County or its employees to provide the notice or to obtain the waiver referenced in Subsection 500.06(g) shall not be the basis for any action against, or any liability of, the County or its employees. The giving of, or the failure to give, such notice and obtaining, or failing to obtain, such waiver shall in no way be deemed to alter Georgia law regarding nuisance.
- i) **Nuisance Shield** – An intensive agricultural operation that is in compliance with the requirements of this Ordinance and the requirements of any applicable local, state, and federal laws and regulations shall be presumed not to be a nuisance. This provision shall not be construed so as to conflict with state law.
- j) **Waste Storage and Treatment Structure and Facility Requirements**
 - 1) **Dry Manure Handling/Storage** - Dry or solid manure is that which has had the addition of sufficient bedding to absorb all liquids, thereby making the manure shakable and preventing waste seepage/drainage. All handling and storage/treatment facilities for dry manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements specified in this Ordinance.
 - 2) **Wet Manure Handling/Storage** - The term “liquid manure/waste” shall include manure in a liquid, slurry, or semi-solid state as well as all wastewater, seepage, drainage or contaminated runoff emanating from animal containment or manure/waste storage/treatment facilities. All handling and storage/treatment facilities for liquid manure shall comply with all applicable regulations of appropriate state and federal agencies, in addition to all setback requirements and any other applicable requirements specified in this Ordinance.
 - 3) **Closure Requirements for Facilities Using Waste Storage/Handling Structures/Facilities**
The following performance requirements shall apply to all intensive agricultural operations, existing and new:
 - i. **Required Closure** - When no longer required by the operation, waste storage/handling structures/facilities shall be properly closed or converted to another use in compliance with all applicable regulations of appropriate state and federal agencies. No operation shall permanently abandon a lagoon or earthen basin.
 - ii. **Certification of Proper Closure** - Written certification from the Natural Resources Conservation Service or an independent registered professional engineer certifying that proper closure of the waste storage/handling structures/facilities has been carried out shall be submitted to the Planning Department within 90 days after such closure.

Section 500.07 Permitted Uses

In the A-1 Intensive Agricultural District, the following uses are permitted:

- a) Intensive agricultural uses including, but not limited to, dairy farms, hog farms, farrowing houses, animal containment structures, including poultry/chicken houses (both for broilers and layers) and related waste storage/handling structures, livestock feedlots or holding lots, and accessory buildings and uses customarily incidental to the intensive agricultural operation such as waste lagoons, basins or pits, stackhouses, barns, sheds, and storage structures directly related to the agricultural use.
- b) Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100) feet to any side or rear property line or four hundred (400) feet to any adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- c) Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100) feet to any side or rear property line or two hundred (200) feet to any existing adjacent residence under separate ownership. The sale of said products and

commodities shall not adversely affect existing adjacent residential uses or impede traffic in the area.

- d) Single-family detached dwelling or individual manufactured housing (Class A, B, or C) used as single-family dwelling in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- e) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- f) Small scale solar farms in accordance with the Specific Provisions Section of this Development Ordinance .

Section 500.08 Conditional Uses

In the A-1 Intensive Agricultural District, the following uses may be permitted if approved by the Board of Commissioners as specified in Amendments Section of this Development Ordinance.

- a) Commercial Slaughterhouses, for the slaughter and sale of poultry, pork, and beef, provided that the slaughterhouse is not located closer than three hundred (300) feet from any side or rear property line or five hundred (500) feet from any existing adjacent residence under separate ownership. A Comprehensive Site Development Plan shall be required as part of the application for such a conditional use.
- b) Telecommunications/Transmission Towers and Antennas in accordance with the Specific Provisions Section of this Development Ordinance.
- c) Large Scale Solar Farms in accordance with the Specific Provisions Section of this Development Ordinance.

Section 500.09 Spatial Requirements in the A-1 Zoning District

- a) A-1 zoned property used for animal containment facilities or for swine, dairy, livestock or poultry feeding operations must have a minimum area of 30 acres and have a minimum width of 400 feet.
- b) A-1 zoned property used for a single-family dwelling (where permitted) must have minimum area of 1.5 acres and a minimum lot width of 200 feet.
- c) Unusual topographical or soil conditions may necessitate larger minimum area or lot width requirements for certain properties than those prescribed in this subsection. Moreover, certain uses may require larger lot sizes as determined by the Oglethorpe County Health Department. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Health Department and the County Sanitarian.

Section 500.10 Minimum Front Yard Setbacks in the A-1 District

In addition to all other setback requirements, the following front yard setbacks shall be required for structures in the A-1 District:

- a) Arterial Streets/Highway- 100 feet from right-of-way line or 150 feet from centerline of street if no established right-of-way.
- b) Collector Streets- 50 feet from right-of-way line or 80 feet from centerline if no established right-of-way.
- c) Local Streets and Private Access Drives/Easements - 20 feet from right-of-way line or 50 feet from centerline if no established right-of-way.
- d) For property rezoned to A-1 after September 8, 2015, the front yard setbacks provided in this Subsection 500.05.e may be increased as a condition of a rezoning to A-1 based upon the zoning and uses of property in the vicinity of the rezoned property.

Section 500.11 Setbacks from Water Sources

In addition to all other minimum setback requirements, animal containment and waste storage/handling structures for livestock, dairy and poultry shall be subject to the following minimum setbacks from the indicated water sources:

Water Source	Required Minimum Setback
Broad River, Oconee River, Perennial Streams/streams and lakes ¹	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
100 year flood plain	Structures prohibited in 100 year floodplain
Wetlands	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
Municipal water supply watersheds ²	Structures prohibited, as specified in Environmental Protection Provisions of this Development Ordinance.
Public and private drinking water supply wells, other open wells and sinkholes	As specified in applicable state and federal regulations.
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria)	As specified in Environmental Protection Provisions of this Development Ordinance.

Section 500.12 Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater

- a) Compliance with Local, State and Federal Regulations – Land application of dry manure/litter and liquid manure/slurry/wastewater shall comply with all applicable local, state, and federal regulations.
- b) Setbacks – All land application of dry manure or liquid manure/slurry/wastewater shall comply with the following required setbacks:
 - 1) Setbacks for application of liquid manure/slurry/wastewater from residences and public areas- For Existing Residential District/Use (R, R-1, R-2, R-3) (without a waiver from the owner), and for public use areas, such as parks and recreational facilities, schools and child care centers, health facilities, places of worship or public assembly, the minimum setback for the application of liquid manure/slurry/wastewater shall be 50 ft. from the property line (if injected into soil, or if applied using a method that prohibits drift and incorporated into soil within the same day, or subjected to approved physical, biological, or biochemical treatment to prohibit drift and odor) or 150 feet from the property line (if untreated or not injected into soil or without incorporation into soil within the same day).
 - 2) Setbacks for application of dry manure/litter from residences and public areas-The minimum setbacks for the application of dry manure/litter shall be 100 feet from residential structures in existing residential districts (R, R-1, R-2, R-3) (without a waiver from the owner) and 100 feet from the property line for public use areas, such as parks, recreational facilities, schools, child care centers, health facilities, places of worship or public assembly.
 - 3) Setbacks from water sources for application of dry manure/litter and liquid manure/slurry/wastewater:

Water Source	Required Minimum Setback
Broad River, Oconee River	200 feet from the banks, or width of the 100 year flood plain, whichever is greater, as specified in the Environmental Protection Provisions of this Development Ordinance.

¹ Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator’s property and which have no outlet to waters of the State (not including ephemeral or intermittent streams).

² Including municipal water supply reservoirs.

Perennial Streams/streams and lakes ¹	100 feet from the banks, or width of the 100 year flood plain, whichever is greater, as specified in the Environmental Protection Provisions of this Development Ordinance.
100 year flood plain	Prohibited in 100 year flood plain, as specified in the Environmental Protection Provisions of this Development Ordinance.
Wetlands	As specified in applicable state and federal regulations, and in Environmental Protection Provisions of this Development Ordinance.
Municipal water supply watersheds ²	Prohibited in stream buffer areas as specified in the Environmental Protection Provisions of this Development Ordinance.
Public and private drinking water supply wells, other open wells and sinkholes	As specified in applicable state and federal regulations.
Significant Groundwater Recharge Areas (as defined in the Georgia Department of Natural Resources Rules for Environmental Planning Criteria)	As specified in Environmental Protection Provisions of this Development Ordinance.

¹ Excluding farm ponds/lakes located and contained entirely within the confines of the owner/operator's property and which have no outlet to waters of the State (not including ephemeral or intermittent streams).

² Including municipal water supply reservoirs.

Section 501. [A-2] General Agricultural District

Section 501.01 Intent

The A-2 General Agricultural District shall be composed chiefly of larger tracts of farmland devoted primarily to commercial agricultural production in the areas of food crops, fiber crops, timber production, horticulture, livestock pastures, limited animal containment, and other compatible uses. Areas within this zone are not intended to be used for intensive agricultural facilities and uses that are restricted to the A-1 Intensive Agriculture District. The regulations for this district are designed to protect prime farmlands, promote viable agricultural usage, and to encourage the maintenance of the general rural character.

The use of area land in the A-2 General Agricultural District may result in odors, dust, noise, or other effects that may not be compatible with single-lot residential development. However, the operation must be conducted in accordance with all applicable local, state, and federal regulations.

Section 501.02 Reduced Minimum Setback Waivers

The required minimum setbacks specified herein for agricultural operations may be reduced at the discretion of the Board of Commissioners, or their designated officials, provided all affected surrounding property owners agree to the reduction. Said affected property owners shall be required to sign a waiver on a form prepared by the Zoning Official(s) which shall be public record. Setback reductions shall apply only as to other land uses. Setbacks specified from wells, surface/subsurface waters, or other natural resources, shall not be reduced.

Section 501.03 Notice of Agricultural Adjacency and Reciprocal Setbacks

The required minimum setbacks specified herein for the Intensive Agriculture (A-1) or General Agriculture (A-2) Districts shall be applied, respectively, to any non-agricultural use proposed for property abutting or adjacent to any such existing agricultural district or use, unless an agricultural adjacency waiver has been duly signed and recorded.

- a) When a non-agricultural use is proposed for property abutting existing Intensive Agriculture (A-1) or General Agriculture (A-2) Districts or will be located within the required minimum setbacks for such districts, the developer or property owner shall be provided with a "Notice of Agricultural Adjacency" at the time an application for a building permit or for a change in zoning classification or use is filed. As a condition of and prior to any administrative action on either the change in zoning classification or use request, or the issuance of any land use, building, or occupancy permit, the applicant shall be required to sign a waiver on a form prepared by the Zoning Official(s) which will indicate that the applicant understands that there is an ongoing agricultural land use adjacent to the subject property which could produce odors, noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of agricultural operations and uses on adjacent land, the applicant agrees, by executing the form, to waive any objection to those effects and understands that his/her change in zoning classification or use and/or his/her permits are issued and processed in reliance on his/her agreement not to bring any action against adjacent land owners, whose property is agricultural and or an agricultural operation, or any local government, asserting that the adjacent agricultural operations or uses of agricultural land constitutes a nuisance; provided that said existing agricultural use is operated in conformance with this Ordinance and with all applicable state regulations. Any such notice or acknowledgement provided to or executed by a land owner adjoining an existing agricultural use or within the required minimum setbacks for said use shall be public record.
- b) The Agricultural Use Notice and Waiver shall include the following information in substantially the same or similar format and content:

You are hereby notified that all or part of the property you are proposing to use or build upon is located within the required minimum setback of adjacent agricultural land with one or more existing agricultural operations. You may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. If you live or operate a use near an agricultural area, you should be prepared to accept such

inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government, asserting that the adjacent agricultural operation or uses of agricultural lands constitutes a nuisance.

Signature of Applicant _____

Section 501.04 Nuisance Shield.

A General Agricultural operation that is in compliance with the requirements of this Ordinance and the requirements of appropriate state regulatory agencies and other applicable federal, state, and local laws shall be presumed not to be a nuisance.

Section 501.05 Land Application of Animal Manure/Waste

The land application of animal manure/waste shall comply with the requirements and setbacks, as applicable, specified in Section 500.12, Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Waste-water, in this Ordinance.

Section 501.06 Permitted Uses

In the A-2 General Agricultural District the following uses are permitted:

- a) Single-family detached dwelling or Individual manufactured housing ("Class A, B, or C") used as single-family dwellings in accordance with the Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) Conservation Subdivisions as specified in the Subdivisions Section of this Development Ordinance.
- c) Agricultural uses including food or fiber crop production, horticulture, commercial timber production, commercial greenhouses and nurseries (wholesale and retail), livestock pastures and ranges, along with customary accessory buildings and uses, provided that no structure, excluding fences, for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership.
- d) Animal containment limited to the following:
 - 1) Cattle or horses may be confined in a non-vegetative area at a maximum rate of 100 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner;
 - 2) Other farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner.
- e) Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100') feet to any side or rear property line or two hundred (200') feet to any existing adjacent residence under separate ownership. The sale of said products and commodities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- f) Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100') feet to any side or rear property line or four hundred (400') feet to any existing adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- g) Commercial or private riding stables and academies, provided that no structure for keeping horses is located closer than to any one hundred (100') feet to any side or rear property line or

four hundred (400') feet to any existing adjacent residence under separate ownership. No other structure or facilities, including, but not limited to show/training rings or jumps shall be located closer than fifty (50') feet to any side or rear property line. Adequate off-street parking must be provided at the site. The operation of said stable or academy shall not adversely affect existing adjacent residential uses or impede traffic in the area.

- h) Temporary and Portable Sawmills, in accordance with the provisions of Exceptions Section of this Development Ordinance, and provided that the mill and storage areas are not located closer than six hundred (600') feet to any existing adjacent residential district or use other than that of the owner of the timber being harvested. Operation of said sawmill must be in compliance with the Oglethorpe County Noise Ordinance.
- i) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- j) Publicly owned and operated parks and recreational areas.
- k) Small Scale Solar Farms as specified in the Specific Provisions Section of this Development Ordinance.

Section 501.07 Conditional Uses

The following uses may be permitted as Conditional Uses within the A-2 General Agricultural District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Commercial Slaughterhouses, for the slaughter and sale of poultry, pork, beef, etc., provided that the slaughterhouse is not located closer than three hundred (300') feet from any side or rear property line or closer than five hundred (500') feet from any existing adjacent residence under separate ownership. A Comprehensive Site Development Plan shall be required.
- b) Veterinary hospitals, clinics, and kennels provided that no unenclosed structure for the keeping of animals shall be located within four hundred (400') feet of any existing adjacent residence under separate ownership. Adequate off-street parking must be provided at the site. The operation of said veterinary hospital, clinic, and kennel shall not adversely affect existing adjacent residential uses or impede traffic in the area. A Comprehensive Site Development Plan shall be required.
- c) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area. Any proposed cemetery associated with said church shall meet the requirements specified in the Specific Provisions Section of this Development Ordinance.
- d) Non-profit Clubs and fraternal organizations, provided such uses shall have direct access to a public thoroughfare and building(s) shall be placed not less than two hundred (200') feet from any existing adjacent residential district or use. Adequate off-street parking must be provided at the site and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- e) Recreational Facilities including but not limited to camp grounds, fishing lakes, swimming pools, tennis courts, ball fields, golf courses and driving ranges, playgrounds, skeet and other shooting ranges, and associated clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses or adverse effect from existing adjacent agricultural uses. A Comprehensive Site Development Plan shall be required.

- f) Commercial Camp Grounds or Recreational Vehicle Parks provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses or adverse effect from existing adjacent agricultural uses. A Comprehensive Site Development Plan shall be required.
- g) Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.
- h) Family Personal Care Homes with up to six (6) clients, plus manager.
- i) Large Scale Solar Farms as specified in the Specific Provisions Section of this Development Ordinance.

Section 501.08 Spatial Requirements in the A-2 General Agricultural District

Minimum Lot Size and Width			
Use	Minimum Area¹	Minimum Width	
Principal Agricultural Use	10 acres	400 feet	
Single-Family Dwelling <i>(As Permitted in Subdivisions Section of this Development Ordinance)</i>	1.5 acres	200'	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet	20 feet
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Floor Area	Maximum Height	
Single-Family Dwelling	900 sf ²	35 feet	
Accessory Structures	N/A	N/A	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² Not including porches, patios, garages, or carports.

Section 502. [AR] Agricultural/ Rural Residential District

Section 502.01 Intent

The Agricultural/Rural Residential District shall be composed chiefly of rural and agricultural, areas where low-density, rural single-family residential development has occurred or is occurring. This district shall also include those areas of the County where residential development may occur around sensitive natural/scenic/historic areas, or along existing unpaved county roads, or along any roads (paved or unpaved) which are privately owned and maintained. The purpose of this district is to preserve the rural/scenic character of the area, prevent overdevelopment in areas without adequate existing infrastructure, and to encourage a compatible relationship between small scale, non-commercial agriculture and low density residential development, and to effect an orderly transition of land from agriculture to low-density residential development until such time as the availability of adequate infrastructure and community facilities or demand from adjacent built-up areas warrant a change which is compatible with the Oglethorpe County Comprehensive Plan and with the surrounding area.

Section 502.02 Land Application of Animal Manure/Waste

Any land application of animal manure/waste shall comply with the requirements and setbacks, as applicable, specified in Section 500.12, Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Waste-water, in this Ordinance.

Section 502.03 Permitted Uses

The following uses are permitted in the A-R Agricultural/Rural Residential District:

- a) Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) Conservation Subdivisions as specified in the Subdivisions Section of this Development Ordinance.
- c) Home occupations in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
- d) Small-scale agricultural uses including horticulture and the raising of farm animals including horses, provided that there is at least two acres and that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals, vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of the Specific Provisions Section of this Development Ordinance .
- e) Animal containment limited to the following: farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that there is sufficient acreage and that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner and no animals shall be kept on lots less than 2 acres.
- f) Publicly owned and operated parks and recreational areas
- g) Small Scale Solar Farms as specified in Specific Provisions Section of this Development Ordinance.

Section 502.04 Conditional Uses

The following uses may be permitted as Conditional Uses within the AR Agricultural/Rural Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers operated and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents, and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in Off-

Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A Comprehensive Site Development Plan shall be required.

- b) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area. Any proposed cemetery associated with said church shall meet the requirements specified in Specific Provisions Section of this Development Ordinance.
- c) Family Personal Care Homes with up to six (6) clients, plus manager.

Section 502.05 Spatial Requirements for the AR Agricultural/Rural Residential District

Minimum Lot Size and Width			
Minimum Area¹		Minimum Width	
5 acres		200 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet	20 feet
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Floor Area	Maximum Height	
Single-Family Dwelling	900 sf ²	35 feet	
Accessory Structures	N/A	N/A	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot area be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² Not including porches, patios, garages, or carports.

Section 503. [R-1] Single-Family Residential District

Section 503.01 Intent

The R-1 Single-Family Residential District shall be composed of single-family residential development in areas where similar development is likely to occur. The regulations for the district are designed to encourage single family residential development in primary growth areas where adequate infrastructure and community facilities exist.

Section 503.02 Access to Infrastructure

This district must be located on paved, public roads with access to public water and sewer.

Section 503.03 Permitted Uses

The following uses are permitted in the R-1 Single-Family Residential District:

- a) Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- c) Horticulture, and the sale on the premises of such vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of part of an approved home occupation in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
- d) The raising of horses and other farm animals on lots containing a minimum of two (2) acres and at the rates specified herein, provided that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals and/or animal products grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of Specific Provisions Section of this Development Ordinance.
 - Livestock and horses (excluding rabbits, chickens, turkeys, quail and other small fowl) shall be limited to one (1) animal per twenty thousand (20,000) square feet.
 - Rabbits, chickens, turkeys, quail and other small fowl shall be limited to five (5) animals per twenty thousand (20,000) square feet.
- e) Publicly owned and operated parks and recreational areas.

Section 503.04 Conditional Uses

The following uses may be permitted as Conditional Uses within the R-1 Single-Family Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A Comprehensive Site Development Plan shall be required.
- b) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area.

- c) Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens.
- d) Family Personal Care Homes with up to six (6) clients, plus manager.

Section 503.05 Spatial Requirements for the R-1 Single-Family Residential District

Minimum Lot Size and Width			
Minimum Area¹		Minimum Width	
0.5 acres ²		100 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	10 feet	10 feet
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Floor Area	Maximum Height	
Single-Family Dwelling	900 sf ³	35 feet	
Accessory Structures	N/A	N/A	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.

² For R-1 properties without public water and sewer access, the minimum area is 1.5 acres and the minimum lot width is 200'. For R-1 properties with public water access, but without public sewer access, the minimum lot width may be reduced to 125'.

³ Not including porches, patios, garages, or carports.

Section 504. [R-2] Two-Family Residential District

Section 504.01 Intent

The R-2 Two-Family Residential District shall be comprised primarily of medium density single- or two- family residential development and areas where similar development appears likely to occur in the near future. The regulations for the district are designed to allow for higher density residential development and complementary uses in primary and secondary growth areas where adequate infrastructure and community facilities exist.

Section 504.02 Access to Infrastructure

This district must be located on paved, public roads with access to public water and sewer.

Section 504.03 Permitted Uses

In the R-2 Two-Family Residential District, the following uses are permitted:

- a) Individual Single-Family detached dwelling per lot or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with the Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses, provided only one principal building shall be permitted per lot.
- b) Two-Family dwelling.
- c) Two-Family Duplex dwelling.
- d) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance .
- e) Non-commercial horticulture.
- f) Publicly owned and operated parks and recreational areas.

Section 504.04 Conditional Uses

The following uses may be permitted as Conditional Uses within the R-2 Medium Density Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading of this Development Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. Miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose shall be prohibited. A Comprehensive Site Development Plan shall be required.
- b) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Off-Street Parking and Loading of this Development Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- c) Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens

Section 504.05 Spatial Requirements for the R-2 Two-Family Residential District

Minimum Lot Size and Width			
Use	Minimum Area¹	Minimum Width	
Single Family Detached Dwelling	0.5 acres ²	100 feet	
Two-Family Dwelling or Two-Family Duplex Dwelling:	0.5 acres/dwelling unit	100 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet	20 feet
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Minimum Floor Area	Maximum Height	
Single-Family Dwelling	900 sf ³	35 feet	
Two-Family Dwelling	900 sf /Principal Dwelling Unit 450 sf/Secondary Dwelling Unit	35 feet	
Two-Family Duplex Dwelling	600 sf /Dwelling Unit	35 feet	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department and County Sanitarian.

² For R-2 properties without public water and sewer access, the minimum area is 1.5 acres and the minimum lot width is 200'. For R-2 properties with public water access, but without public sewer access, the minimum lot width may be reduced to 125'.

³ Not including porches, patios, garages, or carports.

Section 505. [R-3] Multi-Family Residential District

Section 505.01 Intent

The R-3 Multi-Family Residential District shall be composed of areas with high-density residential developments. This district must be located in areas that have access to adequate infrastructure and community facilities suited for multi-family development or where providing the demand on services is within the county's capacity to provide the needed services and facilities, and where the proposed densities are compatible with the surrounding areas. These areas must be located on paved public streets capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard.

Section 505.02 Plans Required

A Comprehensive Site Development Plan, as specified in the Amendments Section of this Development Ordinance, shall be required for all multi-family development containing more than four (4) dwelling units.

Section 505.03 Access to Infrastructure

This district must be located on paved, public roads with access to public water and sewer.

Section 505.04 Permitted Uses

In the R-3 Multi-Family Residential District the following uses are permitted:

- a) Single-family detached dwellings or individual "Class A" Manufactured Homes used as single-family dwellings in accordance with the Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) "Class B" Manufactured Housing used as single-family dwellings located within Manufactured Housing Parks.
- c) Two-family dwellings and two-family duplex dwellings.
- d) Multi-family dwellings, apartment buildings, condominiums, townhouses and single-family attached
- e) Garage Apartments
- f) Boarding Houses and Rooming Houses
- g) Manufactured Housing Parks, in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
- h) Certain Telecommunication/Transmission Antennas as specified in the Specific Provisions Section of this Development Ordinance.
- i) Home occupations as specified in the Specific Provisions Section of this Development Ordinance.
- j) Non-commercial horticulture
- k) Publicly owned and operated parks and recreational areas.

Section 505.05 Conditional Uses

The following uses may be permitted as Conditional Uses within the R-3 Multi-Family Residential District, if approved by the Oglethorpe County Board of Commissioners, as specified in Amendments Section of this Development Ordinance:

- a) Day Care Centers, Group Day Care Homes, Play Schools, Nursery Schools and Kindergartens
- b) Group Homes/Rehabilitation Homes, Personal Care Homes, Intermediate Care Facilities, and Nursing Homes
- c) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- d) Non-profit Clubs and fraternal organizations, provided that the building(s) are placed not less than fifty (50') feet from any property line, that there is a landscaped buffer strip at least ten (10') feet wide along rear and side lot lines, and that parking spaces in a ratio of one (1) space per two (2) members are provided adjacent to the building(s).
- e) Private/Non-Commercial Recreational Facilities and Neighborhood Recreational Centers owned, operated, and maintained by private/non-commercial clubs, organizations, associations, or homeowners associations exclusively for the use of members or residents and

their guests, including but not limited to fishing lakes, swimming pools, tennis courts, ball fields, golf courses, playgrounds, clubhouses, provided that such uses shall have adequate safe water supply and sewage management facilities as required by the Health Department, direct access to a public thoroughfare, adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not impede traffic in the area and shall have sufficient setbacks and buffers to mitigate any adverse effect on existing adjacent residential uses. A Comprehensive Site Development Plan shall be required.

Section 505.06 Spatial Requirements for the R-3 Multi-Family Residential District

Minimum Lot Size and Width			
Use	Minimum Lot Area¹	Minimum Width	
Single Family Attached or Detached Dwelling	0.5 acres ²	100 feet	
Two-Family Dwelling or Two-Family Duplex Dwelling:	0.5 acres/dwelling unit	100 feet	
Multifamily Dwellings	10,000 sf/dwelling unit	200 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard³	Side Yard³	Rear Yard³
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Minimum Floor Area⁴	Maximum Height	
Single-Family Dwelling	900 sf	35 feet	
Two-Family Dwelling	900 sf /Principal Dwelling Unit 450 sf/Secondary Dwelling Unit	35 feet	
Two-Family Duplex Dwelling	600 sf /Dwelling Unit	35 feet	
Multifamily Dwelling	600 sf/Dwelling Unit	45 feet	
Class B Mobile Homes	600 sf/Dwelling Unit	35 feet	
Accessory Structures	-	-	
Minimum Building Separation	20 feet	Maximum Lot Coverage	60%

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² For R-3 properties without public water and sewer access, the minimum area is 1.5 acres and the minimum lot width is 200’.

³ Plus an additional five (5’) feet for every story above two (2) stories.

⁴ Not including porches, patios, garages, or carports.

Section 505.07 Buffers Required

When Multi-Family property is adjacent to Single Family (R-1) or Two-Family (R-2) Residential Districts, a Natural or Landscaped Buffer Strip at least twenty (20') feet in depth, installed and maintained as specified in the Specific Provisions Section of this Development Ordinance, shall be required along lot lines that abut Single-Family or Two-Family lots.

Section 505.08 Building Arrangement

- a) No more than ten (10) nor fewer than three (3) continuous townhouses or units shall be built in a row with approximately the same front line.
- b) No residential building shall be situated so as to face the rear of another residential building within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than sixty (60') feet apart. In no case shall any building be located closer than twenty (20') feet from any other building.

Section 505.09 Additional Setback Requirements

- a) Apartments - When more than one apartment building is constructed on a single property, the buildings shall collectively and individually adhere to the setback requirements of the district in which they are located, plus five (5') feet per story over two stories (exclusive of any required buffers).
- b) Townhouses, Condominiums, Single-Family Attached (Fee Simple) - No side yard is required for individual units, however, side yards as specified for the district in which the project is located shall be required between blocks of units. Front and back yards shall be required as specified herein for the district in which the project is located. All required yard setbacks shall be provided adjacent to public streets as specified for the district in which the project is located.

Section 505.10 Interior Drives

Any interior drives in the development shall have a minimum paved width of twenty (20') feet and shall have a bituminous, concrete, pervious/porous concrete, or asphalt surface.

Section 505.11 Off-Street Parking

Paved off-street parking shall be provided as required in the Off-Street Parking and Loading Section of this Development Ordinance. Insofar as practicable, off-street parking facilities shall be grouped in bays to the sides or rear of buildings or adjacent to interior streets, or shall be located in the interior of blocks. All required parking areas for multiple-family developments shall be arranged so that direct and convenient access to and from the parking areas is provided. Where dwelling units have direct access to the exterior of the building, and in structures providing a common entrance to multiple units, at least one entrance shall be adjacent to the required on-site parking area. No off-street parking space shall be more than 100 feet by the most direct pedestrian route, from an exterior door of the dwelling unit or building it intends to serve.

Section 505.12 Exterior Lighting

For all multi-family development containing more than four (4) dwelling units, exterior walkways and parking areas shall be lighted in accordance with Outdoor Lighting Section of this Development Ordinance.

Section 506. [B-1] Local Business District

Section 506.01 Intent

The B-1 Local Business District is intended for the continuation or development of small clusters of commercial and service establishments in existing rural communities or in close proximity to residential neighborhood developments. This district is not intended to provide for a full range of commercial activities, but rather, for those which generate low volumes of traffic and provide a neighborhood convenience center for the surrounding community or neighborhoods, while protecting residential areas from possible adverse effects.

Section 506.02 Plans Required

A Comprehensive Site Development Plan, as specified in the Amendments Section of this Development Ordinance, shall be required for any application for a building permit or change in zoning classification or use involving the B-1 Local Business District.

Section 506.03 Required Conditions

- a) The district shall abut and have access to a paved collector street.
- b) The ground floor area per establishment shall not exceed 3,500 square feet area.
- c) There shall be adequate off-street parking and loading provided as specified in the Off-Street Parking and Loading Section of this Development Ordinance.
- d) There shall be no offensive noise, smoke, odors, fumes, runoff, or other objectionable conditions.
- e) Unless otherwise provided for in this Section, all merchandise shall be stored, exhibited, and sold only within the establishment's enclosure.
- f) Refuse containers shall be placed in the rear of the establishment and screened from view.
- g) No external speakers shall be allowed.
- h) Outdoor lighting shall be limited to the minimum wattage and hours of illumination necessary for the use, and shall be of such type or installation or shall be directed so as to reflect away from or prevent direct view of the light source from all residential dwellings on adjacent property, and shall be so situated as not to glare or reflect directly onto any adjacent properties, public right-of-way, or street.
- i) Buffers/Screening from adjacent neighboring residential districts shall be installed and maintained as specified in Specific Provisions Section of this Development Ordinance.

Section 506.04 Permitted Uses

In the B-1 Local Business District, the following uses are permitted:

- a) Neighborhood Grocery Stores
- b) Convenience Store
- c) Drug Store, Pharmacy
- d) Restaurants and Specialty Food Shops, excluding fast-food establishments
- e) Arts and Crafts, Dry Goods, Notions, Variety, and Gift Shops
- f) Florist
- g) Book, Stationary and Card Shops
- h) Barber Shop, Beauty shop
- i) Apparel Shops
- j) Laundry/Dry Cleaning Pick-Up Station
- k) Self-service Laundromat
- l) Hardware Stores
- m) Bank or other Financial Institution
- n) Office, Business, Professional, Service
- o) Automobile Service Station, excluding major repairs and automobile sales, and in accordance with the Specific Provisions Section of this Development Ordinance
- p) Day Care Centers, Play Schools, Nursery Schools and Kindergartens
- q) Bed and Breakfast Facilities, in accordance with Article IX, Section 900, Home Occupations, in this Ordinance.
- r) Accessory buildings and uses customarily incidental to any use allowed within the B-1 Local Business District including but not limited to storage buildings, parking lots and structures, etc., in accordance with the provisions of Accessory Structures Section of this Development Ordinance.

- s) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.
- t) Publicly owned and operated parks and recreational areas.

Section 506.05 Conditional Uses

The following uses may be permitted as Conditional Uses within the B-1 Neighborhood Convenience Commercial District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in the Off-Street Parking and Loading Section of this Development Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- b) Non-profit Clubs and fraternal organizations, provided that the building(s) are placed not less than fifty (50') feet from any property line, that there is a landscaped buffer strip at least ten (10') feet wide along rear and side lot lines, and that parking spaces in a ratio of one (1) space per two (2) members are provided adjacent to the building(s).
- c) Temporary stands erected for the purpose of sale of Christmas trees, vegetables, fruits, or other harvested products of any kind shall be permitted for a period not to exceed ninety (90) days.

Section 506.06 Spatial Requirements for the B-1 Local Business District

Minimum Lot Size and Width			
Infrastructure Available		Minimum Lot Area¹	Minimum Width
Individual Well/Septic Tank System		1.5 Acres	200 feet
Public/Community Water and Individual Septic Tank System		1.5 Acres	125 feet
Public/Community Water and Public Sewage System		0.5 Acres	100 feet
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive	20 from R/W		
Local Street or Private Drive without an established R/W	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height	
Principal Building	3,500 sf	35 feet	
Accessory Structures	-	-	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		70%	

¹ Certain types of commercial, industrial, institutional, and multi-family uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

Section 507. [B-2] Highway Business District

Section 507.01 Intent

The B-2 Highway Business District is intended for the development of limited commercial districts located along arterial streets and highways linking major commercial nodes, with larger lot sizes and limited curb cuts that shall not impede traffic flow in the area and shall afford safe access to such major thoroughfares. It is not the intent of this district to promote commercial strip development along major roadways.

This district is not intended to provide a complete range of commercial uses, but rather a range of uses that normally depend on the traveling or commuting public for business or that are better suited to larger lot sizes and lower densities. Furthermore, uses within this district shall be limited to those which are not objectionable by reason of odor, dust, smoke, bright lights, noise, or vibration. The district is designed, therefore, to allow a desirable range of uses for the property owner while offering protection to adjacent properties as well as to the roadway itself.

Section 507.02 Comprehensive Site Development Plan Required

A Comprehensive Site Development Plan, as specified the Amendments Section of this Development Ordinance, shall be required for any application for a building permit or change in zoning classification or use involving the B-2 Highway Business District.

Section 507.03 Interior Interconnecting Access

In order to minimize the need for vehicles to enter and exit the arterial street or highway, where possible and practical, new developments and substantial improvements to existing developments shall provide for automobile and pedestrian interior access connections between parking areas and interior drives on adjacent properties under different ownership when the uses of the properties are of such compatibility that individuals are likely to patronize more than one use in the same vehicle trip.

Section 507.04 Permitted Uses

In the B-2 Highway Business District the following uses are permitted:

- a) Restaurants, including Fast Food Establishments
- b) Supermarkets/Grocery Stores
- c) Drug Stores and Pharmacies
- d) Convenience Stores
- e) Automobile, Truck, Motorcycle, Farm Equipment, and Boat Sales and Service
- f) Manufactured/Mobile home and Recreational Vehicle Sales and Service
- g) Vehicle and/or Equipment Rental
- h) Automobile Service Stations, in accordance with the provisions of Article IX, Section 904, Automobile Service Stations, in this Ordinance
- i) Tire and Automotive Supply Stores
- j) Automobile Repair Garages, Automobile Restoration Shops, Automobile Paint and Body Shops, Automobile Towing Businesses, provided all operations are conducted within an entirely enclosed building and that any outside storage of inventory items or materials, inoperative, wrecked, or dismantled vehicles, appliances, machinery, equipment, or parts thereof, shall be located to the sides or rear of the facility and shall be screened by an opaque landscaped wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing adjacent residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in Specific Provisions Section of this Development Ordinance. Adequate measures shall be provided to prevent contamination of soil and waters of the State from gas, oil, battery acid, hydraulic fluid, and other potentially harmful substances.
- k) Car Washes
- l) Building Supply Stores, provided that any outside storage of inventory items or materials shall be located to the sides or rear of the facility and shall be screened by an opaque wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in Specific Provisions Section of this Development Ordinance.

- m) Farm and Garden Supply Stores, provided that any outside storage of inventory items shall be located to the sides or rear of the facility and shall be screened by an opaque wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in the Specific Provisions Section of this Development Ordinance.
- n) Commercial Greenhouses
- o) Mini-warehouses for private individual storage
- p) Veterinary Hospitals and Clinics provided that:
 - 1) Such facilities shall not be located within two hundred (200') feet of any existing residential district or use;
 - 2) All kennels, pens, cages, runs or other facilities for containment of animals shall be located within a fully enclosed building, with adequate provisions to insure that objectionable noise, odor, or insects are completely contained within said building;
- q) Day-care centers
- r) Health/Physical Fitness/Exercise Facilities
- s) Health clinics
- t) Funeral Homes
- u) Banks and other Financial Institutions.
- v) Government buildings or facilities, Federal, State, and Local
- w) Cultural Facilities
- x) Movie Theaters
- y) Commercial Recreational Uses, including but not limited to miniature golf, skating rinks, batting cages, bowling alleys, game arcades, and other such activities operated for a commercial purpose.
- z) Non-profit Clubs and Fraternal Organizations
- aa) Churches, Temples, Synagogues, Mosques, and other places of worship and their customary related facilities
- bb) Cemeteries, in compliance with the requirements specified in the Specific Provisions Section of this Development Ordinance.
- cc) Public Utility Buildings and Substations, in accordance with the provisions of Specific Provisions Section of this Development Ordinance
- dd) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance
- ee) Publicly owned and operated parks and recreational areas.
- ff) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

Section 507.05 Conditional Uses

The following uses may be permitted as Conditional Uses within the B-2 Highway Business District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Any commercial building exceeding a floor area of 40,000 square feet.
- b) Conventional Shopping Centers.
- c) Hotels and Motels.
- d) Certain Telecommunication/Transmission Towers and Antennas the Specific Provisions Section of this Development Ordinance.
- e) Outdoor Advertising Signs

Section 507.06 Spatial Requirements for the B-2 Highway Business District

Minimum Lot Size and Width			
Infrastructure Available	Minimum Lot Area¹	Minimum Width	
Individual Well/Septic Tank System	1.5 Acres	200 feet	
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 feet	
Public/Community Water and Public Sewage System	0.5 Acres	100 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive ²	20 from R/W		
Local Street or Private Drive without an established R/W ³	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height above Sublevels	
Principal Building	40,000 sf ⁴	45 feet	
Accessory Structures	-	-	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		75%	

¹ Certain types of commercial, industrial, institutional, and multi-family uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² The B-2 district is not intended to front on collector or local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

³ The B-2 district is not intended to front on collector or local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

⁴ Buildings in excess of 40,000 sf shall require Conditional Use approval.

Section 508. [B-3] General Business District

Section 508.01 Intent

The B-3 General Business District is intended to provide for clusters of higher density commercial development, with a full range of commercial uses (retail, office, and service). This district shall be located primarily around major intersections of arterial with major collector streets. This designation should be applied collectively to many adjacent lots or to larger acreage tracts approved for planned commercial development and not just to one or two lots individually. Its primary purpose is to collect and consolidate commercial uses at centralized locations to form commercial nodes and to discourage commercial strip development along major roadways. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as may be required and approved by the Oglethorpe County Health Department.

Section 508.02 Comprehensive Site Development Plan Required

A Comprehensive Site Development Plan, as specified the Amendments Section of this Development Ordinance, shall be required for any application for a building permit or change in zoning classification or use involving the B-3 General Business District.

Section 508.03 Interior Interconnecting Access

In order to minimize the need for vehicles to enter and exit the arterial street or highway, where possible and practical, new developments and substantial improvements to existing developments shall provide for automobile and pedestrian interior access connections between parking areas and interior drives on adjacent properties under different ownership when the uses of the properties are of such compatibility that individuals are likely to patronize more than one use in the same vehicle trip.

Section 508.04 Permitted Uses

In the B-3 General Business District the following uses are permitted:

- a) Retail Sales and Service Establishments excluding the outside storage of inventory, merchandise, or materials including, but not limited to:
 - 1) Appliance Sales and Services
 - 2) Art, Antique, Book, Gift, Stationary, Card, Florist Shops
 - 3) Automobile Service Stations, in accordance with the provisions of Specific Provisions Section of this Development Ordinance
 - 4) Automotive Parts and Tire Stores, excluding Tire Recapping Facilities
 - 5) Banks and other Financial Institutions
 - 6) Barber, Beauty Shops
 - 7) Drug Stores and Pharmacies
 - 8) Clothing and Accessory Stores
 - 9) Department Stores
 - 10) Electronic Sales and Services
 - 11) Furniture Stores
 - 12) Grocery Stores, Supermarkets
 - 13) Hardware, Paint, Garden Supply Stores
 - 14) Laundry/Dry Cleaning Pick-up Station
 - 15) Miscellaneous Service and Repair Shops, excluding Automobile Paint and Body Shops, Automobile Repair Garages, Automobile Restoration Shops, Automobile Towing Businesses
 - 16) Movie Theaters (in-door)
 - 17) Music, Video Stores
 - 18) Office Supply Sales and Services
 - 19) Sporting Goods Stores
 - 20) Conventional Shopping Centers.
- b) Commercial Recreational Uses, including but not limited to miniature golf courses, skating rinks, bowling alleys, game arcades, and other such activities operated for a commercial purpose.
- c) Restaurants and Fast-food Establishments, Specialty Food Stores, Catering Establishments
- d) Offices (professional and business)
- e) Health Clinics

- f) Physical Fitness Centers
- g) Government Buildings/Facilities, Federal, State, and Local
- h) Cultural Facilities
- i) Private clubs, Fraternal Orders, Or Lodges
- j) Churches, Temples, Synagogues, Mosques, and other places of worship and their customary related facilities with the exception of cemeteries
- k) Public Utility Buildings and Substations, in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
- l) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.
- m) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

Section 508.05 Conditional Uses

The following uses may be permitted as Conditional Uses within the B-3 General Business District, if approved by the Oglethorpe County Board of Commissioners, , as specified the Amendments Section of this Development Ordinance:

- a) Any commercial building exceeding a floor area of 40,000 square feet.
- b) Motels and Hotels, provided that a Comprehensive Site Development Plan is submitted.
- c) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.

Section 508.06 Spatial Requirements for the B-3 General Business District

Minimum Lot Size and Width			
Infrastructure Available	Minimum Lot Area¹	Minimum Width	
Individual Well/Septic Tank System	1.5 Acres	200 feet	
Public/Community Water and Individual Septic Tank System	1.5 Acres	125 feet	
Public/Community Water and Public Sewage System	0.5 Acres	100 feet	
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive ²	20 from R/W		
Local Street or Private Drive without an established R/W ³	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height above Sublevels	
Principal Building	40,000 sf ⁴	45 feet	
Accessory Structures	-	-	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		80%	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² The B-3 district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

³ The B-3 district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

⁴ Buildings in excess of 40,000 sf shall require Conditional Use approval.

Section 509. [OIP] Office/Institutional/Professional District

Section 509.01 Intent

It is the intent of this district to provide an environment for professional and business offices, clinics, and institutional uses and to limited light commercial uses that are normally appurtenant to office/institutional uses. The uses permitted in this district shall be compatible with nearby existing residential districts, shall not involve offensive noise, smoke, odors, fumes, or other objectionable conditions and shall provide adequate space for off-street parking and loading of vehicles, shall not contribute to excessive or hazardous traffic conditions, and shall be surrounded by landscaped yards, ample open space, and buffers and screening ensuring compatibility with nearby residential district and uses. This district must be located on paved collector or arterial streets, capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department.

Section 509.02 Comprehensive Site Development Plan Required

A Comprehensive Site Development Plan, as specified in the Amendments Section of this Development Ordinance, shall be required for an application for a building permit or change in zoning classification or use involving the OIP Office/Institutional/Professional District.

Section 509.03 Permitted Uses

In the OIP Office/Institutional/Professional District the following uses are permitted:

- a) Government Buildings, Facilities, Institutions, and Support Facilities
- b) Cultural Facilities, including libraries, museums, art galleries
- c) Educational Institutions and Facilities, public and private.
- d) Day Care Centers, Preschools, and Kindergartens
- e) Medical and Dental Clinics and Offices, excluding veterinary clinics and animal hospitals
- f) Personal Care Homes, and Nursing Homes.
- g) Intermediate Care Facilities.
- h) Funeral Homes
- i) Offices (professional or business), providing that wholesale or retail merchandise is not offered for sale
- j) Banks, Savings and Loans, Credit Office, and other Financial Institutions
- k) Retail/service uses normally appurtenant to office/institutional centers, such as florist shops, cafeterias and snack shops located within office or medical buildings, pharmacies, beauty salons/barber shops and gift shops.
- l) Non-profit Clubs and fraternal organizations
- m) Churches, temples, synagogues, mosques, and other places of worship and their customary related facilities, excluding cemeteries, provided such uses shall have direct access to a public thoroughfare and that building(s) shall be placed not less than two hundred (200') feet from any existing adjacent residence.
- n) Publicly owned and operated parks and recreational areas.
- o) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

Section 509.04 Conditional Uses

The following uses may be permitted as Conditional Uses within the OIP Office/Institutional/Professional District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Group Homes/Rehabilitation Homes.
- b) Hospitals.
- c) Drug and Alcohol Treatment Facilities

Section 509.05 Spatial requirement for the OIP Office/Institutional/Professional District

Minimum Lot Size and Width			
Infrastructure Available		Minimum Lot Area¹	Minimum Width
Individual Well/Septic Tank System		1.5 Acres	200 feet
Public/Community Water and Individual Septic Tank System		1.5 Acres	125 feet
Public/Community Water and Public Sewage System		0.5 Acres	100 feet
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive ²	20 from R/W		
Local Street or Private Drive without an established R/W ³	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height above Sublevels	
Principal Building	N/A	45 feet	
Accessory Structures	N/A	35 feet	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		75% if located on Arterial Street 60% if located on Collector Street	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² The OIP district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

³ The OIP district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

Section 510. [LI] Light Industrial District

Section 510.01 Intent

It is the intent of this district to provide an environment for light industrial uses, warehousing, research/technical facilities, and associated offices, education and training facilities, all of a low-impact, non-nuisance type. This district shall have direct and safe access to an arterial or major collector street capable of handling proposed traffic or in Industrial Parks having access to such thoroughfares, and shall provide adequate parking/loading facilities as specified in the Off-Street Parking and Loading section of this Development Ordinance. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department.

Section 510.02 Comprehensive Site Development Plan Required

A Comprehensive Site Development Plan, as specified in the Amendments Section of this Development Ordinance, shall be required for any application for a building permit or change in zoning classification or use involving the LI Light Industrial District.

Section 510.03 Operation and Storage Restrictions

All operations shall be conducted within a completely enclosed building. Outside storage of materials or products directly related to the operation shall be permitted only in the side or rear yards. Such outside storage shall be enclosed by a solid or opaque landscaped wall or fence sufficient to obscure views of said storage from adjacent public rights-of-way and/or existing adjacent residential districts or uses, but not less than eight (8') feet in height, installed and maintained as specified in the Specific Provisions Section of this Development Ordinance. Such outside storage shall not include salvage or junkyards.

Section 510.04 Permitted Uses

The following uses are permitted within the LI Light Industrial District:

- a) Manufacturing Operations relying on the assembly of products using parts previously developed from raw material and not classified as a point source of objectionable pollutants, and including the fabrication, processing, conversion, alteration, and assembly of products, provided that such activity shall not:
 - 1) Disseminate dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted;
 - 2) Create a menace by reason of fire, explosive or other physical hazard;
 - 3) Discharge harmful (chemical, biological, or radioactive) waste material;
- b) Trade Shops, including, but not limited to, the following:
 - 1) Machine, Sheet Metal, and Welding Shops
 - 2) Cabinetmakers and Custom Woodworking
 - 3) Monument and stone finishing
 - 4) Electrical, Plumbing, Masonry Contractors/Wholesalers
- c) Automobile Repair Garages, Automobile Paint and Body Shops, Automobile Restoration Shops, Automobile Towing Businesses. Adequate measures shall be provided to prevent contamination of soil and waters of the State from gas, oil, battery acid, hydraulic fluid, and other potentially harmful substances.
- d) Tire Recapping and Retreading Shops
- e) Newspaper and Printing Presses

Food processing plants such as wholesale bakeries, beverage bottling, dairy processors, but not including the on-site distilling of beverage or the slaughter or processing of animals.

- f) Wholesaling Facilities, including display rooms for products or parts to be manufactured or assembled on the site;
- g) Warehousing and Storage Facilities
- h) Truck and Freight Terminals
- i) Office and Administrative Facilities
- j) Research, Laboratory, and Testing Facilities including laboratories for testing or analysis of a medical, chemical, physical, mechanical, electric, or electronic nature or the calibration of instruments for same; research facilities for theoretical and applied research in all the sciences;

product development and testing, engineering development, and marketing development; provided that such activity shall not:

- 1) Disseminate dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted;
 - 2) Create a menace by reason of fire, explosive or other physical hazard;
 - 3) Discharge harmful (chemical, biological, or radioactive) waste material;
- k) Education and Training Facilities
 - l) Public Utility Buildings and Substations, in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
 - m) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance
 - n) Publicly owned and operated parks and recreational areas.
 - o) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses.

Section 510.05 Conditional Uses

The following uses may be permitted as Conditional Uses within the LI Light Industrial District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- a) Junk/Salvage Yards, in accordance with the Specific Provisions Section of this Development Ordinance, excluding auto crushing and scrap metal processing.
- b) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.

Section 510.06 Spatial Requirements for The LI Light Industrial District

Minimum Lot Size and Width			
Infrastructure Available		Minimum Lot Area¹	Minimum Width
Individual Well/Septic Tank System		1.5 Acres	200 feet
Public/Community Water and Individual Septic Tank System		1.5 Acres	125 feet
Public/Community Water and Public Sewage System		0.5 Acres	100 feet
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive ²	20 from R/W		
Local Street or Private Drive without an established R/W ³	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height above Sublevels	
Principal Building	N/A	45 feet	
Accessory Structures	N/A	35 feet	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		75%	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² The LI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

³ The LI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

Section 511. [HI] Heavy Industrial District

Section 511.01 Intent

The HI Heavy Industrial District is intended for intensive, high impact manufacturing or processing operations and those operations which have the potential to adversely affect air or water quality, public health, safety, or welfare, or the community's living and working environment due to the use of hazardous materials, tendency to emit excessive levels of noise, vibrations, odor, smoke/dust/gases/particulate matter, fumes/odors, radiations, or other potential fire and safety hazards.

It is intended that Heavy Industrial Districts shall not be located in or adjacent to existing Residential Districts or Uses, or primary or secondary growth areas (as designated in the Oglethorpe County Comprehensive Plan); Scenic/Historic Preservation Districts or identified historic districts, landmark sites, or significant archaeological sites (as designated in the Oglethorpe County Comprehensive Plan); Public Parks; or sensitive environmental areas, including municipal water supply watersheds and significant groundwater recharge areas (as designated in the Oglethorpe County Comprehensive Plan).

Heavy Industrial Districts shall be located on arterial streets or on major collector streets having ready access to such thoroughfares, except where the nature of the operation makes it impossible, (i.e. processing of raw materials in situ, as in granite quarries), provided, however, that in no case shall a Heavy Industrial District be located on a street that is not suitable for or capable of handling anticipated traffic associated with the proposed use. Adequate parking/loading facilities as specified in the Off-Street Parking and Loading of this Development Ordinance shall be provided at the site. This district must access public water and sewage systems, where available. If access to such systems does not exist, then adequate provision shall be made for safe and sufficient water supply and sewage management system(s), as shall be required and approved by the Oglethorpe County Health Department. The operation shall not exceed allowable emissions of substances, compounds, or odors regulated by state or federal Clean Air Acts, or Clean Air Act Amendments of 1990, or either as amended in the future. There shall be no discharges of pollutants from any part of the operation into any waters of the State.

Section 511.02 Comprehensive Site Development Plan Required

A Comprehensive Site Development Plan, as specified in the Amendments Section of this Development Ordinance, shall be required for any application for a building permit or change in zoning classification or conditional use involving the HI Heavy Industrial District. In addition to the requirements specified in the Amendments Section of this Development Ordinance, petitions for rezoning to Heavy Industrial Use or for a Conditional Use within the Heavy Industrial District shall also include the following:

- a) Five (5) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community.
 - 1) The description of the operation must also include information regarding materials, processes (including steps to minimize adverse community impacts), products, by-products, wastes, shipping mode, number of employees, shifts, hours of operation, vehicle trip ends and any additional information necessary for the County to fully understand the proposal.
 - 2) Further, this report must address the immediate and anticipated future impact, if any, of the proposed use related to each of the following specific concerns:
 - i. Community Infrastructure, Facilities, and Services
 - ii. Traffic
 - iii. Water Quality (surface and ground)
 - iv. Water Usage and Supply
 - v. Waste Generation and Disposal
 - vi. Waste Water Quality
 - vii. Air Quality
 - viii. Smoke, Dust and Particulate Matter
 - ix. Odor
 - x. Physical Hazards
 - xi. Fire and Safety Hazards
 - xii. Hazardous Materials (ignitable, corrosive, explosive, toxic)

- xiii. Radiation
 - xiv. Diseases of Public Health Importance
 - xv. Lighting and Glare
 - xvi. Noise
 - xvii. Vibration
 - xviii. County Economic Development Policy
 - xix. Any other concerns identified by the County or applicant as pertinent to the proposed use.
- b) Any engineering information, whether civil, mechanical, or electrical, that an applicant submits shall be certified by a licensed professional engineer.
 - c) The description must include copies of any reports and/or assessments required by the U.S. Environmental Protection Agency or State Environmental Protection Division.
 - d) The description shall also include a listing of all Federal, State, and Local approvals and permits, if any, that will be required by the proposed use and the status of all requests for such approvals or permits (including conditions of approval, reasons for denial, or requests for additional information); as well as a listing of any fines or sanctions that may have been imposed on or actions taken against the applicant or proposed use as a result of past violations of federal, state, or local laws or regulations covering the seven (7) year period prior to submittal of the rezoning or conditional use permit application.
 - e) The Board of Commissioners reserves the right to require an independent evaluation of the impacts of the proposed use and technical details of the proposal. The evaluations of the impacts may include but are not limited to, environmental impacts, traffic density impacts, economic impacts, infrastructure impacts or growth impacts. Where expert opinion and studies are deemed necessary for the County to fully evaluate the impacts and/or technical details of the proposed use, additional fees may be charged to cover the actual cost to the County of obtaining such expert opinion and studies. The initial deposit for such additional fees shall cover a minimum of ten hours of an expert consultant's established hourly rate to provide consultation to Oglethorpe County. The Board of Commissioners shall not contract for more than ten hours of expert consultation without the prior notification and consent of the applicant in writing. The initial deposit, in cash or check, shall be submitted to the Board of Commissioners or their designated Official(s). If the actual cost to the government is greater than the initial deposit, the applicant shall be billed for the difference and shall pay the bill in full prior to the hearing before the Board of Commissioners. If the actual cost to the government is less than the initial deposit, the actual cost will be deducted from the initial deposit and the remainder of the deposit shall be refunded to the applicant within ten working days following the hearing before the Board of Commissioners.
 - f) Approval by the Board of Commissioners of a proposed Heavy Industrial Use or Conditional Use within the Heavy Industrial District does not constitute an approval for future expansion of or additions to the initially approved operation, nor an approval of changes in the processes that adversely affect the community. Any future phases or process changes that are considered significant and not included in the original approval shall be subject to the provisions of this article and the review of new detailed plans and reports for such alterations by the governing authority.

Section 511.03 Permitted Uses

Within the HI Heavy Industrial District, the following uses shall be permitted:

- a) Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products, or equipment, but not including those uses listed in Subsection 511.04, Conditional Uses, herein or any other uses which may cause injurious or obnoxious noise, vibrations, odor, smoke/dust/gases/particulate matter, fumes/odors, radiations, potential fire or safety hazards.
- b) Outdoor storage of materials and inventory, not including those uses listed in Subsection 511.04, Conditional Uses, herein

- c) Junk/Salvage Yards, in accordance with the Specific Provisions Section of this Development Ordinance, excluding auto crushing and scrap metal processing.
- d) Public utility structures/Utility Substations
- e) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.
- f) Government buildings, Federal, State, and Local
- g) Other uses as may be determined by the Board of Commissioners or their designated Zoning Official(s) to be similar and compatible with the above-listed permitted uses, provided they cause no injurious or obnoxious noise, vibrations, bright lights, smoke, gas, fumes, odor, dust, fire hazard, traffic congestion, or other objectionable conditions to nearby areas.

Section 511.04 Conditional Uses

The following uses, due to the characteristics of their operations or the materials they use, are found to possess substantial potential for adverse impact upon the surrounding community’s living and working environment or to pose a significant threat to air or water quality, or to public health, safety, or welfare and are therefore designated conditional uses which may be allowed in the HI Heavy Industrial District, only after special review and approval by the Oglethorpe County Board of Commissioners, as specified herein and in the Amendments Section of this Development Ordinance based upon findings that the use is consistent with adopted plans for the area and that the location, construction, and operation of the proposed use will not result in significant adverse impact upon surrounding development or the community in general.

These uses shall not be located in or near existing Residential Districts or Uses, or primary or secondary growth areas (as designated in the Oglethorpe County Comprehensive Plan); Scenic Preservation Districts or identified significant historic districts or landmark sites, (as designated in the Oglethorpe County Comprehensive Plan); River Corridor Protection District, Watershed Protection District, Public Parks; or sensitive environmental areas, including extensive or significant wetlands (as mapped by the Fish and Wildlife Service of the Department of the Interior) and significant groundwater recharge areas (as mapped by the Department of Natural Resources), as designated in the Oglethorpe County Comprehensive Plan.

- a) Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations, including the removal of rock, sand, minerals, clay, elements, and other such natural materials from the earth together with necessary buildings, machinery and appurtenances related thereto, as specified in the Special Provisions Section of this Development Ordinance.
 - 1) The location of rock, sand, minerals, clay, and other such natural materials subject to Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations, that are necessarily performed in situ, may not be deemed suitable under this Ordinance for all Heavy Industrial Uses. Therefore, the conditional use rezoning of a parcel of land for purpose of Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, and Stone Crushing Operations use shall be specially designated as HI(me), indicating that conditional use approval has been granted specifically for such use ONLY. No other Heavy Industrial Use of any type shall be permitted on said parcel of land unless the Board of Commissioners approves the rezoning of the property to a general HI Heavy Industrial District or grants an HI Heavy Industrial District Conditional Use permit as specified herein
 - 2) Asphalt and Cement Plants shall not be considered accessory uses of any mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation, but instead shall be considered as separate and distinct uses within the Heavy Industrial (HI) District.
 - 3) A Notice of HI(me) Adjacency and Reciprocal Setbacks - The required minimum setbacks specified in the Specific Provisions Section of this Development Ordinance, shall be applied, respectively, to any new non- HI(me) district/use proposed for property

abutting or adjacent to any existing HI(me) district/use, unless an HI(me) adjacency waiver has been duly signed and recorded.

- i. When a non-HI(me) use is proposed for property abutting an existing HI(me) district or will be located within the required minimum setbacks stated for the HI(me) district, the developer or property owner shall be provided with a "Notice of HI(me) Adjacency" at the time an application for a building permit or for a change in zoning classification or use is filed. As a condition of and prior to any administrative action on either the change in zoning classification or use request, or to the issuance of any land use, building, or occupancy permit, the applicant shall be required to sign a waiver on a form prepared by the Zoning Official(s) which will indicate that the applicant understands that there is an ongoing HI(me) use adjacent to the subject property which could produce noise, dust, and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects the HI(me) use on adjacent land, the applicant agrees, by executing the form, to waive any objection to those effects and understands that his/her change in zoning classification or use and/or his/her permits are issued and processed in reliance on his/her agreement not to bring any action against adjacent land owners whose property is being utilized for HI(me) uses, or any local government, asserting that the adjacent HI(me) use constitutes a nuisance; provided that said existing HI(me) use is operated in conformance with this Ordinance and with all applicable local, state, and federal regulations. Any such notice or acknowledgment provided to or executed by a land owner adjoining an existing HI(me) use or within the required minimum setbacks for said use shall be public record.
- ii. The HI(me) Use Notice and Waiver shall include the following information in substantially the same or similar format and content:
- iii. You are hereby notified that all or part of the property you are proposing to use or build upon is located within the required minimum setback of an adjacent HI(me) district/use with one or more existing HI(me) operations. You may be subject to inconvenience or discomfort from lawful HI(me) uses, which may include mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operation of machinery during any 24-hour period. One or more inconveniences may occur as a result of HI(me) uses that are in compliance with existing local, state, and federal regulations and accepted industry standards. If you live or operate a use near a Heavy Industry (mining excavation) use, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in such an area. Your signature constitutes an agreement not to bring any action against adjacent landowners whose property is in an HI(me) district, or against local government, asserting that the adjacent HI(me) use constitutes a nuisance, provided that said HI(me) use is in compliance with all applicable local, state, and federal regulations.

Signature of Applicant: _____

- iv. Nuisance Shield – A permitted HI(me) use that is in compliance with the requirements of this Ordinance and the requirements of appropriate state regulatory agencies and other applicable federal, state, and local laws and regulations shall be presumed not to be a nuisance.

b) Asphalt or Cement Manufacture

- c) Solid Waste Disposal Facilities, as specified in the Solid Waste Disposal Facilities Section of this Development Ordinance
- d) Septage and/or Bulk Sewage Sludge Handling/Treatment/Land Application Facilities, in compliance with the Oglethorpe County Septage and Bulk Sewage Sludge Safety Ordinance and any other applicable local, state, or federal rules, regulations, or ordinances.
- e) Commercial slaughter of animals
- f) Meat/Poultry Processing Plants
- g) Fat Rendering, Production of Fats and Oils from animals or vegetable products by boiling or distillation; Distillation of Bones, Coal, Petroleum, Tar, and Animal Refuse; Glue, Size, and Gelatin Manufacture, Fertilizer Manufacture
- h) Permanent Sawmills or Planing Mills
- i) Auto Crushing, Scrap Metal Processing Facilities,
- j) Manufacture or Storage in bulk quantities of Explosives, Flammable Gases, or Toxic/Noxious Gases and Chemicals, or Other Similar Materials
- k) Paper Mills, Chemical Pulp, Processed Wood Products Manufacture
- l) Certain Telecommunication/Transmission Towers and Antennas as specified in the Specific Provisions Section of this Development Ordinance.

Section 511.05 Spatial Requirements for The HI Heavy Industrial District

Minimum Lot Size and Width			
Infrastructure Available		Minimum Lot Area¹	Minimum Width
Individual Well/Septic Tank System		1.5 Acres	200 feet
Public/Community Water and Individual Septic Tank System		1.5 Acres	125 feet
Public/Community Water and Public Sewage System		1.0 Acres	125 feet
Minimum Building Setback Line Requirements			
Street Classification	Front Yard	Side Yard	Rear Yard
Arterial Streets/Highways	100 feet from R/W	20 feet + any required buffer	20 feet + any required buffer
Arterial Street/Highway without an established R/W	150 feet from centerline		
Collector Street	50 feet from R/W		
Collector Street without an established R/W	80 feet from centerline		
Local Street or Private Drive ²	20 from R/W		
Local Street or Private Drive without an established R/W ³	50 feet from centerline of drive		
Building Requirements			
Structure	Maximum Floor Area	Maximum Height above Sublevels	
Principal Building	N/A	45 feet	
Accessory Structures	N/A	N/A	
Minimum Building Separation		20 feet	
Maximum Lot Coverage		80%	

¹ Unusual topographical or soil conditions may necessitate larger minimum requirements on certain properties. Certain types of commercial, industrial, institutional, and multifamily uses may require larger lot sizes as determined by the Health Department based on the proposed intensity and/or density of use. In no case shall the minimum lot size be less than deemed necessary for safe and adequate sewage disposal and water supply as determined by the Oglethorpe County Health Department.

² The HI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

³ The HI district is not intended to front on local streets or on private access drives/easements, but under certain circumstances might have a side or rear lot line abutting such.

Section 512. [PG] Public/Government District

This district is composed of certain lands and structures in Oglethorpe County which are owned, operated, and maintained exclusively by Federal, State, County, or City governments and/or their instrumentalities, and as such shall be used in accordance with such regulations as may be prescribed by the government or instrumentality thereof using the same.

If Public/Government-zoned property is sold to a private individual or individuals, such property shall be rezoned to a classification that is compatible with the surrounding area and the intent of this Ordinance.

Section 513. [PD] Planned Development District

Section 513.01 Intent

It is the intent of this district to permit and encourage the development of property with compatible land uses on a scale larger than that of individual small parcels, which would allow greater flexibility with respect to development standards and site planning considerations, permit the establishment or mixture of uses which, without proper design and planning, might not be compatible with surrounding uses or zoning districts, and which will be in the best interest of Oglethorpe County in terms of its long range development plans. The Planned Development District is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land use planning to counteract the effects of sprawl, preserve the rural character of the county, protect irreplaceable resources, and to assure the provision of park and recreation facilities for the use of the occupants of the development. For that reason Open Space/Conservation Design shall be incorporated into all Planned Development Districts.

Individual uses and structures in a planned development need not comply with the specific building location, height, type, building size, lot size, and other space limits of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan approved for such project. The developer benefits from better land utilization economy in the provision of roads and utilities and flexibility in design. The County gains advantages of variety in building types, compatibility of uses and optimum community development.

This district is designed to be an overlay appended to a residential, commercial, or industrial district to provide greater latitude with regard to the internal site planning considerations of a planned development. As such, areas will not be pre-designated as Planned Development Districts, but rather each such designation shall result from a specific and separate application for amendment. Planned Development Districts are separate zoning districts, however, and shall follow the same amendment procedures as for other districts. Review of the development by the Oglethorpe County Zoning Board, and approval of the Oglethorpe County Health Department and the Board of Commissioners provides an opportunity to assure that the development will be appropriate and compatible with the area in which the development is located.

Section 513.02 Conditions for Rezoning to Planned Development District

- a) Criteria - An area may be considered for rezoning to a Planned Development District if any one of the following conditions are met:
 - 1) More than one principal use is proposed for development on a single parcel;
 - 2) Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership;
 - 3) Exceptions or variation from the size, setbacks, frontage, or other required standards or other requirements of this Ordinance are being sought to provide design flexibility as part of a comprehensive development plan.
- b) Ownership - The area proposed shall be in one ownership or if in several ownerships, the petition for Planned Development zoning shall be filed jointly by persons holding fifty-one (51%) percent ownership of the properties included in the plan. Any Planned Development amendment must

be filed by persons holding fifty- one (51%) percent ownership of all the undeveloped properties in the overall planned development.

Section 513.03 Requirements for Rezoning to Planned Development District

- a) Planned Developments as Amendments - Any request pertaining to the establishment of a Planned Development District shall be considered an amendment to the Official Zoning Map of Oglethorpe County and shall be administered and processed in accordance with the regulations set forth in the Amendments Section of this Development Ordinance, along with the additional requirements as specified herein.
- b) Comprehensive Site Development Plan Required - A Comprehensive Site Development Plan shall be required.
- c) Compliance with Oglethorpe County Subdivision Regulations - Planned Developments shall also comply with the requirements of the Oglethorpe County Subdivision Regulations, except as otherwise specified herein.
- d) Permanent Continuation of Open Space and Approved Development Design – The developer shall provide details of any proposed development controls deed covenants, or deed restrictions, or condominium declarations or similar documents that guarantee continuance of the development as approved and the permanent ownership, private reservation for the use of project occupants, and the responsibility for maintenance and taxes of any dedicated common open spaces, common facilities, and streets not proposed for dedication to the County.
- e) Phased Development - The development of the entire Planned Development may be divided into individual sections or phases of development, based on logical geographical sections, for construction purposes. A development schedule shall be submitted as part of the comprehensive site development plan, as specified in the Amendments Section of this Development Ordinance, designating a reasonable time period in which the construction of each section of the development along with any amenity packages shall be completed.
- f) Amenities - The developer shall be required to complete or fund all amenity packages no later than the sale of fifty (50%) percent of the lots in the phase of the project to which the package relates. In any event, all amenity packages for the development must be completed for all phases of the project no later than the sale of fifty (50%) percent of the total number of lots within all phases of the development. The developer shall file a report with the designated zoning official(s) upon sale of twenty-five (25%) percent and fifty (50%) percent of lots within a phase.
- g) Surety Bond - To ensure adequate and proper construction of proposed recreation facilities, streets, sidewalks, trails, drainage facilities, grading improvements, water and sewage management systems, and other utilities, etc., the Board of Commissioners shall require that a surety or performance bond, or other financial guarantee be submitted by the owner/developer. Such guarantee shall be in an amount sufficient to provide for construction of the stipulated facilities. In addition, the owner/developer shall be required to grant right-of-way entry to the County to construct such improvements if required. If a Planned Development is to be developed in phases, a surety or performance bond or other financial guarantee may be provided by the owner/developer for each development phase.
- h) Transfer of Ownership - The transfer of ownership or sale of individual lots or units within a Planned Development shall be allowed only after the Board of Commissioners has approved the final plat along with such required private covenants, deed restrictions, condominium declaration or similar documents that assure the permanent retention and maintenance of dedicated open space and common facilities, and the continuance of the Planned Development as originally approved and planned, and such plat and documents have been duly recorded.

Section 513.04 Rezoning Procedure for Planned Development Districts

- a) Pre-application Review - Prior to officially submitting a Preliminary Subdivision Plat and Comprehensive Site Development Plan, the owner/developer shall meet with the Zoning Board for a pre-application review to determine the feasibility of the proposed project. It is intended that this step in the process will provide an opportunity for the owner/developer to obtain information and guidance prior to incurring substantial expense in the preparation of more

detailed plans, surveys, or other data. The applicant shall provide the following information for a pre-application review:

- 1) A sketch plan showing the location and acreage of the project; current zoning district classification/use and proposed classification/use of the property, zoning district classification and use of adjacent property; existing streets and buildings/uses; any significant natural or historic features, including 100-year floodplain; and any proposed public or common open spaces and facilities, proposed buildings/uses, and the proposed layout of any streets/drives including access points to the project, in relation to existing natural and man-made conditions;. This plan may be a free-hand sketch made by the applicant on a copy of a plat or topographic map.
 - 2) General description of the proposal, including use(s), proposed density (including any statistical calculations used to determine the maximum number of building lots or units allowable, if applicable), proposed water supply and sewage disposal, etc.
 - 3) It is intended that this step in the process will provide an opportunity, through review and recommendations, for the applicant and the Zoning Board to arrive at a conceptual agreement on the project prior to the preparation of final binding site plans.
- b) Neighborhood Meeting, if required. If the Planned Development application involves the subdivision of property necessitating the approval of a Preliminary Plat, the applicant shall conduct a Neighborhood Meeting in accordance with the procedure outlined in the Subdivisions Section of this Development Ordinance.
- c) Preliminary Subdivision Plat and Comprehensive Site Development Plan Requirements
- 1) Following the pre-application conference and neighborhood meeting, if required, the applicant may file an application for a change of zoning classification or use, as specified herein, including a Preliminary Subdivision Plat and Comprehensive Site Development Plan along with supporting materials, and pay any required fees. It is intended that this step in the process will provide an opportunity, through review and recommendations, for the applicant and the Zoning Board to arrive at a conceptual agreement on the project prior to the preparation of final binding site plans.
 - 2) Following Zoning Board review of the Preliminary Subdivision Plat and Comprehensive Site Development Plan, the applicant may incorporate only such adjustments or amendments as may have been requested by the Zoning Board, as specified herein. Any changes or amendments to the Preliminary Subdivision Plat and Comprehensive Site Development Plan, made in response to recommendations by the Zoning Board, must be completed by the applicant and approved by the Zoning Board prior to submission to the Board of Commissioners for action.
- d) Recording of Final Subdivision Plat Required

Following final approval of an amendment application for a Planned Development by the Board of Commissioners, as specified in the Subdivisions Section of this Development Ordinance, a Final Plat meeting the requirements of the Oglethorpe County Subdivision Regulations and complying with the Comprehensive Site Development Plan and accompanying documents and materials, as approved by the Board of Commissioners, shall be submitted for final subdivision plat approval and thence recorded in the Office of the Clerk of the Superior Court of Oglethorpe County, as specified in the Oglethorpe County Subdivision Regulations.

Section 513.05 General Design Standards and Requirements for Planned Development Districts

All Planned Development Districts shall meet the following standards and such other requirements as set forth herein with respect to each Planned Developments District Classification.

- a) Open Space: Adequate guarantee shall be provided for the permanent retention as "open space" for all of the residual open land area resulting from the planned development approval. The guarantee shall be in the form of private reservation for the use of project residents through covenants, deed restrictions, or similar documents, or through dedication as common open space, or as land held in a common undivided interest dedicated to a recognized land trust or dedicated to Oglethorpe County. The care and maintenance of such private open space areas shall be similarly provided for.

- b) Compatibility with Surrounding Property - The development, as planned, shall not adversely affect developed or undeveloped neighboring properties.
- c) Uses Permitted – Unless otherwise specified herein, uses permitted in a Planned Development District shall include all uses permitted in the underlying district in which it is located. A mixture of uses not permitted in the underlying district may be allowed as specified below, subject to review by the Zoning Board and approval by the Health Department and Board of Commissioners.
- d) Exceptions or Variations to Requirements of the Underlying District - Exceptions or variation from the lot size, dimensions, uses, setbacks, height, or other requirements of the underlying district may be allowed, subject to review by the Zoning Board and approval by the Health Department and Board of Commissioners, provided that:
 - 1) There shall be adequate area for the proposed water supply and sewage management systems, as required by the Health Department.
 - 2) In the case of an underlying residential district, retail and service uses designed and located within the project primarily for the benefit and convenience of the residents of the project shall be permitted; but shall be limited to no more than ten percent of the total project acreage. Permitted retail and service uses serving a residential "PD" shall include any use permitted in the "B-1" District.
 - 3) The yard and setback requirements of the underlying zoning district shall not be reduced along exterior boundaries of the development.
 - 4) The off-street parking/loading requirements of this Ordinance shall be met.
 - 5) The maximum percentage of lot coverage permitted in the underlying district shall not be exceeded by the development as a whole.
 - 6) Such exceptions or variations shall not have an adverse impact on surrounding properties.
- e) Minimum Acreage

Underlying Zoning	Minimum Acreage Required	
Residential	Without Retail/Commercial	50 acres
	With Retail/Commercial	100 acres
Commercial	5 acres	
Office, Institutional and Professional	OIP	10 acres ¹
	OIP + Residential	50 acres
Industrial	10 acres	

- f) Impact and Compatibility - Planned Developments must be located in areas that have access to adequate infrastructure and community facilities suited for the proposed use or where meeting the demand on services is within the county's capacity to provide the needed services and facilities, and where the proposed total project densities are compatible with the underlying district.
- g) Water and Sewer - Planned Developments must access public water and sewage systems, where available. If access to such systems does not exist, this district may be allowed, if adequate provision is made for the installation, and permanent continuation/maintenance of safe and sufficient water supply and sewage management system(s), as may be required and approved by the Oglethorpe County Health Department, which may include an approved community water and on-site sewage management system, individual wells and septic tank systems, alternative

¹ If there is no Institutional Use proposed as part of the PD, the minimum acreage can be reduced to 5 acres.

systems, or any combination thereof, based upon the proposed use(s) and density of the development and the conditions/topography of the proposed site.

- h) Access - Planned Developments shall be located on paved arterial or major collector streets capable of handling traffic flow from such development, and where increased traffic and access for such, will present no hazard. If deemed necessary, adequate acceleration and deceleration lanes shall be required.
- i) Street Frontage - Planned Developments shall have a minimum street frontage equal to the minimum required lot width for the underlying district plus fifty (50') feet.
- j) Design Considerations for Retail - Strip mall design development, consisting of long, flat, unbroken expanses of walls and roofs on interconnected offices, is discouraged. Walls should be broken up by varying the setback/projection of individual uses, and/or utilizing columns, arches, awnings, or other similar design elements and roof and/or building height should vary within the development. Where feasible, clusters of detached or attached buildings should be compactly grouped in non-linear designs housing three to five establishments (depending on the square footage requirements of the establishments) interspersed with and connected by pedestrian walkways. Multi-story buildings shall comply with the height restrictions of the underlying district.

Section 514. [SP] Scenic Preservation District

Section 514.01 Intent

The purpose of the Scenic Preservation District is to protect and maintain the unique character of certain significant natural, historic, and scenic areas in Oglethorpe County that have been identified as such, with developmental protection recommended, in the Oglethorpe County Comprehensive Plan. These areas include:

- a) Individual sites or districts listed on the National Register of Historic Places;
- b) Certain specific and particularly significant individual sites recommended for listing on the National Register, as identified in the Oglethorpe County Comprehensive Plan;
- c) County, State, or Federal Parks and State or Federal Forest/Wildlife Management Areas;
- d) The Broad and Oconee River Corridors
- e) Specific significant scenic view sheds as identified in the Oglethorpe County Comprehensive Plan.

It is in the best interest of the citizens of Oglethorpe County that these areas remain in a natural or rural state as nearly as possible and that conventional development be discouraged. However, it is recognized that in certain areas of this district, such as the National Register Historic Districts, limited residential and/or commercial uses form part of a traditional and historic development pattern. This District is designed to provide the preservation and protection intent of this district without unreasonably denying the right of use by the property owner. Certain limited development may be allowed in the district, provided it is determined that such development will not constitute an intrusion within the district or have an adverse impact on surrounding properties and/or the district in general, and subject to the compatibility and appropriateness of the use.

Section 514.02 District Established

The Scenic Preservation District shall include the individual site, district, or specific area to be protected. The Scenic Preservation District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map where the designation "SP" shall be added to the zoning district designation of tracts of land protected in this manner (i.e. AR-SP, B1-SP, A2-SP). The Broad and Oconee River Corridors shall be identified on the River/Stream Corridor overlay.

Section 514.03 Design Standards

- a) The landscape shall be preserved in its natural state, minimizing tree and soil removal, insofar as practicable, provided that additional plantings or berms may be used to minimize the impact of the development on the surrounding area.
- b) Conflicts between new development and the rural, natural, or historic environment shall be minimized. The location, size, design, and materials, of buildings, accessory structures and uses, including signage and parking, shall be compatible with the surrounding area and the district in general. Exterior lighting, if required, shall be unobtrusive and compatible in design and intensity with the district. Existing natural vegetation and topography, or additional landscaping and/or berms shall be utilized where necessary to screen new development to mitigate any adverse impact on the surrounding property and the district.
- c) The orientation of individual building sites and uses shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- d) Streets, drives, and parking areas shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize the amount of site disruption caused by cut and fill and the associated grading required for roadway construction; and to preserve and enhance views and vistas on or off the subject parcel.
- e) The use of impervious surfaces for off-street parking areas and interior drives is discouraged as potentially harmful or incompatible with sensitive natural and historic areas. Pervious surfaces, constructed and maintained so as to be dust-free and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental stormwater runoff onto public or private lands are recommended.
- f) Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from existing public roads or as designated in the Oglethorpe County Comprehensive Plan. Alteration of views

by removing trees or placing buildings or other structures on highly visible hilltops and ridges or blocking unique views by placing structures in inappropriate locations shall be avoided.

- g) The removal or disruption of historic, traditional or significant uses, structures, architectural elements or identified significant archaeological sites shall be avoided.
- h) Significant habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory shall be protected.
- i) Underground utilities shall be utilized wherever feasible, provided it shall cause minimal site disruption or damage to sensitive natural, environmental, historic, or scenic areas.

Section 514.04 General Requirements

- a) Comprehensive Site Development Plans Required - A comprehensive site development and landscaping plan shall be required for any proposed development in the SP Scenic Preservation District.
- b) Maximum Percentage Lot Coverage - The maximum percentage of lot coverage shall be fifty (50%) percent, including buildings and accessory uses.
- c) Maximum Building Height – The maximum building height within the Scenic Preservation District shall be thirty-five (35') feet.
- d) Buffers - For any new development within the Scenic Preservation District, buffers designed to increase visual compatibility with surrounding property and reduce adverse impact shall be required, if deemed necessary by the Zoning Officials or the Zoning Board. Such buffers may include a natural buffer strip along any lot line directly abutting the perimeter property lines or perimeter boundary of a protected site, district, or area, and/or a front yard buffer along any property line abutting a public street. Said buffers shall be installed and maintained as specified in Article IX, Section 911, Buffer and Screening Requirements, in this Ordinance.
- e) Tree Protection – Detailed landscaping plans shall be required for any development within the SP Scenic Preservation District. Such landscaping plans shall identify all trees which are to be removed that exceed six (6) inches in diameter, as measured at a point on such tree four and one-half (4.5') feet above the surface of the ground, and shall contain a plan for replacement of any such tree that is to be removed with an equivalent tree, native to the area, that will attain approximately the same height and spread at maturity as that of the removed tree. One tree shall be planted and maintained for every one such tree removed. Replacement trees shall be no smaller than fifteen (15') feet at planting. Placement of new trees shall be optimized so as to preserve as much as possible the character of the property and the district prior to the development. Provisions for the maintenance of said trees shall be included in the plan.
- f) River Corridor Protection - Where applicable, the requirements specified in the River/Stream Corridor Protection District Section of this Development Ordinance, shall also apply, except where stricter standards are required herein.

Section 514.05 Permitted Uses

The following shall be permitted uses within the Scenic Preservation District:

- a) Natural, historic, archaeological, scenic areas and their associated existing buildings and structures; official buildings or structures, authorized and maintained by the County, State, or Federal Government, and authorized digs conducted under the supervision of a professional archaeologist, which are necessary to the restoration, maintenance, interpretation, and scholarly study of such areas, provided such buildings and associated structures and digs do not conflict with the intent of these regulations to preserve the special character of these areas.
- b) General Agricultural Uses, limited to livestock pastures and ranges, forests, food and fiber crop production, as permitted in the A-2 District, provided they are located on a minimum lot size of twenty (20) acres, with a minimum width of four hundred (400') feet; along with customary accessory buildings and uses, provided that accessory buildings/structures and uses must meet the standards and requirements specified herein and no structure, excluding fences, for the keeping of livestock or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence. Any land application of animal manure/waste shall comply with the

requirements specified in the Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater, in this Development Ordinance.

- c) Small-scale agricultural uses including horticulture and the raising of farm animals, including horses, as permitted in the AR District, provided that there is a minimum of five (5) acres and that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence. Accessory structures and uses must meet the standards and requirements specified herein. Any land application of animal manure/waste shall comply with the requirements specified in the Requirements for Land Application of Dry Manure/Litter and Liquid Manure/Slurry/Wastewater, in this Development Ordinance.
- d) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
- e) Passive recreational areas, river dependent or other recreational usage consistent with the protection and maintenance of natural vegetative areas and buffers including but not limited to, swimming, fishing, boating, canoeing and kayaking, hiking and nature trails, horseback riding, bird watching, hunting, trapping, skeet and trap shooting and meeting the design standards and requirements herein. Public parks owned and/or maintained by the County, State, or Federal Government.

Section 514.06 Conditional Uses

The following uses may be permitted as Conditional Uses within the SP Scenic Preservation District, if approved by the Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance, provided it is determined that such development meets the design standards set out, herein, and will not constitute an intrusion or have an adverse impact on surrounding properties and/or the district in general and subject to the compatibility and appropriateness of the following: density/intensity of use; design and scale of architecture, signage, lighting; lot size and site development plans, including setback, parking, landscaping, buffer/screening; and any other requirements that serve to insure the purpose of the district.

- a) Individual Single-family Residential Uses, along with their customary accessory buildings and uses, provided they are located on a minimum lot size of five (5) acres, with a minimum width of four hundred (400') feet at the building setback line, and meet the design standards and requirements herein. Along the Broad and Oconee Rivers, the minimum lot size shall apply to any such residential lot occupying the River/Stream Corridor Protective Buffer, and the minimum width shall apply to any portion of such lot lying within said buffer.
- b) Limited Retail/Service or Office Uses as permitted in the B-1 Local Business District, provided they are located on a minimum lot size of one and one-half (1.5) acres, with a minimum width of two hundred (200') feet, are appropriate and compatible with the district and meet the design standards and requirements herein.
- c) Churches, synagogues, or other places of worship, along with their customary related facilities, provided they meet the design standards and requirements specified herein and that no building or structure shall be located closer than fifty (50') feet from any side or rear property line or two hundred (200') feet from any existing adjacent residence. Adequate off-street parking must be provided at the site, as specified in Article IX, Off-Street Parking and Loading, in this Ordinance, and the said facilities shall not adversely affect existing adjacent residential uses or impede traffic in the area. Cemetery associated with said church shall meet the requirements specified in Article IX, Section 909, Cemeteries, in this Ordinance and the design standards and requirements herein. Only existing fields shall be utilized and no new land shall be cleared for the purpose.

Section 514.07 Prohibited Uses

Uses not included as permitted or conditional uses above shall be prohibited, however the following specific prohibited uses are listed for emphasis.

- a) All Light or Heavy Industrial Uses.
- b) All Intensive Agricultural Uses and any General Agricultural Uses not included in Permitted Uses, herein.
- c) All Business/Commercial Uses not included in Conditional Uses, herein.

Article VI: Environmental Protection Provisions

Section 600. Intent

The purpose and intent of this Article is to establish measures to protect and maintain the quality and quantity of the surface and ground waters of Oglethorpe County in order to provide for the health, safety, and welfare of the public and promote a healthy economic climate by ensuring the present and future water supply of Oglethorpe County and its communities, providing pollution, erosion, and flood control, providing habitat areas for fish, wildlife and vegetation; and providing recreational opportunities.

Section 601. River/Stream Corridor Protection District

Section 601.01 Intent

River/Stream Corridors are the strips of land that flank the rivers and streams in Georgia.

Because the State of Georgia has determined that its river and stream corridors are of vital importance in that they help preserve those qualities that make a river or stream suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water; and

Because river and stream corridors are fragile natural resources subject to flood, erosion, soil- bearing capacity limitation, and other natural and human induced hazards; and

Because it is in the best interest of Oglethorpe County citizens to prevent flood damage to persons and properties and to minimize expenditures for flood relief programs, flood control projects, and flood damage repairs; and

Because river and stream corridors in their natural state serve multiple functions for pollution control, aquifer recharge and discharge, passage, storage, and absorption of flood water, and erosion and sedimentation control, as well as providing for habitat and free movement of wildlife from area to area within the state, education, scientific study, open space and recreation, and scenic and aesthetic beauty; and

Because the Comprehensive Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments, and that such comprehensive plans shall consider the natural resources, environments, and vital areas within the jurisdiction of the local governments. The Oglethorpe County Comprehensive Plan recognizes the importance of river and stream corridors within the county and calls for the protection of all perennial rivers and streams of 1st, 2nd, and 3rd order or greater through the use of corridor buffers and development restrictions;

Therefore, the intent of this section is to provide for the protection of river and stream corridors through the use of buffers and the regulation of activities in or adjacent to those corridors; to prohibit certain activities and actions and to provide for minimum standards for regulated activities within river corridors and their buffers and to establish measures to guide future growth and development in the areas adjacent to the protected rivers/streams as defined herein.

Section 601.02 District Established

- a) The River/Stream Corridor Protection District is hereby designated and shall comprise all Oglethorpe County lands, inclusive of islands, waters, and areas included in the required protected buffer area, as specified in Subsection 601.06 Protection Criteria, herein. This district shall be further defined and delineated on the River/Stream Corridor Protection District Overlay Map. The Map is hereby incorporated into and made a part of this ordinance by reference.
- b) Because stream channels move due to natural processes, such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this ordinance, the river/stream corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the

Department of Community Affairs. Any shift in the location of the protected river/stream after the start of the review period shall require a revision of the boundaries of the river/stream corridor at the time of the next review by the Department of Community Affairs.

- c) The River/Stream Corridor Protection District shall comprise an overlay zone that supplements and shall be indicated on the Oglethorpe County Zoning Map.

Section 601.03 Relief Assessment

Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

Section 601.04 Protection Criteria

- a) Perennial Rivers and Streams of the 1st or 2nd Stream Order – Except as otherwise specified herein, a natural vegetative buffer, measuring a minimum of seventy-five (75') feet or the width of the 100 year flood plain, whichever is greater, shall be maintained at all times adjacent to all perennial rivers and streams of the 1st or 2nd order, as defined in Subsection 801.05, herein. The required buffer shall be measured horizontally from the uppermost part of the river/stream bank, usually marked by a break in slope and shall comprise all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293). Although not used for calculating the setback line of the measured buffer, the area between the top of the bank and the edge of the river/stream shall be subject to the same restrictions as the river/stream corridor buffer.
- b) Perennial Rivers and Streams of the 3rd Stream Order or Greater – Except as otherwise specified herein, a natural vegetative buffer, measuring a minimum of one hundred fifty (150') feet or the width of the 100 year flood plain, whichever is greater, shall be maintained at all times adjacent to all perennial rivers and streams of the 3rd order or greater. The required buffer shall be measured horizontally from the uppermost part of the river/stream bank, usually marked by a break in slope and shall comprise all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293). Although not used for calculating the setback line of the measured buffer, the area between the top of the bank and the edge of the river/stream shall be subject to the same restrictions as the river/stream corridor buffer.
- c) Soil Erosion and Sedimentation Control – Within the protected river/stream corridor, all permitted land disturbing activity shall comply fully with the Erosion and Sedimentation Control Act of 1975, as amended.
- d) Construction and Land Disturbing Activity Restrictions – There shall be no buildings, structures, uses or accessory structures/uses, or any other construction or land disturbing activity located within the River/Stream Protection Corridor except as specifically permitted in Subsection 601.05 Permitted Activities Within the River/Stream Corridor and in Subsection 601.07, Exemptions, herein. For permitted construction activities, clearing, grading and soil disturbance shall be confined to those areas of the site actually required for construction. The edge of the construction area, beyond which construction traffic may not pass, must be fenced or ribboned in the field prior to construction and maintained and respected for the duration of construction. Outside the marked construction boundary, vegetation shall be left intact and earth shall be undisturbed.
- e) Restoration of Buffer - The natural vegetative buffer shall be restored as quickly as possible following any permitted land-disturbing activity within the river/stream corridor.
- f) Best Management Practices Required - Any permitted land disturbing activity within the River/Stream Protection Corridor shall comply with “Best Management Practices”

- g) Septic Tanks And Septic Tank Drainfields - Septic tanks and septic tank drainfields shall be prohibited within the River/Stream Protection Corridor, except as specifically provided in Subsection 601.05, Permitted Activities Within the River/Corridor, herein.
- h) Pervious/Impervious Surfaces – All driveways, paths, walkways, etc., associated with any of the permitted uses specified in Subsection 601.05, Permitted Activities Within the River/Stream Protection Corridor, herein, and which are themselves located within the River/Stream Protection Corridor shall be constructed of porous pavement or other pervious surfaces, constructed and maintained so as to be dust-free and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental stormwater runoff into rivers and streams and onto public or private lands, except where it is infeasible due to site-specific constraints such as steep unstable slopes, swelling soils, proximity of structural foundations, or steep slope of pavement sub-grade.
- i) Conflict with Other Regulations - Wherever the requirements of this ordinance are at variance with those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act, or any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants, then the more restrictive requirements or those imposing the higher standard shall apply.

Section 601.05 Permitted Activities Within the River/Stream Protection Corridor

Subject to all of the requirements specified herein, the following development or construction shall be permitted within the River/Stream Protection Corridor District:

- a) Single-family dwellings, including the usual appurtenances, shall be permitted within the buffer area, subject to the following conditions:
 - 1) The dwelling must be located on a tract of land containing a minimum of five (5) acres, with a minimum width of four hundred (400') feet. Where a tract includes any portion of the protected river or stream, the area between the riverbanks shall not be counted toward the five (5) acre minimum tract size.
 - 2) There shall be only one (1) such dwelling unit permitted on each individual lot.
 - 3) No buildings or other impervious structures or uses shall be located within the 100-year floodplain.
 - 4) Septic tank(s) serving the dwelling may be located within the buffer, provided they shall not be located within the 100-year floodplain and shall comply with the regulations of the Oglethorpe County Health Department.
 - 5) Septic tank drain fields shall be prohibited within the buffer area.
 - 6) The dwelling and its customary appurtenances shall comply with all local Zoning Regulations, Building Codes, Health Department Regulations and any other applicable local regulations.
- b) Timber production and harvesting provided that:
 - 1) The activity is consistent with “Best Management Practices” established by the Georgia Forestry Commission; and
 - 2) The activity does not impair the drinking quality of the water as defined by the Clean Water Act, as amended, or impair the long term functions of the protected river/stream or the river/stream corridor; and
 - 3) The activity must be consistent with all other applicable federal, state, and local laws, and must comply with this Ordinance.
- c) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.
- d) Agricultural uses, excluding certain intensive agricultural operations as specified in this Ordinance and excluding buildings or other impervious structures or uses; and provided that:
 - 1) Land application of animal waste shall be prohibited within the required buffer area or within the 100-year flood plain.
 - 2) The activity shall be consistent with the “Best Management Practices” established by the Georgia Department of Agriculture and the Georgia Soil and Water Conservation Commission; and

- 3) The activity shall not impair the drinking quality of the river/stream water as defined by the Federal Clean Water Act, as amended; and
 - 4) The activity shall be consistent with all other applicable federal, state, and local laws, ordinances, and regulations, and all regulations promulgated by the Georgia Department of Agriculture, and must comply with this Ordinance.
- e) Recreational usage, provided it is consistent with the maintenance of a natural vegetative buffer or with river dependent recreation, including but not limited to, swimming, fishing, boating, hiking and nature trails, excluding buildings or other impervious structures or uses except structures for temporary shelter. For example, a boat ramp would be consistent with this criterion, but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways may be constructed within the river/stream corridor provided such paths shall be pervious, not more than eight (8') feet wide, suitable for pedestrian use in all weather, and constructed so as to minimize soil erosion or damage to trees or other natural features.
 - f) Public natural water quality treatment or purification.
 - g) Public wastewater treatment facilities.
 - h) Construction of road crossings and utility crossings shall be permitted within the river/stream corridor, provided that the construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, as amended, all applicable local ordinances on soil erosion and sedimentation control, and any other applicable Federal, State, or local ordinances.
 - i) Other uses permitted by the Department of Natural Resources or under § 404 of the Clean Water Act, as amended that are not specifically prohibited by this Ordinance.

Section 601.06 Prohibited Activities Within the River/Stream Corridor

- a) There shall be no activities, buildings, structures, or accessory structures/uses permitted within the River Corridor Protection District except as specifically permitted in Subsection 601.05 Permitted Activities Within the River/Stream Corridor, herein. The following specific prohibited uses and activities are listed for emphasis.
- b) Septic tanks and septic tank drain fields are prohibited in the river/stream corridor, except as expressly provided in Subsection 601.05, Permitted Activities Within the River/Stream Corridor, of this ordinance.
- c) Hazardous waste, toxic waste, or solid waste landfills, or construction and demolition (C&D) landfills.
- d) Commercial or Industrial Uses that generate or involve handling hazardous or toxic materials other than wastes, including any handling areas for the receiving and storage of hazardous or toxic waste.
- e) Surface Mining or other mining or quarry activities, including any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for use in the regular operation of a business.
- f) Intensive Agricultural facilities for animal containment or agricultural waste impoundment, and the land application of manure/waste.

Section 601.07 Exemptions

The following uses are exempted from the river corridor protection plan.

- a) Land uses already in existence in the river/stream corridor prior to the effective date of this Ordinance shall be exempt from the protection requirements for river/stream corridors herein, provided that:
 - 1) These uses do not impair the drinking quality of the river/stream water; and
 - 2) These uses meet all state and federal environmental rules and regulations.
 - 3) Any additions or expansions to said uses shall be subject to the provisions of this ordinance.
- b) For the purposes of this ordinance a pre-existing use is defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories.
 - 1) is completed;
 - 2) is under construction;
 - 3) is fully approved by the governing authority;
 - 4) all materials have been submitted for approval by the governing authority; or
 - 5) is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- c) Utilities (except as discussed above), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - 1) The utilities shall be located as far from the river bank as reasonably possible;
 - 2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - 3) Utilities shall not impair the drinking quality of the river water.

Section 601.08 Permits

- a) No land disturbing activity, construction, or other development within the River/Stream Corridor Protection District shall be conducted without the appropriate Development Permits. No Development Permit or subdivision plan shall be approved by the Oglethorpe County Board of Commissioners or its designated Planning Official(s) unless the permit, request or plan is in compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations.
- b) Application for a Development Permit within the River/Stream Corridor Protection District shall be made pursuant to Administration, Enforcement and Appeals Section of this Development Ordinance.

- c) Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of \$500 or \$100 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Board of Commissioners or their designated official(s).
- d) An emergency temporary disturbance permit may be issued by the Board of Commissioners or their designated official(s), through written or oral authorization, provided a written permit is accomplished within five (5) days, if it is deemed that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted. The emergency permit may be terminated at any time without process upon a determination by the Board of Commissioners or their designated official(s) that the action was not or is no longer necessary to protect human health or the environment. The Board of Commissioners may, within ninety (90) days of granting the emergency permit, require that the action be resubmitted for a regular permit, as specified herein, and subject to any or all of the terms and provisions of this Ordinance.

Section 601.09 Site Plan Requirements

In addition to the site plan requirements, as specified in the Administration, Enforcement and Appeals Section of this Development Ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the River/Stream Corridor Protection District shall also include a detailed site plan, drawn at a scale of 1" = 50', with the following information:

- a) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- b) A map of any wetland and floodplain boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- c) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
- d) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- e) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
- f) All proposed temporary disruptions or diversions of local hydrology.

Section 601.10 Exemptions to Site Plan Requirements.

The following activities and developments are exempt from the requirement for additional detailed site plans as specified in Site Plan Requirements, above.

- a) Single-family detached homes constructed within a subdivision of fewer than three (3) parcels.
 - c) Repairs to a facility that is part of a previously approved and permitted development.
 - d) Construction of minor structures, such as sheds or additions to single family residences.

Section 601.11 Activities to Comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Board of Commissioners or their designated official(s). Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

Section 602. Water Supply Watershed Protection District

Section 602.01 Intent

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oglethorpe County and its communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering waters resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose and intent of this district is to establish measures to protect the quality and quantity of the present and future water supply of Oglethorpe County and its communities; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to all existing and proposed water supply watersheds within Oglethorpe County.

Section 602.02 District Established

The Water Supply Watershed Protection District is hereby designated and shall comprise the land which drains to the City of Crawford public water supply intake on Town Creek (a tributary to Long Creek) to the ridge line of the watershed. The boundaries of the Water Supply Watershed Protection District are defined by the ridgelines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective public water supply intakes or reservoirs. These overlays shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of Oglethorpe County. The Map is hereby incorporated into and made a part of this ordinance by reference.

The following water supply watershed districts and reservoirs are hereby defined and the boundaries shall be identified on the Water Supply Watershed District Overlay Map:

Town Creek (a tributary to Long Creek) Watershed is a small water supply watershed that lies partially within the boundaries of the City of Crawford and partially within unincorporated Oglethorpe County. A small reservoir and water supply intake owned by The City of Crawford are located on this creek within unincorporated Oglethorpe County. The City of Crawford has a reservoir management plan in place.

Section 602.03 Relationship to Zoning.

The Town Creek (a tributary to Long Creek) Water Supply Watershed Protection District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map.

Section 602.04 Assessment Relief

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

Section 602.05 Protection Criteria

In addition to any other limitations on land use as specified in this Ordinance, or by any other applicable local, state, or federal regulations, the following regulations shall apply to the Town Creek (a tributary to Long Creek) Water Supply Watershed identified on the Adopted Map as a small water supply watershed. Wherever the requirements specified herein are at variance with those contained in any other lawfully enacted rules, regulations ordinances, deed, restrictions, or covenants, then the more restrictive requirements or those imposing the higher standard shall apply.

The corridors of all perennial streams within a seven mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:

- a) A vegetative buffer consistent with the requirements specified in Section 601, River/Stream Corridor Protection District, Subsection 601.04 Protection Criteria, herein, or measuring a minimum of one hundred (100') feet in width or the width of the 100-year flood plain, whichever is greater, shall be maintained on both sides of the stream as measured from the stream banks.

- b) No impervious surface shall be constructed within a minimum 150-foot setback area on both sides of the stream, as measured from the stream banks, or within the 100-year flood plain, whichever is greater.
- c) All Septic tanks and septic tank drain fields shall be prohibited within the buffer area as specified in paragraph 1-a, above, or within the one hundred fifty (150') foot setback area as described in paragraph 1- b, above, whichever is greater.
- d) The corridors of all perennial streams outside a seven mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
- e) A vegetative buffer consistent with the requirements specified in Section 601, River/Stream Corridor Protection District, Subsection 601.04 Protection Criteria, herein, or the width of the 100-year flood plain, whichever is greater, shall be maintained on both sides of the stream as measured from the stream banks.
- f) No impervious surface shall be constructed within the 100-year flood plain, or within a seventy-five (75') foot setback area on both sides of the stream, as measured from the stream banks, whichever is greater.
- g) Septic tanks shall be prohibited within the river/stream corridor buffer area, as specified in paragraph 1 – a, above, except as expressly provided in Subsection 801.07, Permitted Activities Within the River/Stream Corridor, Paragraphs 1–d and 1–e, of this ordinance, provided that in no case shall any septic tank be located within the 100-year flood plain or within the seventy-five (75') foot setback area as described in paragraph 2 – b, above, whichever is greater.
- h) Septic tank drain fields shall be prohibited within the river/stream corridor buffer area, as specified in paragraph 1 – a, above.
- i) The Crawford Reservoir is owned by the City of Crawford and will be protected as described in the City of Crawford's Reservoir Management Plan, dated November 6, 2000. The allowable buffer vegetation and disturbance shall be as specified in said Reservoir Management Plan.
- j) The total impervious surface area, including all public and private structures, utilities, or facilities, shall be limited to twenty-five percent (25%) of the land area within the entire water supply watershed protection district, or the existing use at the adoption of this Ordinance, whichever is greater.
- k) New facilities that generate or involve handling hazardous or toxic materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall be prohibited from the buffer area. Any such facilities already in existence at the time of the adoption of this ordinance shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
- l) Hazardous waste, toxic waste, or solid waste landfills, or construction and demolition (C&D) landfills shall be prohibited.
- m) Surface Mining or other mining or quarry activities, including any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for use in the regular operation of a business shall be prohibited.
- n) Intensive agricultural facilities for animal containment or agricultural waste impoundment shall be prohibited. The land application of manure/waste shall be prohibited from the buffer area.

Section 602.06 Exemptions to the Protection Criteria

The following uses shall be exempted from the protection criteria specified in Subsection 602.05, Protection Criteria, herein:

- a) Land uses already in existence prior to the effective date of this Ordinance shall be exempt from the protection criteria herein, provided that:
 - 1) These uses do not impair the drinking quality of the river/stream water; and
 - 2) These uses meet all state and federal environmental rules and regulations.
 - 3) Any additions or expansions to said uses shall be subject to the provisions of this ordinance.

- b) For the purposes of this ordinance a pre-existing use shall be defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories.
 - 1) Completed;
 - 2) Under construction;
 - 3) Fully approved by the governing authority;
 - 4) All materials have been submitted for approval by the governing authority; or
 - 5) Zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- c) Utilities, if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - 1) The utilities shall be located as far from the river bank as reasonably possible;
 - 2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - 3) Utilities shall not impair the drinking quality of the river water.
- d) Normal Forestry activities, in the stream corridor buffer and setback areas in accordance with the following conditions.
 - 1) The activity shall be consistent with “best management practices” established by the Georgia Forestry Commission.
 - 2) The activity shall not impair the quality of the drinking water of the stream.
- e) Normal agricultural activities, not specifically prohibited in Subsection 602.05, Protection Criteria, herein, provided:
 - 1) The activity shall be consistent with the “best management practices” established by the Georgia Department of Agriculture.
 - 2) The activity shall not impair the quality of the drinking water of the stream.

Section 602.07 Permits

- a) Within the Water Supply Watershed Protection District, no land disturbing activity, construction, or other development, or other regulated activity or use, except for certain exempted activities identified herein, shall be conducted without the appropriate Development Permits from the Oglethorpe County Board of Commissioners or its designated Official(s). No Permit or subdivision plan shall be approved unless the permit, request or plan is in full compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.
- b) Application for a Development Permit within the River/Stream Corridor Protection District shall be made pursuant to the Administration, Enforcement and Appeals Section of this Development Ordinance.
- c) Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of \$500 or \$100 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Board of Commissioners or their designated official(s).
- d) The Board of Commissioners or their designated Planning Official(s) may require a bond up to the larger of \$5,000.00 or \$1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
- e) The county shall impose conditions on any permit necessary to assure that any adverse impacts upon the functions and values of the Town Creek (a tributary to Long Creek) Water Supply Watershed are prevented or kept to a minimum.

- f) An emergency temporary disturbance permit may be issued by the Board of Commissioners or their designated official(s), through written or oral authorization, provided a written permit is accomplished within five (5) days, if it is deemed that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted. The emergency permit may be terminated at any time without process upon a determination by the Board of Commissioners or their designated official(s) that the action was not or is no longer necessary to protect human health or the environment. The Board of Commissioners may, within ninety (90) days of granting the emergency permit, require that the action be resubmitted for a regular permit, as specified herein, and subject to any or all of the terms and provisions of this Ordinance.

Section 602.08 Site Plan Requirements

In addition to the site plan requirements, as specified in the Administration, Enforcement and Appeals Section of this Development Ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Water Supply Watershed Protection District shall also include a detailed site plan, (drawn at a scale of 1" = 50') with the following information:

- a) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- b) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- c) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200') feet.
- d) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- e) Elevations of the site and adjacent lands within two hundred (200') feet of the site at contour intervals of no greater than two (2') feet; and no greater than one foot for slopes less than or equal to two percent.
- f) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- g) All proposed temporary disruptions or diversions of local hydrology.

Section 602.09 Comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Oglethorpe County Board of Commissioners or their designated Planning Official(s). The Oglethorpe County Board of Commissioners or their designated Planning Official(s) may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.

Section 602.10 Map Amendment

These regulations and the Water Supply Watershed Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding, or plant species peculiar to wetlands becomes available.

Section 603. Wetlands Protection District

Section 603.01 Intent

The wetlands within Oglethorpe County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

It is therefore necessary for Oglethorpe County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of this section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this section is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature, and wildlife habitat.

Section 603.02 District Established

The Wetlands Protection District shall consist of all the wetlands within the jurisdiction of Oglethorpe County that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Generalized Wetlands Map. The Generalized Wetlands Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within Oglethorpe County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

Section 603.03 Relationship to Zoning.

The Wetland Protection District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map.

Section 603.04 Assessment Relief

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

Section 603.05 Permitted Uses in the Wetlands Protection District

The following uses shall be allowed as of right within a Wetland Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein. [The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.]

- a) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- b) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- c) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- d) The cultivation of agricultural crops, provided such agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- e) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- f) Education, scientific research and nature trails.

Section 603.06 Prohibited Uses in the Wetlands Protection District

There shall be no activities permitted within the Wetlands Protection District except as specifically permitted in Subsection 603.05 Permitted Uses in the Wetlands Protection District, herein. The following specific prohibited uses and activities are listed for emphasis.

- a) Receiving areas for toxic or hazardous waste or other contaminants;
- b) Hazardous or sanitary waste landfills.

Section 603.07 Permits

- a) No regulated activity will be permitted within the Wetland Protection District without a permit from the Oglethorpe County Board of Commissioners or their designated Official(s). Issuance of a local Development Permit is contingent on full compliance with the terms of this ordinance and any other applicable local, state, and federal regulations.
- b) If the proposed project appears to be near or within a wetlands boundary, the designated Oglethorpe County Planning Official(s) shall compare the proposed project locations to the Generalized Wetlands Map. If the proposed project appears to be within fifty (50') feet of a wetlands boundary, the Designated Official(s) shall refer the developer or applicant to the U. S. Army Corps of Engineers for a determination prior to issuing a local permit. If the U. S. Army Corps of Engineers determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local Development Permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.
- c) Application for a local development permit shall be made pursuant to the Administration, Enforcement and Appeals Section of this Development Ordinance.
- d) Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of \$500.00 or \$100.00 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the Oglethorpe County Board of Commissioners or their designated Official(s).
- e) The Board of Commissioners or their designated Planning Official(s) may require a bond up to the larger of \$5,000.00 or \$1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
- f) The county shall impose conditions on any permit necessary to assure that any adverse impacts upon the functions and values of the wetlands are prevented or kept to a minimum.

Section 603.08 Site Plan Requirements

In addition to the site plan requirements, as specified in the Administration, Enforcement and Appeals Section of this Development Ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Wetlands Protection District shall also include a detailed site plan, drawn at a scale of 1" = 50', with the following information:

- a) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- b) A map of an wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- c) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200') feet.
- d) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- e) Elevations of the site and adjacent lands within two hundred (200') feet of the site at contour intervals of no greater than two (2') feet; and no greater than one foot for slopes less than or equal to two percent.
- f) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- g) All proposed temporary disruptions or diversions of local hydrology.

Section 603.09 Activities to Comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Oglethorpe County Board of

Commissioners or their designated Planning Official(s). The Oglethorpe County Board of Commissioners or their designated Planning Official(s) may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.

Section 603.10 Map Amendment

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

Section 604. Groundwater Recharge Area Protection District

Section 604.01 Intent

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oglethorpe County, it is essential that the quality of public drinking water be ensured. It is therefore necessary to protect the subsurface water resources Oglethorpe County and its communities rely on as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of permeable rock strata beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is therefore necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

The objectives of this Section are to: 1) protect the Groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas; 2) protect the Groundwater by limiting density of development; and, 3) protect the Groundwater by ensuring that the development that occurs within the recharge area shall have no adverse effect on Groundwater quality.

Section 604.02 Establishment of a Groundwater Recharge Area District

A Groundwater Recharge Area Protection District is hereby established which shall correspond to all lands within the jurisdiction of Oglethorpe County, Georgia, that are mapped as most significant recharge areas by the Georgia Department of Natural Resources in Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.

Section 604.03 Relationship to Zoning

The Groundwater Recharge Area Protection District shall comprise an overlay zone that supplements and shall be indicated on the Oglethorpe County Zoning Map.

Section 604.04 Assessment Relief

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

Section 604.05 Determination of Pollution Susceptibility

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.

Section 604.06 Groundwater Protection Criteria

- a) No construction may proceed on a building or mobile home to be served by a septic tank unless the Oglethorpe County Health Department first approves the proposed septic tank installations as, at minimum, meeting the requirements of the Georgia Department of Human Resource for On-Site Sewage Management (hereinafter DHR Manual), and Paragraphs b) and c), below.
- b) The minimum lot size requirements for new homes served by a septic tank/drain field system in the Groundwater Recharge Area Protection District shall be the greater of either: 1) the minimum lot size requirements as specified in existing applicable County Ordinances, or 2) the minimum size limitations based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1) as delineated in paragraphs 1), 2), and 3), below. The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual. The more restrictive lot size requirements or higher standards shall apply.

- 1) 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - 2) 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - 3) 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
- c) The minimum lot size requirements for new mobile home parks served by septic tank/drainfield systems in the Groundwater Recharge Area Protection District shall be the greater of either: 1) the minimum lot size requirements as specified in existing applicable Oglethorpe County Ordinances, or 2) the minimum size limitations based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2) as delineated in paragraphs 1), 2), and 3), below. The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual. The more restrictive lot size requirements or higher standards shall apply.
- 1) 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - 2) 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area;
 - 3) 110% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.
- d) Land disposal of hazardous waste shall be prohibited.
- e) New waste disposal facilities shall be prohibited.
- f) New agricultural waste impoundment facilities shall be prohibited.
- g) New aboveground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
- h) New facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- i) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

Section 604.07 Exemptions from Protection Criteria

Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in Subsection 604.06 Groundwater Protection Criteria, paragraphs a) and b), of this ordinance.

Section 604.08 Permits

No construction activity or other development within the Groundwater Recharge Area Protection District shall be conducted without the appropriate Development Permits. No Development Permits or subdivision plan shall be approved by the Oglethorpe County Board of Commissioners or its designated Planning Official(s) unless the permit, request or plan is in compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations.

- a) Application for a local development permit shall be made pursuant to the Administration, Enforcement and Appeals Section of this Development Ordinance.
- b) Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners.

Section 604.09 Site Plan Requirements

In addition to the site plan requirements, as specified in the Administration, Enforcement and Appeals Section of this Development Ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Groundwater Recharge Area Protection District shall also include a detailed site plan, drawn at a scale of 1" = 50', with the following information:

- a) All planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainage ways; water, wastewater, and storm water facilities; and utility installations.
- b) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
- c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- d) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
- e) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- f) Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

Section 604.10 Exemptions to Site Plan Requirements

The following activities and development are exempt from the requirement for additional detailed site plans, as specified in Subsection 604.09, above:

- a) Single-family detached dwellings constructed within a subdivision of fewer than three (3) parcels.
- b) Repairs to a facility that is part of a previously approved and permitted development.
- c) Construction of accessory buildings, such as sheds, or additions to single-family residences.

Section 604.11 Activities to Comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of Oglethorpe County Board of Commissioners or its designated Planning Official(s). Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

Section 605. Storm Drainage and Stormwater Management

Section 605.01 Purpose and Intent

The purpose of this Section is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the citizens of Oglethorpe County, Georgia by: the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment; and establishing inspection and maintenance requirements for existing privately owned detention facilities in the areas within Oglethorpe County, Georgia. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. The objectives of this Section are:

- a) Regulate the contribution of pollutants to the Oglethorpe County Separate Storm Sewer System by stormwater discharges by any user;
- b) Prohibit illicit connections and discharges to the Oglethorpe County Separate Storm Sewer System;
- c) Require that drainage easements are maintained in a proper manner;
- d) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- e) Establish legal authority to carry out all inspection procedures necessary to ensure compliance with this Section;
- f) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;

- g) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- h) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- i) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; and
- j) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation.
- k) To promote the natural beauty and aesthetic qualities of Oglethorpe County.

Section 605.02 Applicability

This Section shall be applicable to all land development, including, but not limited to, commercial and residential site development, commercial and residential subdivision, industrial and agricultural structures, facilities, drives and access, and other land disturbance activity applications, unless otherwise exempt.

- a) *New development and redevelopment sites.* These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - 1) New development that involves the creation of 5,000 square feet or more of impervious cover, or 1 cubic feet per second (cfs) of additional stormwater runoff or that involves other land development activities of 20,000 square feet or greater of land disturbance;
 - 2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, including projects less than one acre if they are part of a larger common plan of development or sale, or that involves other land development activities of 20,000 square feet or greater of land disturbance.
- b) *Compatibility with other regulations.* This Section is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive shall control.
- c) *Stormwater design manual.* The Oglethorpe County Planning Department (hereinafter "Department") will utilize the policy, criteria and information including technical specifications and standards in the Georgia Stormwater Management Manual and any relevant local requirements, for the proper implementation of the requirements of this Section. This includes any addenda or updates to the Georgia Stormwater Management Manual or local design guidelines as approved by the Department.

Section 605.03 Exemptions

The following activities are exempt from this Section:

- a) Platted individual single-family or duplex residential lots that are not part of a larger subdivision or phased development project.
- b) Additions or modifications to existing single-family or duplex residential structures provided that they do not result in the creation or addition of 20,000 square feet or more of impervious cover.
- c) Agricultural or silvicultural land management activities within areas zoned for these activities, however structures or other impervious surfaces related to these activities shall not be exempt,
- d) Land disturbing activities conducted for the purpose of restoration of streams, streambanks, riparian zones, or other environmentally protected areas;
- e) Repairs to any stormwater management facility deemed necessary by the Public Works director; and
- f) Sidewalks or trails 15 feet wide or less where runoff is directed via sheet flow toward vegetated areas provided that the potential for erosion is adequately addressed.

Section 605.04 Stormwater Program Administration

The Department shall administer this Section. The Planning Department Director or their designee or consultant shall have the authority to administer and enforce all elements of this Section, including permit review and

approval, review of site development and stormwater plans and hydrology reports, construction inspection and continuous inspection of all stormwater facilities within the limits of Oglethorpe County, Georgia.

Section 605.05 Variance Procedure

The Oglethorpe County Board of Commissioners shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this Section. A formal written application for a variance shall be filed with the Department for submittal to the Oglethorpe County Board of Commissioners

The following procedures shall apply to all applications:

- a) The application for variance shall state the specific variances sought and the reasons for their granting.
- b) It shall be the applicant's responsibility to provide sufficient justification for granting the variance.
- c) The Department shall prepare an evaluation statement concerning each application for variance. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the variance request. The evaluation statement may include recommendations by the Department concerning the variance to the Hearings Board.
- d) In passing upon such applications, the Oglethorpe County Board of Commissioners shall consider all technical evaluation and relevant factors presented by the applicant and the government and the standards specified in other sections of this article.
- e) After hearing and upon consideration of the application, evidence and applicable law, the Oglethorpe County Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Section.

If a variance is granted, it shall be granted upon findings by the Oglethorpe County Board of Commissioners that the following standards have been met:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, character or topography; and
- b) The application of this Regulation to this particular piece of property would create an unnecessary hardship; and
- c) Such conditions are peculiar to the particular piece of property involved; and
- d) The special conditions and circumstances do not result from the actions of the applicant; and
- e) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Section; and
- f) The variance requested is the minimum necessary to make possible the legal use of the land, building or structure.

Section 605.06 Permit procedures and requirements

It shall be unlawful for any owner or developer to perform any land development activities without first meeting the requirements of this article and obtaining a stormwater permit prior to commencing the proposed activity.

- a) *Permit application requirements.* Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the Department a stormwater permit application on a form provided by the Department for that purpose. Unless otherwise exempted by this article, a permit application shall be accompanied by the following items in order to be considered:

- 1) Stormwater management plan in accordance this article;
- 2) Inspection and maintenance agreement in accordance with this article; and
- 3) Permit application and plan review fees in accordance with this article
- 4) Plan Review Submittal Fees
 - Plan Review Fee (Initial Review) \$300.00
 - Required Site Visit \$150.00
 - Second Review \$0.00
 - Subsequent Reviews \$125.00
- 5) As Built Drawing Review Fees

As built Review	\$250.00
Required Site Visit	\$150.00
Subsequent As Built Reviews	\$125.00
Subsequent Required Site Visits	\$150.00

Stormwater management plan requirements. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in this article.

- b) This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) or landscape architect licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the Georgia Stormwater Management Manual .
- c) The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the Georgia Stormwater Management Manual. This includes:
 - 1) *Common address and legal description of site.*
 - 2) *Vicinity map.*
 - 3) *Existing conditions hydrologic analysis.* The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage area boundaries indicated; acreage, soil types and land cover of areas for each sub-drainage areas affected by the project; all perennial and intermittent streams and other surface water features as noted through field investigation; all existing stormwater conveyances and structural control facilities that impact design and/or construction of proposed development; direction of flow and inputs to and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines determined by the Department for the portion of the site undergoing land development activities.
 - 4) *Post-development hydrologic analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage area boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-drainage area affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub drainage area for the development project to meet the post-development stormwater management performance criteria in this article; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
 - 5) *Stormwater management system.* The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design

features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in this Section; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace program, greenway network plan, and park development.

- 6) *Post-development downstream flow analysis.* A downstream flow analysis will be prepared by the applicant to provide an overview of potential impacts from post development run-off from the site. At a minimum the downstream flow analysis will include:
 - i. A map of each point or area along the project site's boundaries at which runoff will exit the property.
 - ii. Delineation of all downstream structures and property adjacent or within the flow path of the downstream flow analysis.
 - iii. Identification of any known flooding problems.
 - iv. If determined through this preliminary review of the items above that the potential exists for downstream flooding resulting from post development conditions, the Director of the Department may require the applicant to conduct and submit a downstream hydrologic assessment in accordance with the criteria listed in the Georgia Stormwater Management Manual criteria for post development downstream analysis.
- d) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- e) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and

evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

- f) Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be twenty (20) feet wide and sufficient for all necessary equipment for maintenance activities. All access routes with a grade greater than twelve (12) percent shall have an improved surface. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
- g) Inspection and maintenance agreements. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with this article.
- h) Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the Department that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

Section 605.07 Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

- a) *Channel Protection*. Provide for the extended detention of the Channel Protection Volume as outlined in the Georgia Stormwater Management Manual current edition.
- b) *Overbank flood protection*. Downstream overbank flood protection and property protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event including peak discharge rate attenuation of the one-year through the 25-year return frequency storm events.
- c) *Extreme flooding protection*. Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- d) *Structural stormwater controls*. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual, the Georgia Department of Transportation Standards and Details, Specifications and any local addenda. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, the effectiveness must be documented through prior studies, literature reviews, or other means and receive approval from the Department before being included in the design of a stormwater management system.
- e) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.
- f) *Drainage system guidelines*. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way, public properties, and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - 1) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - 2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and

- 3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.
 - 4) All construction materials and methods shall conform to the Georgia Department of Transportation Standards and Details, Specifications and any local addenda.
 - 5) All culverts shall be designed to safely convey the 100 year frequency (1 percent chance) design storm so that the headwater causes no damage to upstream properties, rises no greater than 18 inches below the low point of the street, or diverts stormwater around the culvert.
 - 6) All storm drainage systems and laterals be designed to safely convey the 25 year frequency design storm within the crown of the drain pipe with a minimum velocity of 2.5 feet per second and no greater than 15 feet per second.
 - 7) All open channel conveyance systems be designed to safely convey the 25 year frequency design storm. Such conveyance systems shall be lined accordingly to prevent or manage erosive forces.
 - 8) All drainage inlets be designed to safely capture the 25 year design storm frequency and limit the gutter spread to no more than 12 feet in any given section.
 - 9) All stormwater outfalls be designed to accommodate the 25 year design storm frequency and to provide energy dissipation in accordance with the Georgia Stormwater Management Manual and the Manual for Erosion and Sediment Control in Georgia.
- g) *Dam design guidelines.* Any land disturbing activity that involves a site which proposes a dam shall comply with the provisions of O.C.G.A. § 12-5-370 et seq. (the "Georgia Safe Dams Act") and the rules for dam safety promulgated thereunder, as applicable.
- 1) No public or private, permanent or temporary roadways shall serve as an impoundment for stormwater detention facilities.
 - 2) No embankment shall have a slope greater than three (3) feet horizontal to one (1) foot vertical.

Section 605.08 Construction inspections of post-development stormwater management systems.

- a) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Department or conducted and certified by a professional engineer who has been approved by the Department. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- 1) The date and location of the inspection;
 - 2) Whether construction is in compliance with the approved stormwater management plan;
 - 3) Variations from the approved construction specifications; and
 - 4) Any other variations or violations of the conditions of the approved stormwater management plan.
- b) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.
- c) *Final inspection and as-built plans.* Upon completion of a project and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan and paying all related as built review fees. All applicants are required to submit actual "as built" plans for any stormwater

management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a design professional licensed to perform hydrologic analysis in the State of Georgia. As-built drawings shall be drawn to scale and be submitted in a paper and approved digital format . A final inspection by the Department is required before the release of any performance securities can occur.

- d) As-built plans include at minimum:
- 1) Must be drawn in Georgia State Plane Coordinate System, East Zone, North American Vertical Datum of 1988 (NAVD 88).
 - 2) The location and rim elevation of all inlets, manholes, outlet control structures, or other stormwater structures within the limits of the proposed improvements.
 - 3) The invert elevations of all drain pipe, culverts, and outfalls within the limits of the proposed improvements.
 - 4) The delineation of all impervious areas within the limits of the improvements.
 - 5) A topographic survey of all on-site drainage areas contributing to the proposed stormwater management facility.
 - 6) The location and cross-sectional area of all channels or berms used in the conveyance of surface drainage to the proposed stormwater management facility.
 - 7) A topographic survey of the stormwater management facility.
 - 8) A stage storage table of the stormwater management facility.
 - 9) A detailed drawing of all outlet control structures indicating the elevations and geometry of all weirs, orifices and risers.
 - 10) The following statement must be affixed to each sheet of the as-built drawings with the original seal and signature of the licensed professional certifying the as-built drawings.
"I hereby certify that this plan is a true representation of the as built conditions and that all stormwater best management practices, stormwater infrastructure, and land covers have been built substantially in accordance with the approved plans and specifications and that any deviations noted on these drawings will not prevent the system from functioning in compliance with the Oglethorpe County Stormwater Ordinance when properly maintained and operated. These determinations have been based upon on-site observations of construction as of Month/Day/Year and conducted by me or by persons under my direct supervision."

Section 605.09 Ongoing inspection and maintenance of stormwater facilities and practices.

- a) *Long-term maintenance inspection of stormwater facilities and practices.* Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, or threatens downstream water resources, the Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in this article.

Inspection programs by the Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

- b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the Department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property for general inspections or when the Department has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.
- c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Department.
- d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department, after 30 days written notice by certified mail (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The costs of the repair work shall be billed to the owner(s) of the facility. Failure of the owner(s) to pay the costs within 30 days of receipt of the bill shall result in 1.5 percent late charge on the unpaid balance of any bill that becomes delinquent. Suits for collection shall be commenced by Oglethorpe County Board of Commissioner in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior Court of Oglethorpe County.

Section 605.10 Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this Section or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- a) *Notice of violation.* If the applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, the Department shall issue a written notice of violation to such applicant or other responsible person. The violator shall have the amount of time specified in the written notice to correct the violation. If the violation is not corrected within the time specified in the written notice, the Department shall issue a stop work order requiring that all land disturbing activities on the project be stopped. Where a person is engaged in activity covered by this article without having first secured a stormwater permit, the Department shall issue an immediate stop work order in lieu of a written notice.
- b) *Penalties.* In the event the applicant or other responsible person fails to correct the violation by the date set forth in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.
 - 1) *Stop work order.* The Department may issue a stop work order which shall be served on the applicant or other responsible person. A stop work order shall mean that all work on the project must stop unless the work pertains to correcting the violation or installing/maintaining erosion control best management practices in accordance with applicable local ordinances and state law. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the

violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

- 2) *Withhold certificate of occupancy.* The Department may request that the Oglethorpe County Building Official refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- 3) *Suspension, revocation or modification of permit.* The Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Department may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- 4) *Monetary penalties.* Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Section shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 605.11 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

Section 606. Erosion and Sedimentation Control

See Chapter 35, Soil Erosion and Sedimentation Control of the Oglethorpe County Code of Ordinances.

Article VII: Specific Provisions

Section 700. Home Occupations

Home occupations, where permitted, must meet the following special requirements. Any business, occupation, or profession, the operation of which does not meet the following requirements of a home occupation, shall not be interpreted to be a home occupation despite the fact that it might attempt to operate in a residence.

- a) The owner of the business must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the business owner is a tenant.
- b) The home occupation shall be operated only by the members of the family residing on the premises and shall involve the sale of only those articles, products, or services produced on the premises by members of the family in residence.
- c) The home occupation may be located either within the main dwelling or within any accessory building customary for the district in which it is located. If located within the main dwelling, the home occupation shall not occupy more than twenty-five (25%) percent of the heated floor area within said building.
- d) The home occupation shall be clearly secondary to the residential use.
- e) There shall be no unhealthy or unsightly conditions. The home occupation shall not generate excessive traffic or produce smoke, dust, fumes, obnoxious odors, glare, heat, noise, vibrations, electrical disturbance, or radio-activity or other conditions detrimental to the character of the surrounding area.
- f) Except as related to agriculture, horticulture, or the raising of farm animals, including horses, as permitted in this ordinance, there shall be no external display of products, open storage of materials or stock, storage of equipment, or other externally visible evidence whatsoever of the occupation, business, or profession except for one sign as specified herein.
- g) There shall be no chemical, mechanical, or electrical equipment on the premises other than that normally found as part of any permitted use for that district.
- h) No on-street parking of business-related vehicles shall be permitted at any time, and no parking problem or traffic hazard shall be created.
- i) Any business sign placed on the premises shall comply with requirements specified in the Sign Section of this Development Ordinance.

Section 700.01 Permitted Home Occupations

- a) The following uses are examples of allowable types of home occupations (not all-inclusive):
 - 1) Family Day-care Home
 - 2) Tutoring of all types, but limited to four (4) pupils at one time.
 - 3) Arts and crafts, studios.
 - 4) Small appliance repair.
 - 5) Home offices, but not including outside storage of equipment, materials, or commercial vehicles, except as specified in the Off-Street Parking and Loading Section of this Development Ordinance.
 - 6) Professional services (i.e. attorneys, accountants, real estate agents, insurance agents, counselors, therapists, etc).
 - 7) Upholstery repair.
 - 8) Alterations.
 - 9) Home marketing (i.e. Amway, Mary Kay, Tupperware, etc.) and mail-order marketing of items.
 - 10) Laundering services.
 - 11) Sale of animals, vegetables, fruits, plants or other produce, grown or produced on the premises, as permitted for the district in which it is located, provided that in the R- 1, R- 2, R-3 districts, and in any AR district containing less than five (5) acres, there shall be no stands or booths for display of such produce.
 - 12) Bed and Breakfast Facilities, provided the following restrictions shall apply:

- i. A bed and breakfast facility shall be owner occupied and subordinate and incidental to the main residential use of the structure.
- ii. The maximum number of paying guests per day shall not exceed ten (10). Establishments providing more than five (5) bedrooms for paying guests shall be considered a hotel, and therefore must be located in a commercial district.
- iii. Guests shall not stay longer than twenty-one (21) consecutive days.
- iv. Meals served by the owner/manager shall be limited to those individuals lodging in the facility and their guests. Meals shall not be served to the general public.
- v. There shall be a minimum of two (2) parking spaces for the owner and one parking space for each bedroom intended to be rented. Parking areas shall be located to the side and rear of the building. Tandem parking shall be permitted, but the area shall be screened from adjacent uses.
- vi. Facility shall be located in existing structure(s). No new structures or additional dwelling units can be built or added for this purpose. No exterior alterations other than those necessary to assure the safety of the structure and guests shall be made to any building for the purpose of providing a bed and breakfast facility.
- vii. Only one sign, complying with the requirements specified in the Sign Section of this Development Ordinance, may be erected on the property.
- viii. The operation shall not create noise, light, or traffic conditions or any other adverse impacts detrimental to adjacent property owners or the neighborhood in general.
- ix. The operation shall comply with all applicable health and safety codes.

13) Other similar uses as approved by the Board of Commissioners.

- b) Uses which are NOT allowable home occupations include: Medical doctors, or any practice of physical and/or medical/dental application, commercial vehicle repair/mechanics garages, commercial greenhouses or nurseries, or other uses interpreted to be not permitted by the zoning official(s).

Section 700.02 Expiration

Whenever the applicant ceases to occupy the premises for which the home occupation was issued, the permit for home occupation shall expire and no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application.

Section 701. Manufactured Housing

In order to provide for uniform treatment of all housing classified as single-family dwellings and to encourage the provision of affordable housing in a general residential environment, the use of manufactured housing comparable to similar dwellings constructed on site shall be allowed in any zoning district permitting "single-family dwellings", subject to the requirements, compatibility standards, and procedures set forth herein to assure similarity in exterior appearance between such residentially designed Manufactured Homes and typical site-built dwellings which have been constructed on adjacent lots in the same district, zoning classification, or general area.

Section 701.01 Manufactured Housing Classification

- a) **"CLASS A" MANUFACTURED HOUSING** – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall). In addition, "Class A" Manufactured Housing shall be that which DOES comply with both the Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements, and the minimum standards

for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in Subsection 901.02, Minimum Compatibility Standards, herein.

- b) **“CLASS B” MANUFACTURED HOUSING/MOBILE HOME** - A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall); and which DOES comply with Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements, but which DOES NOT comply with the minimum standards for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in Subsection 901.02, Minimum Compatibility Standards, herein.
- c) **“CLASS C” MANUFACTURED HOUSING** – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, which DOES NOT satisfy construction, fire, or safety standards specified for either “Class A” or “Class B” Manufactured Housing. Any Manufactured Housing that does not meet the minimum requirements for “Class B” Manufactured Housing shall be prohibited from being moved into Oglethorpe County. Any existing “Class C” Manufactured Housing already located in Oglethorpe County prior to the adoption of this Ordinance may be relocated within Oglethorpe County subject to the conditions specified in paragraph #3 of Subsection 901.03, Manufactured Housing as Single-Family Dwellings, herein.
- d) **MODULAR/INDUSTRIALIZED HOUSING** - A factory-fabricated, transportable building consisting of units mass produced in factories and designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes. The building shall be manufactured in accordance with the Georgia Industrialized Building Act, and each unit must bear a seal of approval issued by the Commissioner of the Department of Community Affairs (DCA seal). The DCA sticker of approval is normally placed on the inside of the electrical panel or on the inside of kitchen cabinet doors.

Section 701.02 Minimum Compatibility Standards

The following standards shall be used to determine compatibility of Manufactured Housing with permitted “stick-built” single-family dwellings constructed on site, including size, siding material, roof material, foundation, and general aesthetic appearance, as set out in Subsection 701.01, Manufactured Housing Classification, herein.

- a) The length of the manufactured home shall not exceed three times its width, measured at the narrowest point, and it shall have a minimum floor area of nine hundred (900) square feet.
- b) The pitch of the roof shall have a minimum vertical rise of four (4) inches for every twelve (12) inches of horizontal run, and the roof shall be finished with a type of shingle or standing seam metal that is commonly used in standard residential construction.
- c) The exterior siding materials shall consist of siding made of wood, hardboard, aluminum, or vinyl, or other materials of like appearance, comparable in composition, appearance, and durability to the exterior siding materials commonly used in standard residential construction.
- d) The manufactured home shall be placed on a permanent foundation, either slab or pier, meeting the requirements of the Standard Building Code. A masonry curtain wall, unpierced except for the required ventilation and access, must be installed so that it encloses the area under the manufactured home to ground level.
- e) The tongue, axles, transporting lights, and towing apparatus shall be removed from the manufactured housing unit and from the lot after placement of the manufactured home on the lot and prior to occupancy.
- f) Utility meters for the manufactured home shall be mounted to the structure rather than on a utility pole.

Section 701.03 Manufactured Housing As Single-Family Dwellings

Manufactured Housing used as single-family detached dwellings shall be permitted as follows:

- a) All “Class A” Manufactured Housing (as defined herein) shall be allowed in all zoning districts permitting single-family detached dwellings, and shall be regulated uniformly with other housing

constructed on site, and shall be subject to all of the same requirements and limitations set forth in this Ordinance, including, but not limited to, lot size, setbacks, and all other requirements, specified in this Ordinance, for use and the district in which it is located.

- b) All "Class B" Manufactured Housing/Mobile Homes (as defined herein) shall be permitted as single-family dwellings in any A-1 and A-2 districts, or in permitted Manufactured Housing/Mobile Home Parks within the R-3 district, provided they shall comply with the requirements, specified in this Ordinance, for the use and district in which they are located.
- c) No "Class C" Manufactured Housing (as defined herein) shall be moved into the county. Any such "Class C" Manufactured Housing already existing in the county prior to the adoption of this ordinance shall be permitted as single-family dwellings in any A-1 or A-2 districts, provided they shall be inspected and approved by the Building Inspector and Zoning Official(s) prior to any relocation within the County and they shall comply with the requirements, specified in this Ordinance, for the use and district in which they are located. Any such "Class C" Manufactured Housing already existing in the county prior to the adoption of this ordinance, which is not located in the A-1 Intensive Agricultural or A-2 General Agricultural Districts, shall be permitted to remain as a nonconforming use, provided it is in compliance with Health Department and other applicable regulations.
- d) All Modular/Industrialized Housing (as defined herein) meeting the minimum compatibility standards as specified in Subsection 701.02, herein, shall be allowed in all zoning districts permitting single-family detached dwellings, and shall be regulated uniformly with other housing constructed on site, and shall be subject to all of the same requirements and limitations set forth in this Ordinance, including, but not limited to, lot size, setbacks, and all other requirements of the district in which it is located.

Section 701.04 Building Permit and Occupancy Permit Required

A Building Permit and Occupancy Permit, as specified in Administration, Enforcement and Appeals Section of this Development Ordinance, shall be required prior to the location or relocation of any manufactured housing within the county.

Section 701.05 Installation Requirements

All Manufactured Housing locating or relocating within the County shall meet the following minimum requirements:

- a) Each manufactured housing unit shall be installed according to the manufacturer's installation instructions (when available), or Appendix "H" of the Georgia State Building Code, whichever is stricter, and shall include the use of approved tie-downs and ground anchors sufficient to withstand winds of 100 miles an hour, so as to resist wind overturning and sliding;
- b) The foundation must be enclosed by a curtain wall, manufactured skirting material, masonry construction, or other material manufactured for such purpose. Materials not manufactured for such purpose may be used if approved by the Oglethorpe County Board of Commissioners or their designated official(s) prior to installation. Material not manufactured for such purpose must be installed to the same standards as materials manufactured for such purpose.
- c) Each manufactured/mobile home must be provided with prefabricated or permanent stairs with landing, constructed from pressure treated lumber, masonry, or metal, sufficient to provide ingress and egress from two (2) exterior doors of the manufactured/mobile home unit. Loose stacked steps are strictly prohibited. Said Landing dimensions shall be a minimum of three (3') feet by three (3') feet. If over thirty (30") inches above the ground, handrails and guardrails shall be required.
- d) Owners shall be allowed three (3) months after issuance of a building permit in which to complete underpinning and landings.
- e) Where stricter standards or requirements are specified herein, or in the Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements, those stricter standards or requirements shall apply.

Section 701.06 Ad Valorem Taxes

A current decal, as required, from the Tax Assessor or Tax Commissioner shall be prominently displayed on all Manufactured Housing located in Oglethorpe County.

Section 701.07 Accessory Use Prohibited

Manufactured Housing shall be prohibited as an accessory use in any district, except as otherwise specified herein.

Section 701.08 Temporary Usage

A single Manufactured Housing Unit may be permitted in any district as a temporary building in conjunction with construction work only, as specified in the Temporary Uses Section of this Development Ordinance, provided that:

- a) At minimum, such structure shall conform to the American National Standards Institute (ANSI) 119.1 (1975), also cited as National Fire Protection Association (NFPA) Code 501(b) and shall be inspected and approved by Zoning Official(s)
- b) Such structure shall be installed according to the minimum standards of the State of Georgia, the manufacturer's installation instructions (when available), or Appendix "H" of the Georgia State Building Code, and including the use of approved tie-downs and ground anchors able to withstand winds of 100 miles an hour, so as to resist wind overturning and sliding.

Section 701.09 Hardship Manufactured Housing

A single Manufactured Housing Unit may be permitted as hardship manufactured housing in any residential district, as specified in the Temporary Uses Section of this Development Ordinance.

Section 701.10 Manufactured Housing/Mobile Home Parks

Manufactured Housing Parks/Mobile Home Parks must comply with the Manufactured Housing Park Regulations of Oglethorpe County, and with the requirements of this Ordinance and the district in which it is located.

Section 701.11 Manufactured Housing Transporters/Movers and Installers

The provisions herein shall apply to anyone who moves and/or sets up manufactured housing or a mobile home in Oglethorpe County. Such a person must be registered with the Oglethorpe County Board of Commissioners or its designated official(s). An installer shall present a state license as an installer that has been issued by the State of Georgia. A transporter shall present a Motor carrier of Property Permit that has been issued by the State of Georgia. A license that is suspended or revoked will void the installer's and/or transporter's registration with the Board of Commissioners.

The Oglethorpe County Board of Commissioners or its designated official(s) shall maintain a list of registered manufactured housing/mobile home installers and transporters. The Board of Commissioners shall establish registration fees. Mobile home installers and transporters shall be required to register at the beginning of each calendar year.

Section 702. Utility Substations

Substations for electrical transformers, gas regulators, and telephone subscriber carrier sites (excluding telecommunication/transmission towers/antennas) shall be permitted in any zoning district, if essential to the service of the district, provided that the following restrictions shall apply:

- a) When located in a residential district, the use is permitted if it occupies a parcel that is one-quarter (0.25) acre or less and does not exceed the height limits of the district in which it is located, but shall be conditional if it occupies a parcel greater than one quarter (0.25+) acre or exceeds the height limits of the district in which it is located.
- b) The minimum lot area and width requirements for the zoning district shall not apply, but the utility substation shall comply with all yard setback requirements for the district in which it is located, which shall be in addition to the required buffers.
- c) The substation shall be screened in a manner to hide it from view from the adjacent property. Required buffers/screening shall be installed and maintained as specified in the Specific Provisions Section of this Development Ordinance.
- d) Such use shall be secured within a building, or completely surrounded by a security fence or wall with locked gate(s), said fence/wall having a minimum height of eight (8) feet;
- e) Such use shall not involve the storage of vehicles or service equipment;
- f) All open areas shall be maintained and kept free of weeds and debris.
- g) Any lighting on the property shall be of such type or installation that prevents direct view of the light source from adjacent residences and does not cause any glare to occur on adjacent properties or streets.

- h) Where utility substations are a permitted use, a site development sketch shall be submitted to the Planning and Zoning Official(s) for approval to insure compatibility of the facilities with the surrounding property and compliance with this Ordinance. Where utility substations are a conditional use, a comprehensive site development plan shall be required as specified in the Amendments Section of this Development Ordinance.

Section 703. Telecommunication/Transmission Towers and Antennas

Section 703.01 Intent

The intent of this section is to balance the interests of the residents of Oglethorpe County, telecommunications providers, and telecommunications customers in the siting of telecommunication towers and antennas within Oglethorpe County; provide the appropriate location and development of telecommunications facilities; protect the environment by promoting compatible design standards for telecommunication facilities; minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques; avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications towers and antennas; maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout Oglethorpe County; maximize and encourage use of alternative tower structures and co-location of antennas as a primary option rather than construction of single use towers; provide for location of new telecommunications facilities within certain non-residential areas; and provide for the removal of all towers and antennas that are either abandoned or fail to meet the requirements set forth in this Ordinance.

Section 703.02 Placement by Zoning District

Telecommunications towers and antennas shall be authorized in the zoning districts as specified herein.

- a) Permitted Uses - The placement and installation of towers and antennas are specifically permitted by application for a building permit, without a conditional use permit, as follows, pursuant to the provisions and requirements specified in this Section.
 - 1) Antennas attached to buildings in the Multi-Family (R-3) Residential District, provided that antennas shall add no more than twenty (20') feet to the height of the building and no building-mounted antenna shall extend more than four (4') horizontal feet from the building; and further provided that such antennas shall be installed on any building in such a way as to minimize the visual impact of the installation from public streets to the absolute minimum and to minimize visual impacts of the antenna from habitable living areas of residential units which directly face the antenna within one hundred (100') feet horizontal distance; and further provided that if back up equipment is installed on any roof, the backup facility shall be low-lying and set back or otherwise located to minimize visibility, especially from public places and from the street.
 - 2) In any nonresidential district, installation of an antenna on any existing towers, buildings, alternative tower structures, or other existing structure such as a sign, light pole, water tower, or similar freestanding structure of any height, so long as the addition of the antenna adds no more than twenty (20') feet to the height of the existing tower, building, or structure, and provided the number and location of antennas, or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views. Such specific permitted use shall also include the placement of any accessory building, as specified herein, or other supporting equipment used in connection with the antenna; provided, however, the accessory building or equipment shall be consistent in type of exterior material and quality of design and construction with any other building on the premises.
 - 3) Installation of a temporary telecommunications tower for a period not to exceed ninety (90) days shall be allowed in any nonresidential district provided height does not exceed the maximum height restrictions for the district and all setback requirements specified herein are met. A temporary permit shall be required prior to installation.
- b) Conditional Uses - The placement and installation of certain towers and antennas within certain zoning districts, as listed below, may be permitted as a Conditional Use, if approved by the

Oglethorpe County Board of Commissioners, as specified in the Amendments Section of this Development Ordinance:

- 1) All towers and antennas in the Heavy Industrial District (HI).
 - 2) All towers and antennas in the Intensive Agricultural (A-1) and General Agricultural (A-2) Districts.
 - 3) Monopole towers and antennas up to one hundred (100') feet in height in the Highway Business (B-2), General Business (B-3), and Light Industrial (LI) Districts. It is the intent that all monopole towers in these areas as unobtrusive as possible; therefore alternative tower structures (stealth design) designed to camouflage with the surrounding area shall be preferred options.
- c) Prohibited Uses – All telecommunications towers or antennas, except those specified in Subsection 703.10, Exemptions, herein, shall be prohibited within the following districts as defined by this Ordinance:
- 1) Single-Family (R-1)
 - 2) Two-Family (R-2)
 - 3) Agricultural/Residential (AR)
 - 4) Local Business (B-1)
 - 5) Scenic Preservation (SP)
 - 6) River Corridor Protection (RCP)

Section 703.03 Preferred Location Sites and Prohibitions

Any existing telecommunications towers being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication and any such existing structure shall be a Preferred Location Site for antenna where such tower or structure is not located within a prohibited district; provided, however, that locations which meet these criteria shall be subject to the design and siting requirements specified herein.

No new cell may be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this subparagraph, the search area is defined as the grid for the placement of the antenna.

Section 703.04 General Provisions

The following provisions are applicable to all towers and antennas regardless of location:

- a) Tower/Antenna Height - Tower and/or antenna height shall be calculated as the measurement from the base level of the antenna or tower to the highest point on the antenna or on the tower including the antenna.
- b) Setbacks and Separation Requirements - All property necessary to satisfy the setback requirements set forth herein covering the total height of the tower shall be under the ownership or control of the applicant. The requirement for control may be satisfied by lease or easement approved by the local governing authority. Multiple towers on the same site may be allowed provided they meet all setback and separation requirements. The following setbacks and separation requirements shall apply to all towers:
- c) Unless otherwise provided for herein, freestanding towers must be set back a minimum distance equal to the total height of the tower from adjacent property lines, as measured radially from the base of the tower to the property line of the subject property; and
- d) Unless otherwise provided for herein, freestanding towers must also be set back a minimum distance equal to the total height of the tower plus five hundred (500') feet in all directions from any Residential Districts or uses, Scenic Preservation Districts, or Historic Districts or Landmarks (identified in the Oglethorpe County Comprehensive Plan), as measured radially from the tower base to the nearest applicable district boundary or property line;
- e) Guy wires and accessory facilities associated with towers must satisfy the minimum setback requirements for the zoning district in which they are located.
- f) All lattice or guy-wired towers constructed after the effective date of this ordinance shall conform to the following minimum tower separation requirements as set out in the following table:

Lattice or Guy-Wired Tower Height	NextClosest Tower Height 50Feet	NextClosest Tower Height 50-100Feet	NextClosest Tower Height 101-150Feet	NextClosest Tower Height 150Feet
50'	300'	500'	750'	1000'
50'-100'	500'	750'	1000'	1500'
101'-150'	750'	1000'	1500'	2000'
150'	1000'	1500'	2000'	2500'

- g) All Antennas mounted on rooftops, monopole towers, or alternative tower structures shall be exempt from the minimum separation distances as set out in the table above. Except in the Industrial District, monopole towers shall be separated from any other tower at least a distance equal to twelve hundred (1200') feet in all directions. In the Industrial District, the separation distance between monopole towers shall equal the height of the tallest tower adjacent to the monopole tower. All freestanding towers which are alternative in design (stealth design) shall be separated from any other towers a minimum distance of the height of the tallest tower to which it is adjacent.
- h) Buffer/Screening Required – All towers and accessory structures shall be surrounded by a dense natural buffer strip, landscaped buffer strip, or landscaped wall/fence a minimum of eight (8') feet in height, sufficient to interrupt vision and shield the base and accessory structures from the view of adjacent properties and the general public during all months of the year. Existing mature tree growth, native vegetation, and natural landforms on the site shall be preserved to the greatest practical extent. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a sufficient buffer. The buffer/screening requirement may be waived where towers and accessory structures/uses cannot be seen from adjacent properties and roads because of existing vegetation, topography, or distance. Required buffer/screening shall be installed and maintained as specified in the Specific Provisions Section of this Development Ordinance.
- i) Accessory Buildings and Uses – Accessory buildings and uses shall not include offices, broadcast studios (except for emergency purposes) or other buildings, equipment, or uses that are not needed to send or receive transmissions, long-term vehicle storage or any outside storage of materials or equipment.
- j) Parking - No more than two (2) parking spaces per facility shall be allowed, and a ten (10') foot wide turnaround drive with an all-weather surface shall be required if parking spaces are provided.
- k) Security Fence - All towers shall have a security fence of not less than six feet in height with anti-climbing devices on the fence.
- l) Signs - A sign no larger than four (4) square feet in size shall be placed on the security fence or other outermost structural element of the telecommunication facility, which sign shall state the name and telephone number of a person responsible for the safety and maintenance of said facility. No other signs, symbols, or advertisements shall be allowed on the security fence or on any monopole, tower, or antenna.
- m) Tower Color - All towers, except those of alternative stealth design, shall be either painted gray or left in their natural gray metallic state unless otherwise required by the Federal Aviation Administration.
- n) Lighting - Towers and antennas shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding area and views, or the tower shall use a dual lighting system consisting of a strobe light during the day and a slow flashing red light at night unless otherwise required by the Federal Aviation Administration.

- o) Noise - The intensity level of sound from the wireless telecommunications facility, including temporary generators used during power outages, as measured at the property line of abutting property zoned for residential use, shall not at any time exceed 70 decibels from 7:00 a.m. to 10:00 p.m. and 55 decibels from 10:00 p.m. to 7:00 a.m.; and abutting property zoned for nonresidential use, the same shall not exceed 80 decibels at any time.
- p) Design for Shared Use – Whenever feasible, telecommunication towers or structures shall be designed with the capacity for shared use with other potential tower users.
- q) Federal and State Requirements - All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations with the compliance schedule mandated by the controlling federal or state agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall be reported to the appropriate state or federal agencies and shall constitute a violation of this ordinance.
- r) Building Codes and Safety Standards - To insure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the latest edition of the Electronic Industries Association, as amended from time to time. The owner of a tower shall provide Oglethorpe County with certification by a professional engineer that all antennas, towers, and wireless telecommunications equipment are erected and installed so as to comply with said codes and standards.
- s) Fire Prevention - All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented for all telecommunication facilities when determined necessary by the Board of Commissioners or their designated official(s). Demonstration of compliance with the following requirements shall be evidenced by a certificate signed by the Board of Commissioners or their designated official(s) on the building plans submitted.
 - 1) At least one-hour fire-resistant interior surfaces shall be used in the construction of all buildings.
 - 2) Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 - 3) Rapid entry (KNOX) systems shall be installed as necessary.
 - 4) Type and location of vegetation and other materials within ten feet (10') of the facility and all new structures, including telecommunication towers, shall be reviewed for fire safety purposes by the Board of Commissioners or their designated official(s). Requirements established by the Board of Commissioners or their designated official(s) shall be followed.
 - 5) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to the building permit finalization or commencement of operation, whichever comes first.
- t) Maintenance of Telecommunication Facilities - Towers must be properly and routinely maintained in good and safe conditions and in a manner that complies with all applicable federal, state, and local requirements. Estimated life of construction must be included in submittal information. The owner shall provide the governing authority of Oglethorpe County or their designated official(s) a certified copy of the engineer's inspection report, which shall include, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies. Tower owners shall conduct periodic inspections of communications towers at least once every three (3) years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be

provided to the governing authority of Oglethorpe County or their designated official(s). If, upon inspection, Oglethorpe County officials conclude that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days from the date of the mailing of such notice, to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may have such tower removed at the owner's expense. Any such removal by the governing authority shall be in the manner provided herein.

- u) Insurance - Commercial General Liability Insurance shall be required with combined single limits of liability coverage of one million dollars (\$1,000,000.00) per occurrence, for bodily injury and property damages, with respect to the construction, use of the property, maintenance, operation, or other liabilities associated with a telecommunication tower. An adequately funded self-insurance program will be considered as a substitute for commercial insurance, if approved and subject to any condition imposed by the governing authority.
- v) Surety Required - Prior to the issuance of a conditional use permit or building permit for tower construction, the applicant shall submit security for the cost of removal of the structure in an amount estimated by the applicant and approved by the Board of Commissioners as sufficient to cover the costs of removal. Such security may be in the form of:
 - 1) An eighteen-month security bond from a surety bonding company authorized to do business in the State of Georgia, payable to Oglethorpe County; the security bond shall be renewed at the time the annual operating permit is renewed in an amount sufficient to cover the costs of removal at the time of renewal. Such renewal bond must be approved by the building official.
 - 2) A deposit of cash with Oglethorpe County or an escrow of any other instrument readily convertible to cash at face value with a financial institution; and in case of an escrow account, the bank with which the funds are deposited, being subject to the approval of Oglethorpe County. In the case of an escrow account, the applicant shall file with Oglethorpe County an agreement between the financial institution and the applicant specifying the funds that are in the escrow account shall be held in trust until released by Oglethorpe County and may not be used or pledged by the applicant as security in any other matter during that period and that, in the case of the applicant's failure to remove the tower and antennas in accordance with the terms set forth above, then the bank shall immediately make the funds available to Oglethorpe County for the use of completion of the removal of the structure. Said deposit of cash shall be kept current to cover the actual costs of removal.
 - 3) A letter of credit from a financial institution in a form approved by Oglethorpe County providing that the financial institution does guarantee funds in an amount equal to the aforementioned cost of removal and that in the event the applicant fails to remove the structure in accordance with the terms set forth above, the financial institution shall pay to Oglethorpe County immediately and without further action, such funds as necessary to finance the removal of the structure up to the amount specified in the letter of credit. Such amount shall be kept current to cover the actual costs of removal.
- w) Removal of Abandoned Towers and Antennas - After a continuous period of twelve (12) months during which an antenna or tower is not used for its original purpose, it shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Oglethorpe County notifying the owner of such abandonment. The owner may request a three- month extension prior to the end of the twelve-month period. Said three-month extension may be granted administratively by the Planning Department if the request is received in writing by the Planning Department prior to the end of the twelve-month period. If a three-month grace period is granted, then a notice of abandonment will be given to the owner at the end of the three-month period. If any abandoned antenna or tower is not removed by the owner within said ninety (90) days after notice of abandonment, then the governing authority may have such antenna or tower removed at the owner's expense. If there

are two or more users of a single tower, then this provision shall not become effective for the tower until all users cease using the tower. Within thirty (30) days of the owner's receipt of said notice of abandonment, any owner aggrieved by said notice of abandonment may file a written request for a hearing before the Board of Commissioners pursuant to Administration, Enforcement and Appeals Section of this Development Ordinance.

Section 703.05 Building Permit Required

- a) A building permit issued by the Planning and Zoning Official(s) is required in advance of the initiation of construction, erection, moving or alteration of any telecommunication/transmission tower or antenna permitted pursuant to Subsection 703.02, Placement by Zoning District, herein.
- b) If not included as part of a rezoning or conditional use application, a building permit application shall include a copy of any environmental assessment required by the Federal Communications Commission (FCC), as well as documentation of the FCC's subsequent approval thereof. In addition, the applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with current Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC at the time of application.
- c) If not included as part of a rezoning or conditional use application, a building permit application shall include a landscape plan, including provisions for landscape maintenance. The applicant shall provide a site plan showing existing significant vegetation to be removed, vegetation to be replanted to replace that lost, and details of any additional plant materials to be added to meet the buffer/screening requirements. The landscaping maintenance set forth herein shall be a required condition for approval of the annual operating permit.
- d) If substantial construction on the telecommunications facilities has not begun within six (6) months of the granting of a building permit, then said permit shall expire, and the applicant shall be required to resubmit an application for a building permit based on the latest technical and development requirements in the Zoning Ordinance.

Section 703.06 Application and Review Process for Rezoning or Conditional Use Involving Telecommunication/ Transmission Towers/Antennas

In addition to the requirements specified in this Section and in the Amendments Section of this Development Ordinance, the following provisions shall also apply to applications for and consideration of a change in zoning district or for a conditional use permit involving telecommunication/ transmission towers/antennas:

- a) Any engineering information, whether civil, mechanical, or electrical that an applicant submits shall be certified by a licensed professional engineer.
- b) The applicant shall be required to submit all documentation, including an environmental assessment if required by the Federal Communications Commission (FCC), that the proposed wireless telecommunications facility complies with all current Federal Communications Commission standards, as adopted by the FCC at the time of application.

Co-location requirements, as specified in Subsection 703.03, Preferred Location Sites and Prohibitions, and Subsection 703.07, Co-location, herein, shall apply.

- c) A landscape plan, including provisions for landscape maintenance, shall be required. The applicant shall provide a site plan showing existing significant vegetation to be removed, vegetation to be replanted to replace that lost, and details of any additional plant materials to be added to meet the buffer/screening requirements. The landscaping maintenance set forth herein shall be a required condition for approval of the annual operating permit.
- d) In addition to the requirements for public notice prior to a public hearing for a rezoning or conditional use permit, as specified in this Ordinance, the following additional public notice, shall be provided for towers more than one hundred fifty (150') feet in total height to be located within one thousand two hundred (1200') feet of any residential district:
 - 1) At least fifteen (15) days and not more than forty-five (45) days prior to the required public hearing, the applicant shall cause to be floated from the proposed tower site a balloon of the standard size used in aerial line of sight surveys. Said balloon shall be floated to the height of the proposed tower for a period of three (3) days during a five

- (5) day business week period so that the visibility of the tower from locations surrounding the proposed tower site can be viewed by the public prior to the required hearing. In addition, the required legal notices shall explain the presence of and the purpose of said balloon.
- 2) The applicant shall also provide to the Board of Commissioners or their designated official(s) the names and addresses on stamped envelopes of all abutting property owners and all owners of residentially zoned parcels lying in whole or in part within a distance of one thousand two hundred (1200') feet of the proposed tower as measured from the base of the tower radially to the subject property lines. The owners of record shall be as shown on the Oglethorpe County Tax Commissioner's records. The Board of Commissioners or their designated official(s) shall use the addressed and stamped envelopes to send a letter by regular mail giving notice of the public hearing and of the purpose of the balloon.
 - 3) After the three-day period required herein, the balloon shall be taken down permanently by the applicant. In addition, during the three-day period, the balloon shall be taken down every day at sunset and refloated at sunrise.
 - 4) The Board of Commissioners or their designated official(s), in addition to meeting the posting requirements for Conditional Use required herein, shall also post the purpose of the balloon. Said sign shall be erected in a conspicuous location, on or adjacent to the proposed tower site.
- e) The applicant shall also provide, for inspection by the public at the Planning Department, a computer simulated study of any proposed tower more than one hundred (100') feet in total height, showing a view of the tower taken from any adjacent Residential (R-1, R-2, R-3, AR) Districts or Uses, Scenic Preservation (SP) Districts, or Historic Districts or Properties, from any adjacent roads, and from all sides of the tower at a distance of six hundred (600') feet as measured from the base of the tower.
 - f) The Board of Commissioners reserves the right to require an independent evaluation of the impacts of the proposed use and any other aspects of the proposal. Where expert opinion and studies are deemed necessary for the County to fully evaluate the impacts of the proposed use, additional fees shall be charged to cover the actual cost to the local government of obtaining expert opinion and studies in reviewing applications for conditional use. The initial deposit for such additional fees shall cover a minimum of ten hours of an expert consultant's hourly rate to provide consultation to Oglethorpe County. The initial deposit, in cash or check, shall be submitted to the Board of Commissioners or their designated Official(s). If the actual cost to the government is greater than the initial deposit, the applicant shall be billed for the difference and shall pay the bill in full prior to the regular meeting of the Board of Commissioners at which final action is to be taken on the proposal. If the actual cost to the government is less than the initial deposit, the actual cost will be deducted from the initial deposit and the remainder of the deposit will be refunded to the applicant within ten working days following the regular meeting of the Board of Commissioners at which final action is to be taken on the proposed.
 - g) The governing authority shall consider the following factors in determining whether to issue a conditional use permit; provided, however, the governing authority may consider additional factors if the governing concludes that the goals of this section are better served thereby:
 - 1) Height and setbacks of the proposed antenna and tower;
 - 2) Proximity of the antenna and tower to other structures and zoning district boundaries;
 - 3) Nature of the uses on adjacent and nearby properties;
 - 4) Surrounding topography;
 - 5) Surrounding tree coverage and foliage;
 - 6) Design of the antenna or tower, with particular reference to design features that have the effect of reducing or eliminating visual obtrusiveness;
 - 7) Availability of suitable existing antennas or towers or other structures for antenna co-location;
 - 8) Proximity of the antenna or tower to other antennas or towers;

- 9) Impact of the tower and antenna upon scenic views and upon visual quality of surrounding areas;
- h) Whenever the governing authority finds that the application of this Section would unreasonably discriminate among providers of functionally equivalent personal wireless telecommunications services, or prohibit or have the effect of prohibiting the provision of personal wireless telecommunication services, a conditional use permit waiving any of the provisions of this Section may be granted.
- i) Any decision by the local governing authority to deny a request pursuant to this Section shall be in writing and supported by substantial evidence contained in the written record. No decision to deny a conditional use permit for a wireless telecommunications tower or antenna shall be based on the environmental effects of radio frequency emissions to the extent such facilities comply with the Federal Communications Commission's regulations concerning such emissions.

Section 703.07 Co-location

Each telecommunications tower application shall be required by affidavit of the applicant to make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:

- a) The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height necessary to accommodate the applicant's antenna. Such contact shall be by certified mail/return receipt requested. The applicant shall provide a list of all owners contacted, the date of such contact, the form and content of such contact, and a copy of the return receipt of the certified mail.
- b) The applicant shall request the following information from each owner contacted:
 - 1) Identification of the site by location, tax map and parcel number, existing uses on or adjacent to the site, and tower height;
 - 2) Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna;
 - 3) Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required;
 - 4) If structurally able, would shared use on such existing tower be precluded for reasons related to RF interference; If so, the owner shall describe in general terms what changes in either the existing tower or antenna(s) or the proposed antenna would be required to accommodate the proposed antenna, if at all; and
 - 5) If shared use is possible, the fee an owner of an existing tower would charge for such shared use.
- c) Such request shall be made at least one month prior to the filing of an application for a building permit or conditional use. Responses to such request shall also be included.
 - 1) Failure of a listed owner to respond shall not be relevant if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennas of the sort proposed, that application for a new tower shall not be complete until the response of such owner is filed, or in the case of a failure to respond, proof of the applicant's attempted contact with the correct owner to the correct address by certified mail/return receipt requested is filed by the applicant.
 - 2) The governing authority shall maintain and provide, on request, records of responses from each owner.
 - 3) Once an owner demonstrates an antenna of the sort proposed by the application cannot be accommodated on the owner's tower, the owner need not be contacted by future applicants for antennas of the sort proposed.
- d) The governing authority may consider expert testimony to determine whether the fee for shared use and the costs to adapt the existing and proposed uses to a shared tower are reasonable. Costs exceeding new tower development are presumed unreasonable. Shared use is not

precluded simply based on fee and cost structures, unless found to be unreasonable by the local governing authority.

- e) If the owner of an approved or pre-existing tower refuses to allow co-location, an affidavit shall be provided that states the reason for the refusal. An unreasonable refusal by the owner of a tower to allow for co-location not supported by the required engineering evidence shall be a reason for the governing authority to refuse to renew the annual operating permit of said approved or pre-existing tower.
- f) In addition, evidence submitted by the applicant based on a report by a certified engineer to demonstrate that an existing tower or structure can accommodate the applicant's proposed antenna shall be required and shall consist of the following:
 - 1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 - 2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 - 3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure are in excess of the cost of new tower development and location to the extent that co-location would impose a significant financial burden on the applicant; and
 - 6) The applicant demonstrates there are other limiting factors that render existing towers or structures unsuitable.
- e) If co-location on an existing tower or structure is not possible as set forth above, and a new tower is deemed appropriate, then the new tower must be constructed to allow co-location of antennas and the applicant must agree to accommodate the co-location of other antennas on the new tower, according to the following: for towers up to one hundred (100') feet in height, the tower and fenced compound shall be designed to accommodate at least two (2) users; for towers up to one hundred twenty-five (125') feet in total height, the tower and fenced compound shall be designed to accommodate at least four (4) users, unless the proposed tower is an alternative tower structure of stealth design.

Section 703.08 Registration and Annual Operating Permit Required

In order to provide the governing authority with accurate and current information concerning the telecommunications providers who offer or provide wireless telecommunications services within Oglethorpe County or who own or operate telecommunications facilities within Oglethorpe County; to assist in the collection and enforcement of any fees or charges that may be due Oglethorpe County; and to assist the governing authority in monitoring compliance with local, state, and Federal laws, all owners of telecommunications towers and/or antennas located within Oglethorpe County shall be required to register with the County and obtain an annual operating permit, as specified herein. Failure to register and obtain an annual operating permit as required, or to truthfully report all information required shall constitute a violation of this Ordinance.

- a) The required registration shall include the following information:
 - 1) The identity and legal status of the registrant, including any affiliates;
 - 2) The name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the registrant's information;
 - 3) A description of the telecommunications service the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses, or institutions within Oglethorpe County;
 - 4) Information sufficient to determine whether the registrant has applied for and received any construction permit, operating license, or other approvals required by the Federal Communications Commission to provide telecommunications services or facilities within Oglethorpe County;

- 5) A copy of the applicant's tower construction plan for servicing the entire community as projected for at least five (5) years, and a copy of the proposed fees or rate formulas to be charged by applicant for co-location on applicant's towers. The information requested by this subsection shall be updated at any time that the information provided is no longer current;
 - 6) A narrative and map description of the applicant's existing and proposed wireless telecommunication facilities towers that are within Oglethorpe County or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The County may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or with other organizations seeking to locate antennas within the jurisdiction of Oglethorpe County; provided, however, that the County is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. Any loss of use, increase in use, or change in use of existing antennas or towers must be reported at the time the change occurs; and
 - 7) Such other information as the Board of Commissioners or their designated Planning and Zoning Official(s) may reasonably require.
- b) Annual Operating Permit
- 1) All wireless telecommunication facilities must obtain an operating permit on or before April 1 of each calendar year. The operating permit shall be issued by the Board of Commissioners or their designated official(s) after written application on a form to be supplied by the County.
 - 2) A filing fee for the operating permit, as established by the Board of Commissioners, shall be submitted with the application for the operating permit. The fee for the operating permit is intended to reimburse the local governing authority for costs in connection with reviewing, inspecting, and supervising performance in compliance with this Ordinance.
 - 3) Any change in the five-year build out plan or other registration information shall be submitted along with the application for the annual operating permit and reviewed by the Board of Commissioners.
 - 4) Within ninety (90) days of receiving a complete application for a renewal permit, the Board of Commissioners or their designated official(s) shall issue a written determination granting or denying the operating permit in whole or in part, based on the applicant's compliance with the requirements of this code section. If the application is denied, the written determination shall include the reasons for denial.
 - 5) No operating permit shall be renewed until any ongoing violations or defaults in the permittee's performance under the requirements of this Section have been remedied, or a plan detailing the corrective actions to be taken by the permittee has been approved by the Board of Commissioners or their designated official(s).

Section 703.09 Pre-existing Towers/Nonconforming Uses/Structures

All pre-existing towers that do not satisfy the requirements of this Ordinance shall be considered nonconforming uses and/or structures, according to the provisions of the Nonconforming Use and Structures Section of this Development Ordinance.

- a) In order to provide the local governing authority with current information concerning nonconforming towers and in order to enforce the provisions of this Section that will apply to nonconforming towers upon adoption of this Ordinance, the owners of non-conforming towers shall be required to register with the County and to obtain an annual operating permit at the time the structure becomes nonconforming by the adoption of this Ordinance.
- b) Pre-existing nonconforming towers shall have one (1) year from the adoption of this Ordinance to comply with the standards set forth in this Section, excluding construction, location, setback, separation, and buffer/screening requirements.

- c) Any unreasonable refusal by an owner of a nonconforming tower to allow for co- location as set forth herein shall be cause for revocation of the annual operating permit for the nonconforming tower.
- d) If an additional antenna is co-located upon a pre-existing tower after the adoption of This Ordinance, then fencing and landscaping requirements as specified herein shall be met as part of the permitting process
- e) Notwithstanding any other provision of the Zoning Ordinance, for the purposes of this Subsection, abandonment of the nonconforming use or structure shall occur if the tower is not used for telecommunication purposes at any time for a period of twelve (12) months. Removal of such abandoned towers shall be required according to the provisions of this Section.

Section 703.10 Exemptions

The following uses shall be exempt from the requirement of this section:

- a) Any tower or antenna less than seventy (70') feet in total height, owned and operated by an amateur radio operator licensed by the Federal Communications Commission, or any antenna designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution services, or direct broadcast satellite service;
- b) Antennas or towers located on property owned, leased, or otherwise controlled by Oglethorpe County and used for governmental purposes, unless otherwise directed by the Board of Commissioners, and further provided that a license or lease authorizing such antenna or tower has been approved by the Board of Commissioners of Oglethorpe County, Georgia.

Section 704. Automobile Service Stations

Within the districts permitting automobile service stations, the following requirements shall apply:

- a) Safety Standards – All petroleum derivatives must be stored in accordance with the safety requirements of all pertinent federal, state, and local laws.
- b) Setback Requirements - All structures, including canopies, pumps, and underground storage tanks, shall be setback thirty (30') feet from any property line or street right-of-way line, excluding any required buffer/screening.
- c) Paving and Curbing - All parking, storage, and service areas shall be paved and finished with a raised curb, at least six (6") inches in height. The remainder of the lot shall be landscaped and maintained.
- d) Off-Street Parking - Off-street parking shall be provided as specified in the Off-Street Parking and Loading Section of this Development Ordinance.
- e) Exterior Lighting - Exterior lighting shall be of such type or installation or shall be directed so as to reflect away from or prevent direct view of the light source from all residential dwellings on adjacent property, and shall be so situated as not to glare or reflect directly into any adjacent properties, public right-of-way, or street.
- f) Signs - All signage must comply with the sign regulations as specified in the Sign Regulations Section of this Development Ordinance.
- g) Buffer/Screening - A dense landscape buffer/screen or solid landscaped fence/wall at least eight (8') feet in height shall be erected along all side or rear property lines, which abut an existing residential district or use. A front yard buffer shall be required where an automobile service station is directly across an adjacent street from an existing residential district or use. Required buffer/screening shall be installed and maintained as specified in the Specific Provisions Section Ordinance.
- h) Storage of Inoperable/Junked Vehicles - No vehicle parts and no inoperative/junked automobile, vehicle, or trailer of any kind or type, without a valid current license plate attached thereto, shall be parked or stored on the property except within a completely enclosed building.
- i) Motor Vehicle Sales Prohibited - The display or offering of motor vehicles or trailers for sale or lease shall be prohibited.

Section 705. Junk and Salvage Yards

Junk or salvage yard operations and other commercial and industrial operations requiring the storage and/or stacking of inoperative or obsolete equipment or vehicles, or any other type of salvage materials, for prolonged periods of time could pose a direct health hazard to the public. Therefore, all such operations shall be considered a conditional use subject to the requirements of the Amendments Section of this Development Ordinance.

Section 705.01 General Requirements

All uses listed herein shall be operated in strict conformance with the following regulations:

- a) **Minimum Land Area** - The minimum land area for a junk salvage yard shall be five (5) acres; provided, however, that the Board of Commissioners may authorize a licensed automobile salvage yard to maintain less area if all other provisions of this Ordinance are observed and a smaller area would best serve the public interest; but in no case shall an automobile salvage yard contain less than one (1) acre.
- b) **Maximum Storage Density** - No automobile salvage yard, or used parts dealer, shall store more than fifty (50) automobile bodies per "net storage acre." For the purpose of enforcing this Ordinance, a "net storage acre" is seventy-five (75%) percent of an acre; provided that the formula for determining maximum storage density to individual automobile salvage yards is: $A \times 0.75 \times 50$ (automobile bodies) Where "A" = Total Contiguous Acreage
- c) **Site Restrictions** - All junk yards, salvage yards, and related uses shall be located on well drained areas with a grade of not more than five (5%) percent; provided that no drainage channel or watercourse shall traverse storage and dismantling operations areas; provided further that any manmade drainage channels shall be constructed in accordance to specifications provided by the Natural Resource Conservation Service and shall be approved by the Board of Commissioners. A Conservation Plan, approved by the Natural Resource Conservation Service, shall be required.
- d) **Setback Requirements** - All junk yards, salvage yards, and related uses shall be located no closer than five hundred (500') feet from a residential district or use, other than that of the owner of the facility. All outdoor storage areas shall be located no closer than one hundred (100') feet from the front property line or an adjacent street right-of-way line.
- e) **Environmental Protection** – Adequate measures shall be provided to prevent contamination of ground water, surface water and soil from gas, oil, battery acid, hydraulic fluid, and other potentially harmful substances. All such operations shall be subject to inspection by the Zoning Official(s) or their designee on an annual basis, or as called for by the Board of Commissioners. The results of any such inspections shall be delivered to the Board of Commissioners for review. If a business fails to pass such inspection, it shall have thirty (30) days to comply or it shall cease operations until such time that compliance is affected.

Section 705.02 Screening/Buffering Requirements for Junk/Salvage Yards

Properties containing such operations shall be completely enclosed and properly screened from adjacent properties and streets by a landscaped wall/fence, installed and maintained as specified in Article IX, Section 911, Buffering and Screening Requirements, in this Ordinance, and which shall be:

- a) Built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property, so as to completely obscure views of the property from adjacent properties and streets, provided that no fence shall be less than ten (10') feet, nor more than twenty (20') feet in height when measured from the crown of the adjacent street(s).
- b) Constructed of solid or opaque materials.
- c) Located not closer than one hundred (100') feet from the street right-of-way line.

Section 706. Junked Vehicles

Section 706.01 Definition of Inoperative/Junked Condition

An inoperative/junked condition shall include any motor vehicle, trailer, automobile, contrivance, or part thereof (except farm equipment) which is either dismantled/partially dismantled and inoperative; or wrecked and inoperative; or abandoned/discarded; and which does not have a current Georgia State Motor Vehicle Tag, if required, attached there- to.

For the purposes of this section, abandoned/discarded shall mean any automobile, motor vehicle, trailer (except farm equipment) of any kind or type, or contrivance or part thereof, which does not have a valid current Georgia State Motor Vehicle Tag attached thereto and has not moved or been attended to for a period of six (6) months commencing from the date the tag expires.

Section 706.02 Inoperative/Junked Vehicle Parking and Storage Restrictions

No motor vehicle, trailer, automobile, contrivance, or part thereof which is in an inoperative/junked condition as defined in Subsection 706.01, herein, shall be stored on property within any district except:

- a) It shall be in an enclosed building; or
- b) The vehicle is being repaired, refurbished, or restored for the personal use of the owner or his/her immediate family, and provided that there shall be no accumulation of inoperative/junked vehicles used as a source for parts, or
- c) It shall be farm equipment or farm related vehicles, including trucks, as part of a permitted use located within any A-1, A-2 or AR district, or
- d) It shall be on the premises of a business or industrial enterprise where a valid permit has been issued for the operation of an automobile repair garage, an automobile towing business, or auto crushing operation, junk/salvage yard as specified in Section 705, Junk and Salvage Yards, herein.

Section 706.03 Public/Private Nuisance Prohibited

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under the provisions of law.

Section 707. Solid Waste Handling Facilities

Section 707.01 Intent

Because solid waste handling facilities have the potential to produce odor, noise, hazardous air emissions, storm water runoff, groundwater contamination, heavy traffic, and significant impact on present and future economic and property values, as well as on natural, scenic, and historic resources; and

Because Oglethorpe County does not yet provide a county-wide public water supply and treatment system, and, because the public water systems of the cities of Arnoldsville, Crawford, Lexington, and Maxeys rely totally or partially on wells, and, therefore, most citizens of Oglethorpe County, are wholly dependent on ground water to supply their needs, the maintenance of a safe and sanitary ground water supply is an imperative of the governing body of Oglethorpe County; and

Because large areas of Oglethorpe County are served by roads and bridges with limited capacity to accommodate heavy traffic; and

Because, pursuant to the laws of the State of Georgia, Oglethorpe County has adopted a Comprehensive Solid Waste Plan that includes limitations on the siting of solid waste facilities based on environmental and land use factors, and a strategy for reducing the amount of waste disposed of by 25% per capita, and, through the contractual agreement between Athens-Clarke County and Oglethorpe County to operate a joint public municipal solid waste disposal facility, shall provide Oglethorpe County with adequate and sufficient disposal facilities to handle household and residential solid waste for a projected minimum ten (10) year period; and

Because Oglethorpe County already operates a construction/demolition waste handling facility capable of meeting the needs of Oglethorpe County citizens;

Therefore, the Oglethorpe County Board of Commissioners shall take reasonable, lawful, and appropriate measures to insure that the location, operation, and closure of any solid waste handling facility in Oglethorpe County shall satisfy a demonstrated need for such facility to serve the county and shall not adversely affect the health or well-being of the people of Oglethorpe County; shall not diminish or degrade the quality of the air, soil, water, and other environmental, natural, scenic, and historic resources of Oglethorpe County; shall not unreasonably adversely affect the economic viability of any particular geographic area or region of Oglethorpe County; shall not conflict with any short term or long term land use plans of Oglethorpe County; and shall not place an unreasonable or disproportionate burden on the road maintenance and other public services of Oglethorpe County.

Section 707.02 Solid Waste Handling Facility as a Conditional Use in the Heavy Industrial (HI) District

A solid waste disposal facility may be permitted as a conditional use in the Heavy Industrial (HI) District of Oglethorpe County provided the following requirements are met:

- a) Such use must be approved by the Oglethorpe County Board of Commissioners as specified in the Amendments Section of this Development Ordinance.
- b) There must be a demonstrated need for such a facility to serve Oglethorpe County, as determined by the Oglethorpe County Board of Commissioners.
- c) The establishment, location, and operation of the facility must comply with all applicable local, state, and federal regulations and requirements and with the current Oglethorpe County Solid Waste Management Plan, and any other current solid waste ordinances duly enacted by Oglethorpe County; and must be in conformity with the Oglethorpe County Comprehensive Plan; and shall be subject to all applicable provisions of this Ordinance along with any additional conditions as the Board of Commissioners may require to enforce the intent of this section.
- d) The proposed method and hours of operation must be approved by the Oglethorpe County Board of Commissioners.
- e) The location the and boundaries shall meet the following minimum requirements:
 - 1) The proposed boundaries of such facility shall be located no closer than one mile from any major fault zone
 - 2) The proposed boundaries of such facility shall not be located in any areas with slopes greater than 25% and elevation greater than 200 feet
 - 3) The proposed boundaries of such facility shall not be located in any hydrologically sensitive areas (defined as Units A, B, C, D, E, G, H, I, K, as specified in the USGS/US Army Corps of Engineers publication, Occurrence and Availability of Groundwater in the Athens Region, Northeastern Georgia (Radtke, 1986)
 - 4) The proposed boundaries of such facility shall be located no closer than one mile from any perennial rivers, creeks, or streams of 3rd Stream Order, or greater; and no closer than one thousand (1000') feet from any Perennial Streams or streams of 1st or 2nd Stream Order; and no closer than one-quarter (.25) mile from any lakes larger than 50 acres.
 - 5) The proposed boundaries of such facility shall not be located within any 100-year floodplain.
 - 6) The proposed boundaries of such facility shall be located no closer than one mile from any significant groundwater recharge areas.
 - 7) The proposed boundaries of such facility shall be located no closer than one-quarter (0.25) mile from any wetlands three (3) acres or larger in size and no closer than five hundred (500') feet from any wetlands less than three (3) acres in size.
 - 8) The proposed boundaries of such facility shall be located no closer than one mile from any public water supply well or any public water supply reservoir, measured at normal pool level.
 - 9) The proposed boundaries of such facility shall be located no closer than one-quarter (0.25) mile from any private drinking water wells.
 - 10) The proposed boundaries of such facility shall be located no closer than one mile from any R-1, R-2, R-3, or AR District/Use.
 - 11) The proposed boundaries of such facility shall be located no closer than one mile from any school.
 - 12) The proposed boundaries of such facility shall be located no closer than one mile from any public parks or lands, or public recreation sites, or private commercial recreation sites, historic districts or landmarks, key archaeological sites, or any Scenic Preservation District (SP).
 - 13) The proposed boundaries of such facility shall be located no closer than one-half (0.5) mile from any county boundaries.

- 14) The proposed boundaries of such facility shall be located no closer than one mile from any rare species breeding site or habitat.
 - 15) The proposed boundaries of such facility shall not be located in designated growth areas of the county as specified in the current Oglethorpe County Comprehensive Plan.
 - 16) The proposed boundaries of such facility shall abut and have access from an arterial or major collector road capable of safely and adequately handling both the volume and weight of anticipated traffic.
- g) A minimum two hundred (200') foot buffer shall be provided/maintained between the waste disposal boundary and the property line. No land disturbing activities shall take place within this buffer, except for construction of groundwater monitoring wells and access roads for direct ingress or egress, unless otherwise specifically approved by the Board of Commissioners.
 - h) The facility shall not constitute an environmental or health hazard or nuisance in any form, including noise, odors, smoke, contaminants, blowing papers, stagnant water, or the breeding and spreading of vermin.
 - i) Open burning of solid waste, except for the infrequent burning of agricultural wastes, silvicultural wastes, land clearing debris, diseased trees, or debris from emergency cleanup operations, shall be prohibited.
 - j) Closure and post-closure plans meeting all requirements of the EPD and any other applicable federal, state, or local agencies and regulations, shall be approved by the Board of Commissioners. At closure or completion, all ground operations of such a facility shall be adequately stabilized with a suitable vegetative cover resulting in the improvement of the property on which it is located.
 - k) The applicant must demonstrate the necessary competency, knowledge, resources and experience to operate the proposed facility in accordance with all laws, regulations and the Solid Waste Management Plan.
 - l) The applicant must demonstrate financial responsibility for the costs of closure, post-closure care, and corrective action for known releases. This requirement may be satisfied by the following mechanisms, as required by the Board of Commissioners:
 - Trust fund with a pay-in period
 - Surety bond
 - Letter of credit
 - Insurance
 - Guarantee
 - Multiple mechanisms (a combination of those listed above).
 - m) Any bond filed shall be written by a surety authorized to do business in Georgia. If a letter of credit is filed and accepted in lieu of a surety bond, said letter of credit shall be maintain in force and effect at all times until closure and post- closure requirements have been completed, or the full amount of such letter of credit shall be subject to forfeiture. But if the issuer of such letter of credit shall, by certified mail, serve notice of its intent to terminate or not to extend such letter of credit, an acceptable bond or another acceptable letter of credit as a substitute for the expiring letter of credit shall be filed within sixty (60) days after receipt of such notice. Failure to do so, shall constitute default of this Plan and such default shall constitute authority for the appropriate state and/or local authorities to draw upon such letter of credit.

Section 707.03 Exceptions to Solid Waste Handling Facility Requirements

- a) Individual Disposing of Household Waste (not including sewage) Onto His/Her Own Land - The provisions of this Section shall not apply to any individual disposing of household waste (not including sewage) originating from his/her own residence onto land or facilities owned by him when disposal of such waste is not prohibited under local, state, or federal laws and does not thereby create a public nuisance or adversely affect the public health or environment.
- b) Disposal of Poultry/Livestock Feeding Facility or Dairy Farm Wastes - The provisions of this Section shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock-feeding facility or dairy farm waste from legally permitted facilities, provided that

disposal of such waste is in conformity with all applicable local, state, and federal regulations and does not thereby create a public nuisance or adversely affect the public health or environment.

- c) "Yard trimmings composting operations" are excluded from regulation as solid wastes handling facilities. To be considered exempt from regulation, yard trimmings must be kept separate from solid waste and must be converted to a useable compost or mulch product.
- d) For the purposes of this Ordinance, the handling, treatment, storage, or land application of septage or bulk sewage sludge shall not be permitted as part of a solid waste handling facility. Septage and Bulk Sewage Sludge Facilities including handling, transfer, treatment, storage or land application of septage and/or bulk sewage sludge shall be considered as a separate Conditional Use in the HI Heavy Industrial District and which must comply with the requirements of the Oglethorpe County Septage and Bulk Sewage Sludge Safety Ordinance.

Section 708. Mineral-Material Extraction / Surface Mining / Mining / Quarries/ Dimension Stone Quarries / Stone Crushing Operations

Section 708.01 Intent

The intent of this section is to facilitate a healthy and vibrant minerals industry while minimizing the impact of mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations, (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth), and their accessory uses on the community and the environment, protecting the health and safety of the citizens of Oglethorpe County, minimizing adverse effects on surrounding properties, county facilities/infrastructure, and natural resources; protecting surface and groundwater resources; protecting sensitive ecological, geological, historic and archaeological sites or areas; protecting significant wildlife habitat, maintaining prime agricultural lands; and preserving the natural and cultural landscapes as much as possible during extraction and after rehabilitation.

Section 708.02 Performance Criteria for Operation

Any operation involving Mineral/Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, or Stone Crushing, (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth), together with necessary buildings, machinery and appurtenances related thereto, shall comply with the following requirements:

- a) Compliance with Local, State, and Federal Regulations – All mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth) shall comply with all applicable local, state, and federal regulations, including, but not limited to, those related to water quality, air quality, and noise. For the purposes of this Ordinance, the requirements specified in this section shall constitute the minimum requirements for all mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth). Certain of these operations may be subject to additional state or federal regulations that apply specifically to that particular industry or type of operation. For the purposes of this Ordinance, such applicable industry or operation specific state or federal regulations shall apply. Where the requirements specified herein are at variance with any applicable state or federal regulations, then the more restrictive or that imposing the higher standards shall apply. Nothing in this section shall relieve owners or operators of any mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth) from complying with all applicable local, state, and federal regulations and requirements.
- b) Environmental Protection Ordinance of Oglethorpe County, Georgia – All such operations shall comply with the Environmental Protection Ordinance, of Oglethorpe County, Georgia.
- c) Storm Water Permits - The Operator shall obtain all required state storm water permits and maintain compliance with the applicable provisions of the Water Quality Control Rules, Chapter 391-3-6-.16 (Storm Water Permit Requirements).
- d) Best Management Practices – The use of established industry Best Management Practices shall be required.
- e) Sign - The Operator shall post an identification sign which shall display the Operator's Name, Mine Name, Mine Safety and Health Federal Identification Number, and EPD Permit Number, if applicable, at the entrance of the property.

- f) Minimum Frontage - The property shall have a minimum of fifty (50') feet of frontage on a public road or a recorded easement at least fifty (50') in width, which provides ingress or egress onto a public road.
- g) Setbacks - Such extraction shall not encroach any closer than three hundred (300') feet from any residence existing prior to the initiation of mining/quarry operations at the site or one hundred (100') feet from any property line or public road right-of-way. In the event of excavation below the seasonal high water table, a three hundred (300') foot separation must be maintained between the limit of excavation and any private drinking water supply in existence prior to the excavation and a one thousand (1000') foot separation must be maintained between the limit of excavation and any public drinking water source in existence prior to the excavation.
- h) Buffers - A Natural Buffer Strip, as specified in the Specific Provisions Section of this Development Ordinance, at least one hundred (100') feet wide must be maintained between any excavation and any property boundary. No grading, removal, or disturbance of native plant material shall be permitted within this buffer, except as required for establishing and maintaining fencing or landscaping/berming, as provided for herein, or for purposes of ingress and egress. If the natural buffer is not sufficient to provide sight-obscuring screening of the excavation site for residences on adjacent properties existing prior to initiation of the excavation, where such prior existing residences can be seen from the mine/quarry owner's property line, additional plantings or berms may be required. Any such berms shall be contoured and blended into the existing landscape and stabilized with a permanent vegetative cover and any additional plantings as needed to provide the required sight-obscuring screening. The operator shall have the option of substituting a sight-obscuring fence or wall no less than ten (10') feet nor more than twenty (20') feet in height, instead of additional berms and planting, provided that said fence or wall shall meet the sight-obscuring screening for prior existing residences on adjacent properties as required in this paragraph. The required natural buffer strip between abutting mining/quarry operations may be eliminated with the abutter's written permission if the elimination of this natural buffer strip does not increase the runoff from either operation across the property boundary and does not remove necessary sight-obscuring screening of the excavation site(s) for prior existing residences on adjacent property as specified in this paragraph.
- i) Site Survey Control - The Operator shall implement site control to ensure that all acres affected by the mining operation shall be locally permitted lands. Survey control will be accomplished through the use of property boundary markers.
- j) Grout, Rubble, Waste Rock, Waste Quarry Block, Overburden – Piles or other accumulations of grout, rubble, waste rock, waste quarry block, overburden, mine production material, or other similar materials shall not be created to a height of more than thirty-five (35') feet above the original contour. Grout, rubble, waste rock, waste quarry block, overburden, mine production material, or other similar materials shall not be placed, deposited, discarded or dumped in required buffer areas, except that overburden may be used in the construction of berms as specified in Subsection 708.02(h), Buffers, herein.
- k) Mechanical Equipment – Mechanical equipment including but not limited to, bulldozers, tractors, trailers, mobile cranes, derrick booms and towers, tanks, automobiles, cable, wire, self-propelled machinery, container boxes, or any other metal, wooden, or plastic contrivances shall not be dumped, abandoned, or discarded within the setback or buffer zone areas of the property.
- l) Erosion and Sedimentation Control - The Operator shall provide adequate measures for control of erosion and sedimentation during site preparation, operation, and reclamation/land stabilization activities, including adequate measures to control erosion on the periphery of affected land when the operation ceases or becomes inactive.
- m) Landform Changes – All permanent landform changes including, but not limited to, berms, drainage structures, surface water channel modifications, etc. shall be constructed in a manner to protect against failure, subsidence and/or erosion and will be permanently stabilized upon completion of construction as required by applicable local, state and federal regulations.

- n) Grading or other construction activity on the site may not alter existing natural drainage ways in such a way as to adversely affect an adjacent parcel of land either by increasing or redirecting the drainage flow over that parcel, or by impeding the drainage ways flowing from that parcel.
- o) Alteration/Relocation of Water Bodies - Natural creeks, streams, rivers, lakes, or other bodies of water shall not be altered in course or relocated by the Operator, unless such alteration or relocation has been specifically approved by the Board of Commissioners as part of a Comprehensive Site Development Plan or Surface Mining Land Use Plan, as appropriate, as required in Subsection 708.05 herein, or such Plans as officially amended.
- p) Contamination/Interruption/Diminution of Public/Private Drinking Water Supply - In the event of excavation below the seasonal high water table, the operator of a mining/quarrying activity that affects by excavation activities public drinking water source or private drinking water supply by contamination, interruption or diminution must restore or replace the affected water supply with an alternate source of water, adequate in quantity and quality for the purpose served by the supply. This provision is not intended to replace any independent action that a person may have whose water supply is affected by excavation activity.
- q) Blasting - The operation shall be in compliance with the Georgia Blasting Standards Act (State of Georgia House Bill 824). Blasting shall not exceed atmospheric overpressure limits set out in said Act, as governed by the Department of the Fire Marshal for the State of Georgia. Flyrock traveling in the air or along the ground shall not be cast from the blasting site beyond the property lines of the area under ownership or control of the operator. Excavation shall not take place by blasting or use of explosives on any day between the period between sundown and sunrise the following day or during the period between 7:00 p.m. to 7:00 a.m., whichever is greater. In addition, routine production blasting shall be prohibited at any time on Sunday.
- r) Noise – The operation shall comply with the Oglethorpe County Noise Ordinance.
- s) Air Quality - The operation shall be in conformance with the Georgia Air Quality Act.
- t) Road Surfaces – Permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with gravel or an equivalent material. Roads other than permanent roads shall be treated with dust inhibitors that will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- u) Historic Properties – The owner/operator shall implement measures necessary to protect properties listed on the National Register of Historic Places, or that have been specifically identified in the Oglethorpe County Comprehensive Plan as significant and recommended for listing on the National Register of Historic Places, from adverse effects resulting from the operation. Such protective measures shall be required where any property line of such historic property is located within one mile of the closest property line of the proposed mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation. For the purposes of this ordinance, adverse effects on historic properties shall include, but are not limited to: physical destruction, damage, or alteration of all or part of the property; isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register; introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.
- v) Freight Containers Used as Accessory Structures – Closed freight containers or van type trailers that can be secured shall be permitted as temporary field offices or for storage purposes, provided that no plumbing shall be installed except in compliance with Oglethorpe County Health Department requirements for safe water supply and sewage disposal, and there shall be no leakage of contents from said freight container or truck trailer. Closed freight containers or van type truck trailers shall not be used as temporary or permanent dwelling units.
- w) Derrick Masts – For the purposes of this Ordinance, the mast of a stationary derrick or the boom of a mobile crane shall not be considered a tower. Nothing in this section shall relieve the operator of any lighting requirements stipulated by the FAA for derricks, masts, or mobile cranes.
- x) Change of Ownership – Should a change in legal ownership of the mining/quarrying operation occur, the new owner(s) shall have sixty (60) days from the date of consummation of the

ownership change to submit to the Board of Commissioners or their designated official(s) written proof of the assumption of responsibility by the new owner, and shall submit the appropriate information and details necessary to update the existing Comprehensive Site Development Plan for the operation as specified in Subsection 708.05 herein, or a copy of the updated Surface Mining Land Use Plan filed with the Georgia Environmental Protection Division, or appropriate information and details necessary to update the registration information for pre-existing operations as specified in Subsection 708.08, Registration Required, herein, as appropriate. The operation may continue under the new owner during the sixty (60) day grace period. Failure of the new owner(s) to place on file with the County the necessary information and documents within said sixty (60) day period shall constitute a violation of this Ordinance.

- y) Updating the information in the existing Comprehensive Site Development Plan for the operation to reflect a change of legal ownership of the mining/quarrying operation shall not constitute an amendment to the plan, as specified in Subsection 708.06, Amendments to Plans, herein, unless significant changes are proposed to the nature or intensity of the operation itself or to plans, proposals, objectives, or time-frame for land stabilization or reclamation.
- z) Cessation of Operation – Upon cessation of operation, defined as no physical operations on-site within a consecutive period of one (1) year, the operator shall proceed with reclamation or land stabilization, as specified in Subsection 708.03, Performance Criteria for Reclamation/Land Stabilization, herein, unless an application for inactive status has been submitted.
- aa) The operator shall have up to twenty-four (24) months after the date of cessation of operations to submit a written application to the Board of Commissioners or their designated official(s), requesting that the mining/quarry site be placed on inactive status. Said inactive status shall be granted for up to three (3) years with no affect on its zoning status. If, at the end of three years, active mining/quarrying has not been resumed, it shall be presumed that mining/quarry operations have permanently ceased. At such time, the operator shall complete reclamation or land stabilization, as specified in Subsection 908.03, Performance Criteria for Reclamation/Land Stabilization, herein. When a mining/quarry site is placed on inactive status, all exposed critical disturbed areas shall be stabilized and all measures employed for erosion and sedimentation control shall be maintained by the operator until such time as active mining/quarrying is resumed or said reclamation/land stabilization has been completed.

Section 708.03 Performance Criteria for Reclamation/Land Stabilization

All land involved in the operation shall be put back in a useable and safe fashion after the extraction operations are terminated. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. At minimum, reclamation or land stabilization shall include the following.

- a) Reclamation/Land Stabilization Plan and Objectives Time Frame - Reclamation or land stabilization objectives as specified in the approved Surface Mining Land Use Plan or Comprehensive Site Development Plan, as specified in Subsection 708.05 herein, as appropriate, or such Plans as officially amended, shall be achieved within the specified time period, but not to exceed twenty-four (24) months from date of cessation, except as otherwise specified herein. All exposed critical disturbed areas shall be stabilized and all measures employed for erosion and sedimentation control shall be maintained by the operator until reclamation or land stabilization can be completed. There shall be no amendment to the Plan unless such amendments are first approved by the Board of Commissioners or their designated official(s).
- b) Removal of Equipment/Structures and Restoration of Topography - All accessory structures, mechanical equipment, and stockpiled materials associated with the operation shall be removed. This does not include grout stacked in a designated area as shown on an approved comprehensive site development plan. Unless otherwise specified in the approved Surface Mining Land Use Plan or Comprehensive Site Development Plan, as specified in Subsection 708.05 herein, as appropriate, or such Plans as officially amended, all affected land (excluding dimension stone quarry excavation pits) shall be graded into a rolling topography and blended in with the existing landscape. Boulders, and overburden may be incorporated into protective barriers or berms, as necessary, provided such materials shall not be deposited in the required buffer areas except as specifically provided in Subsection 708.02(h), Buffers, herein. All lands

except those specifically exempted in said approved Surface Mining Land Use Plan or Comprehensive Site Development Plan, shall have a neat, clean appearance and shall be free of debris and refuse.

- c) Vegetative Stabilization - The Operator shall provide a high quality, enduring vegetative ground cover of properly planted and nurtured perennial vegetative species suited for the specific planting zone involved. The perennial vegetative species shall provide a complete, thorough stabilization by providing root mass and cover for the total disturbed area. If forest land is the reclamation objective, a vegetative ground cover will also be provided prior to or concurrent with tree seeding or the planting of tree seedlings.
- d) Structural Stabilization - Permanent structural control measures, i.e. stone riprap, ditches, berms, paved chutes, or piped down drains, etc, shall be utilized to convey concentrated storm flows down slopes to stable outlets. These measures shall be necessary in areas where concentrated storm flow velocities may cause erosion.
- e) Lakes or Ponds – All proposed lakes or ponds shall comply with all applicable local, state and federal regulations and requirements.
- f) Sound Engineering Principles - Sound engineering and conservation principles shall be applied to ensure that affected lands, as reclaimed, meet the intended use.
- g) Securing the Property - A gate shall be installed at each entrance to the mining property. The gate shall be so constructed that a pedestrian cannot casually pass under or over the gate. Gates constructed with a single pipe or tube running the length of the entrance, or gates made of a single strand of wire, chain, rope or other like material crossing the entrance shall not be permitted. “No Trespassing” signs shall be installed on the gate and along the perimeter of the property every fifty (50’) feet and between four (4’) to seven (7’) feet above the ground. The “No Trespassing” signs shall be maintained in a legible condition and at the proper height.

Section 708.04 Mineral-Material Extraction/Surface

Mining/Mining/Quarries/Dimension Stone Quarries/Stone Crushing Operations as a Specific Conditional Use HI(me) in the HI Heavy Industrial District

Mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth) and their accessory uses may be permitted as a specific conditional use, designated as HI(me), in the HI Heavy Industrial District, as specified in the HI Heavy Industrial District Section of this Development Ordinance, provided such use shall be approved by the Oglethorpe County Board of Commissioners, and provided the requirements in this section, along with any additional conditions as the Board of Commissioners may require to enforce the intent of this section, shall be met. The HI(me) designation shall permit mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operations (whether strip, surface, or subsurface, and including the removal of stone, rock, gravel, sand, clay, phosphate, metallic ore, minerals, and other such solid materials or substances of commercial value found in natural deposits on or in the earth) and their accessory uses ONLY. No other Heavy Industrial uses of any type shall be permitted unless a general HI Heavy Industrial District rezoning or conditional use permit shall have first been approved by the Board of Commissioners, as specified in this Ordinance.

Asphalt and Cement Plants shall not be considered accessory uses of any mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation, but instead shall be considered as separate and distinct uses within the HI Heavy Industrial District.

Section 708.05 Comprehensive Site Development Plan Requirements for Rezoning or Conditional Use

In addition to the requirements specified in the Comprehensive Site Development Plan Required for Rezoning or Conditional Use in the Heavy Industrial (HI) District, in this Development Ordinance, petitions for Rezoning/Conditional Use permits involving mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation shall also include the following information:

- a) For Surface Mining or other Mineral/Material Extraction Operations subject to the Georgia Surface Mining Act, as amended, and the Rules and Regulations for Surface Mining, as amended, or other industry/operation specific regulations and permitting by the Georgia Environmental

Protection Division, the operator shall provide a copy of a current Surface Mining Land Use Plan, along with supporting documentation and attachments, for the operation, and a copy of all applicable State and Federal permits or applications for such permits.

- b) For all other such Mining or Quarry Operations, including Dimension Stone Quarries, which are not subject to the Georgia Surface Mining Act, as amended, and the Rules and Regulations for Surface Mining, as amended, or other industry/operation specific regulations and permitting by the Georgia Environmental Protection Division, the operator shall provide a Comprehensive Site Development Plan, as specified, along with the following additional details to be included on required maps/plats/drawings and supporting documentation:
- 1) The name of the owner(s), name of the company, address, telephone number, and type of business, as listed with the Secretary of State;
 - 2) The name, title, and telephone number of the on-site manager and environmental controls officer;
 - 3) Specify total acreage of owned and leased lands and the name and address of the owner and/or lessee. In addition, provide figures on the percentage of owned or leased lands to be affected by the mining/quarry operation. The applicant shall certify that the Operator is the rightful owner and/or holds a valid lease on or option to purchase or lease said lands;
 - 4) Provide the existing zoning classification and a brief description of the characteristics of the land proposed to be affected by mining and the zoning classification and a brief description of the characteristics of the surrounding lands and community in the vicinity of the proposed operation;
 - 5) Specify the mineral or material which will be extracted by the operation and describe the general method and machinery to be used for extraction;
 - 6) Estimate (projected range) anticipated average volume of mineral/material to be extracted annually and anticipated truck trips per day;
 - 7) Provide anticipated date for beginning of mining/quarry operations;
 - 8) Provide plans, proposals, objectives, and time-frame for land stabilization or reclamation, and re-use of the property at the cessation of the operation;
 - 9) Provide a copy of all applicable State and Federal permits, as required, or applications for such permits;
 - 10) Where applicable, provide an assessment of potential adverse effects from the proposed operation on existing historic properties as specified in Subsection 708.02(u), Historic Properties, and detailed description of proposed measures to be implemented that will avoid or significantly reduce such adverse effects;
- c) Additional details to be shown on the required site plan:
- 1) Initial areas to be mined/quarried or prospected and direction of the mining/quarry operation;
 - 2) Areas designated for grout, rubble, waste rock, and overburden disposal;
 - 3) Location of all active, inactive, and abandoned mining/quarry areas;
 - 4) Location of any public or private drinking water sources (wells, reservoirs, stream/river intakes) for which setbacks as specified in 708.02(g), Setbacks, herein, shall be required;
 - 5) Proposed permanent landform changes;
 - 6) Proposed alteration or relocation of natural creeks, streams, rivers, lakes, or other bodies of water;
 - 7) Location and dimension of proposed buildings and other structures;
 - 8) Location and details for all entrances and exits and all internal roads;
 - 9) Location of required buffers and details of any proposed additional sight-obscuring screening that may be necessary, as specified in Subsection 708.02(h), Buffers, herein.

Section 708.06 Amendments to Plan

Unless otherwise specified herein, once approved, there shall be no significant changes or variation involving the nature or intensity of the operation itself or to the plans, proposals, objectives or time-frame for land reclamation/land stabilization in the Comprehensive Site Development Plan, unless approved, after a public hearing as set out in Article XIV, Amendments, of this ordinance, by the Board of Commissioners and all applicable state regulating authorities. The Operator shall submit any proposed changes in the approved Plan to the Board of Commissioners or their designated official(s) and to the appropriate state agencies for approval as an amendment to this Plan prior to changing or varying from this Plan. Request for amendment shall be complete in all details necessary to show the new plan of action and all lands to be affected. This requirement shall not apply to existing operations for which no Comprehensive Site Development Plan or Surface Mining Land Use Plan exists, provided that such existing operations shall comply with Subsection 708.07, Existing Surface Mining, Mineral-Material Extraction, Quarrying, or Stone Crushing Operations, and Subsection 708.08, Registration Required, herein.

Section 708.07 Existing Mineral-Material Extraction, Surface Mining, Mining, Quarrying, Dimension Stone Quarrying, or Stone Crushing Operations

For the purposes of this section, an existing mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, or stone crushing operation shall be defined as one with a valid business license and on which active physical operations on site exist at the time this Ordinance is adopted; or any such proposed operation for which a valid Surface Mining Permit has been issued by the Georgia Environmental Protection Division and for which a reclamation bond has been funded, prior to the adoption of this Ordinance.

- a) In order to provide the local governing authority with accurate and current information concerning existing surface mining, mineral/material extraction, quarrying, or stone crushing operations and in order to enforce the provisions that will apply to such existing operations upon adoption of this Ordinance, the owners of said existing operations shall be required to register with the County as specified in Subsection 708.08, Registration Required, herein.
- b) Any existing surface mining, mineral/material extraction, quarrying, or stone crushing operation, which does not meet all of the requirements for a new operation as specified herein, shall be considered non-conforming for the purposes of this Ordinance. Such operation is deemed "grandfathered" as to this ordinance and may continue operation and excavation expansion in compliance only with all existing local, state, federal regulations, and permits to which it was subject prior to the adoption of this ordinance, provided that:
 - 1) Any expansion of the existing excavations or areas of operation shall be permitted only within the property lines of the existing tract on which the operation is located; except that adjacent tracts(s) under the same ownership or lease prior to the adoption of this ordinance and with existing physical operations on site shall be included as part of the existing operation. For operations subject to EPD permitting, any expansion of existing excavations or areas of operation shall be permitted only within the established boundaries of the EPD permitted and bonded area(s).
 - 2) Unless part of an approved Comprehensive Site Development Plan or EPD permitted Surface Mining Land Use Plan, the initiation of any new excavation or area of operation, which is not part of the incremental expansion of the existing excavation/operation, but which has a separate and distinct location, shall be permitted only in conformance with the Subsection 708.02, Performance Criteria for Operation, and subsection 708.03, Performance Criteria for Reclamation/Land Stabilization requirements, herein.
 - 3) For those operations requiring EPD permits and bonds, there shall be no expansion of an existing operation beyond the established boundaries of the EPD permitted and bonded area(s) for the operation, or onto any property that is not zoned HI(me) unless application for rezoning and conditional use permits first shall have been approved as specified in Subsection 708.05, Comprehensive Site Plan Requirements for Rezoning or Conditional Use, herein.
 - 4) Should a change in ownership of an existing operation occur, the new owner(s) shall comply with the requirements specified in Subsection 708.02(x), herein.

Section 708.08 Registration Required

In order to provide the governing authority with accurate and current information for all mineral/material extraction, surface mining, mining, quarrying, dimension stone quarrying, and stone crushing operations within Oglethorpe County, all owners of such operations located within Oglethorpe County shall be required to register with the County and provide information about the operation, as specified herein. Any new operation approved and permitted by the Board of Commissioners pursuant to this Ordinance shall be automatically registered with the County. Any operation already in existence prior to the adoption of this Ordinance must register with the County and provide the required information within one (1) year of the adoption of this Ordinance. Failure to register or to truthfully report all information required shall constitute a violation of this Ordinance.

- a) The required registration shall include the following information for each operation:
 - 1) The name of the local operation, name of parent company (if different from local operation name), name of owner(s), business address and telephone number
 - 2) Provide the name and address of the land owner(s) and, if appropriate, the name and address of the lessee (if different from the owner of the operation). The registrant shall certify that the owner/operator is the rightful owner and/or holds a valid current lease on said lands;
 - 3) The name, title, mailing address and telephone number of the on-site manager;
 - 4) Specify the mineral or material which is being extracted and the type of operation and general method used for extraction.
 - 5) Provide an average range of the volume of mineral/material extracted annually and truck trips per day
 - 6) Specify the tax parcel number(s) and total acreage of land owned and/or leased by the owner/operator for the operation. For each tax parcel, specify the total current acreage of each extraction area and the total acreage of land on which actual active physical operations are occurring at the time of registration.
 - 7) If applicable, provide a copy of the current Surface Mining Land Use Plan and permit as approved by the Georgia Environmental Protection Division for the operation;
- b) The information requested by this subsection shall be updated at any time that the information provided is no longer current.

Section 709. Cemeteries

Within the districts permitting cemeteries as a permitted or conditional use, the following requirements shall apply to all new cemeteries:

- a) All cemeteries except governmental-owned cemeteries, fraternal cemeteries, church and synagogue cemeteries or family burial plots, shall be constructed and operated in accordance with the Georgia Cemetery and Funeral Services Act of 2000.
- b) Family burial plots may be located in A-1 and A-2 districts and AR district with lots of more than five acres.
- c) A plat of family burial plots, fraternal cemeteries, and church and synagogue cemeteries shall be recorded with the Oglethorpe County Clerk of Superior Court.
- d) All structures, graves, and burial lots shall meet the minimum setback requirements for the district in which it is located. Buffers and screening may be located within the setback area.
- e) The entire cemetery property shall be landscaped and maintained. Buffers shall be installed and maintained as specified in the Specific Provisions Section of this Development Ordinance.

Section 710. Swimming Pools/Hot Tubs/Spas

No new public pool or private residential pool shall be constructed or installed except in compliance with this section.

Section 710.01 Building Permits Required

The construction or installation of any public pool or private residential pool shall require a building permit. The application for a building permit shall be accompanied by plans drawn to scale and specifications for the pool, decking, and required barriers.

Section 710.02 Setback Requirements

Any public pool or private residential pool, including the decking and equipment associated with the pool, shall comply with all setback requirements for the district in which it is located.

Section 710.03 Plumbing Requirements for All Pools

- a) No single drain, single-suction outlet public pool or private residential pool shall be permitted without a properly installed protective cover for the drain or outlet.
- b) If the water for any public pool or private residential pool is supplied from a private well, there shall be no cross-connection with a public water supply system.
- c) If the water for any public pool or private residential pool is supplied from a public water supply system, the inlet shall be above the overflow level of the pool.
- d) No building permit shall be issued for the installation of any public pool or private residential pool, unless the drainage of such pool is adequate and will not interfere with any public water supply system, with any existing sanitary facilities, or with a public road.

Section 710.04 Public Pool Requirements

Any new construction or installation of a public pool shall comply with the state regulations and requirements for public swimming pools, unless otherwise provided, herein.

Section 710.05 Private Residential Pool Requirements

All newly constructed or installed private residential pools, hot tubs, or spas shall be completely surrounded with a barrier meeting the following requirements, unless otherwise provided, herein:

- a. The exterior wall(s) of a dwelling house or accessory building may be incorporated as a part of the barrier.
- b. The top of the barrier shall be at least forty-eight inches (48") above grade measured on the side of the barrier which faces away from the pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches (4") measured on the side of the barrier which faces away from the pool.
- c. Openings in the barrier shall not allow passage of a four-inch (4") diameter sphere.
- d. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- e. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the pool side of the fence. Spacing between vertical members shall not exceed one and one-fourth inches (1 1/4") in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and one-fourth inches (1 1/4") in width.
- f. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and one-fourth inches (1 1/4") in width.
- g. Maximum mesh size for chain link fences shall be one and one-fourth inches (1 1/4") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and one-fourth inches (1 1/4").
- h. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and one-fourth inches (1 1/4").
- i. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4"). Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by a barrier which meets the

requirements of this section. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch (4") diameter sphere.

- j. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, then the release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate and the gate and barrier shall have no opening greater than one-half inch (1/2") within eighteen inches (18") of the release mechanism.
- k. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

Section 710.06 Modifications and Exemptions

- a) The chief building official may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity there for; provided, however, that the protection as sought under this section is not reduced thereby. The chief building official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described in this section.
- b) A spa with a safety cover that complies with ASTM F1346, "Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs" shall be exempt from the barrier requirements, herein.

Section 711. Buffer and Screening Requirements

Buffers of natural or landscaped plant material, or man-made construction in conjunction with plant material, shall be required as specified in this Ordinance in the following instances:

- a) Where any Non-Residential District or Use, other than Agricultural, is located adjacent to an existing Residential District or Use or Scenic Preservation District.
- b) Where a Multi-Family Residential District or Use is located adjacent to an existing Single-Family or Two-Family Residential District or Use or a Scenic Preservation District.
- c) Any Mobile/Manufactured Home Park
- d) Any Junk or Salvage Yard.
- e) Any Solid Waste Disposal Facility.
- f) Any Commercial or Industrial Use involving outdoor storage of materials, outdoor servicing activities, or any such operation not conducted within a building.
- g) Where any off-street parking/loading for a Multi-Family Use or Non-Residential Use (excluding Agricultural Uses) is located adjacent to or visible from an existing Single-Family or Two-Family Residential District or Use, or Scenic District, or where such parking/loading areas will be visible from the public right-of-way.

Section 711.01 Landscape Plan Required

Where buffer/screening or other such landscaping is required by this Ordinance, a Landscape Planting and Maintenance Plan, including details of proposed plant materials and/or walls, fencing or berms, and provisions for watering, maintenance and replacement, shall be submitted as part of any Rezoning, Conditional Use, or Building Permit application for the subject property and use, and must be approved prior to the issuance of said permit.

Section 711.02 Installation and Maintenance Requirements

- a) Installation - Installation of plant materials shall have been completed or bonded prior to the issuance of a certificate of occupancy. If bonded, such plant materials shall be installed within 30 days of the bond date. Upon written request submitted by the owner/developer, a reasonable extension may be granted by the Zoning Official(s) due to weather conditions or other such unfavorable planting conditions outside the control of the owner/developer.
- b) Maintenance - All required plantings shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be permanently

maintained in good condition, and whenever necessary, repaired or replaced. Replacement of plant material shall be completed within the next spring or fall planting season, but no later than six (6) months from notification by the Board of Commissioners or their designated official(s). Upon written request submitted by the owner/developer, a reasonable extension may be granted by the Zoning Official(s) due to weather conditions or other such unfavorable planting conditions outside the control of the owner/developer.

- 1) All landscaped areas shall be watered with underground sprinkler systems or be provided with a readily available water supply with at least one (1) outlet located within one hundred fifty (150') of all plant material to be maintained.
 - 2) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, interfere with vision clearance at street intersections or access drives, or otherwise constitute a traffic hazard.
 - 3) All plant growth shall be maintained in a relatively weed-free condition and clear of undergrowth.
 - 4) All plant growth shall be kept free from refuse and debris.
 - 5) All plantings shall be fertilized and irrigated at such intervals as are necessary to promote optimum growth.
 - 6) All trees, shrubs, groundcovers, and other plant materials must be replaced during the next suitable planting period, as specified herein, should they die or become unhealthy because of accidents, drainage problems, disease, weather, or other causes. Replacement plants must conform to all standards that govern the original installation of plantings.
- c) Responsibility - The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all required landscaping and buffers in good condition so as to present a healthy, neat, and orderly appearance. In the event that said owner, tenant, or agent fails to maintain said landscaping and buffers as required, the County may, if it deems necessary and after written notice to the owner, perform the necessary maintenance on the landscaping and buffers at the owner's expense, and assess the property owner in the same manner as for taxes.

Section 711.03 Side and Rear Yard Buffers

Where buffering/screening is required as specified herein, one of the following shall be installed on the lot with the more intensive and least restrictive use, along the common lot lines, around the perimeter of off-street parking/loading areas, or as otherwise specified in this Ordinance. The width of the required buffer shall be in addition to the yard requirements for the district in which the use is located.

This Ordinance shall allow the requirement of any of these three buffers or a combination thereof to provide flexibility in design:

- a) Natural Buffer Strip - A strip at least fifty (50') feet wide (unless otherwise specified herein), having an existing natural growth equivalent to a densely planted evergreen screen. Existing trees of six inch diameter or greater shall be retained within the fifty (50') foot natural buffer strip. A plan identifying the location of all existing trees to be retained and proposed plants to be incorporated in the buffer strip must be approved by the Board of Commissioners or their designated Zoning Official(s) prior to any site construction. The Board of Commissioners or their designated Zoning Official(s) may require additional planting of trees and shrubs to acquire a uniform buffer strip sufficient to mitigate the impact of sound, light transmission, and/or visual impact on adjacent properties.
- b) Landscaped Buffer Strip - A uniform strip at least ten (10') feet wide (unless otherwise specified herein), densely planted with shrubs and/or trees at least three (3') feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six (6') feet within five years. Spacing shall be the minimum required for mature plants, and two staggered rows shall be used if necessary to attain the required initial screening. The vegetation shall be

planted far enough from the property lines to prevent encroachment over the property lines. Such landscaped buffer shall be xeriscape tolerant, or irrigated. Growth during the five-year period shall be adequate to ensure compliance by the end of five years. Where the required interim growth has not been attained, the property owner is responsible for replacing the vegetation with new vegetation that will meet the buffer requirement within the remaining portion of the original five-year period. A plan identifying the location of all plants to be incorporated in the buffer strip must be approved by the Board of Commissioners or their designated Zoning Official(s) prior to any site construction. The Board of Commissioners or their designated Zoning Official(s) may require additional planting to acquire a uniform buffer strip sufficient to mitigate the impact of sound, light transmission, and/or visual impact on adjacent properties.

- c) Landscaped Wall/Fence - A buffer strip at least ten (10') feet wide, containing an opaque wall, barrier, or solid fence at least six (6') feet in height. Buffer strips shall have five (5') feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover so as to provide a transition from the wall to both edges of the buffer strip. A plan identifying the location and construction of the wall or barrier, and all plants to be incorporated in the buffer strip must be approved by the Board of Commissioners or their designated Zoning Official(s) prior to any site construction. The Board of Commissioners or their designated Zoning Official(s) may require additional planting to acquire a uniform buffer strip sufficient to mitigate the impact of sound, light transmission, and/or visual impact on adjacent properties.

Section 711.04 Front Yard Buffers

Unless otherwise specified, any B-1, B-2, B-3, OIP, LI, or HI district or use located directly across an abutting street from any R-1 or R-2 district or use, must abide by the following front yard buffer requirements:

- a) A ten (10') foot minimum front yard landscaped buffer, containing trees, shrubs, and groundcover, planted in a uniformly distributed manner, shall be installed parallel to the front property line or the street right-of-way line. Selection of shrubs and groundcover should be such that no shrub or groundcover should grow higher than four (4') feet. [Having a maximum height of four (4') feet is to prevent a "walled effect" along the local street] (See Appendix 1 for suggested plant materials).
- b) The front yard buffer may be part of and located within the required front yard setback for the district in which the use is located.
- c) All front yard buffers shall comply with vision clearance requirements as specified in this Ordinance.
- d) Property or business identification signs may be incorporated into the front yard buffers, provided they comply with signage regulations in this Ordinance.

Section 711.05 Exceptions and Modifications to Buffering Requirements

The landscaping/buffering requirements set forth in this regulation shall be subject to the following exceptions:

- a) Prescribed fences or walls may be waived if a building, fence, or wall of at least equivalent height, opacity, and maintenance, exists immediately abutting and on the opposite side of said lot line.
- b) If approved by the county, an earthen berm may be incorporated in the buffer design and may count towards the prescribed height of any fence, wall, or dense landscaping, provided that the berm will not cause drainage or erosion problems.
- c) Required buffers shall not encroach into designated rights-of-way. At no time shall a required buffer come closer than twenty (20') feet to any street line. No buffer shall obstruct vision clearance at street intersections, as specified in this Ordinance. In some instances, this Ordinance or the Board of Commissioners or their designated official(s) may require buffer/screening requirements other than those specified in this Section, however no such requirement shall have the effect of reducing corner visibility as provided for herein.
- d) Required buffers may be incorporated into and counted toward required open space in Open Space and Planned Development Districts.

Section 712. Solar Farms

Section 712.01 Intent

The purpose of this ordinance is to promote the creation of, and to provide for the regulation of, ground-mounted solar photovoltaic installations (hereinafter referred to as 'Solar Farms') by providing standards for the placement, design, construction, operation, monitoring, and modification of such installations that address public safety and minimize impacts on scenic, natural and historic resources.

As set forth herein, the term 'Large Scale Solar Farms' refers to ground-mounted solar photovoltaic installations with 5 megawatts ('MW') or larger of rated nameplate capacity. The term 'Small Scale Solar Farms' refers to ground-mounted solar photovoltaic installations with less than 5 MW of capacity.

The provisions set forth in this section shall apply to the construction, operation, modification and /or removal of both Large Scale Solar Farms and Small Scale Solar Farms, as indicated.

Section 712.02 Compliance Required

The construction and operation of all solar farms shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar farm shall be constructed in accordance with the mandatory minimum standards for construction in Georgia.

Section 712.03 Building Permit and Building Inspection

No structure shall be constructed, installed, or modified as provided in this section without first obtaining a building permit pursuant to this Ordinance and related regulations. All structures and related systems shall be compliant with the state minimum standard codes listed in O.C.G.A Section 8-2-20(9)(B), to the extent applicable.

Section 712.04 Permitted and Conditional Uses

- a) Large Scale Solar Farms may be authorized as a Conditional Use in the A-1 and A-2 zoning districts, if approved by the Board of Commissioners, as specified in the Amendments Section of this Development Ordinance and subject to the compliance with the applicable requirements set forth in this Section 712.
- b) Small Scale Solar Farms are hereby authorized as permitted uses in the A-1, A-1 and A-R zoning districts, without the necessity of approval by the Board of Commissioners, but subject to compliance with the applicable requirements as set forth in this Section 712.

Section 712.05 Utility Notification

No Large Scale Solar Farm shall be approved as a conditional use, and no building permit shall be issued for a Small Scale Solar Farm, unless written evidence has been submitted to the Planning Department demonstrating that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 712.06 Setbacks

The purpose of setbacks is to mitigate adverse impacts to abutting properties. For all solar farms, front, side and rear setbacks shall be a minimum of 20 feet.

Section 712.07 Required Documents

All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the State of Georgia.

Pursuant to the site plan review process, the proponent of a solar farm project shall submit the following documents to the Planning Department along with application for Conditional Use, in the case of a Large Scale Solar Farm, or with its application for a building permit, in the case of a Small Scale Solar Farm

- a) A Comprehensive Site Development Plan;
- b) Emergency Services Plan;
- c) Operation and maintenance plan;
- d) Landscape plan; and
- e) Proof of liability insurance.

The Zoning Board, in the case of a proposed Large Scale Solar Farm, or the Planning Department, in the case of a Small Scale Solar Farm, may waive documentary requirements as it deems appropriate.

Section 712.08 Comprehensive Site Development Plan Required

- a) Solar farms shall undergo site plan review by the Planning Department prior to construction, installation or modification as provided in this section. All solar farms shall require a comprehensive site development plan.
- b) The comprehensive site development plan shall evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation, and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

Section 712.09 Emergency Services Plan

Prior to the issuance of a building permit, the solar farm's owner or operator shall submit a plan including but not limited to the project summary, electrical schematic, and site plan to the County' local safety officials including the Sheriff, Emergency Management Agency Director, and Building Official, and also to the Planning Department. Upon request, the owner or operator shall cooperate with such local safety officials in developing an emergency response plan. All means of shutting down the solar farm shall be clearly marked. The owner or operator shall identify in the Emergency Service Plan a responsible person for public inquiries, including the person's name, business address, telephone number and electronic mail address and shall keep such information current throughout the life of the installation.

Section 712.10 Operation and Maintenance Plan

The Owner of Operator of the proposed solar farm shall submit to the Planning Department a plan for the operation and maintenance of the solar farm, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the installation.

Section 712.11 Landscape Plan

- a) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar farm and per practices of best management of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations, and ordinances.
- b) The Applicant for conditional use, in the case of Large Scale Solar Farm, or the Applicant for building permit, in the case of a Small Scale Solar Farm, shall submit to the Planning Department, along with such application, a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening and mitigation vegetation or structures.
- c) Lighting at a solar farm shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar farm shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- d) The landscape plan must demonstrate that dwellings will be visually screened from the solar farm project through any one or a combination of the following: location, distance, plantings, existing vegetation and fencing.
- e) Appropriate vegetated buffers and/or plantings may be required to limit the visual impact of the solar farm site and possible glare issues.
- f) Sound mitigation barriers may be required for noise mitigation around all inverter and transformer skid pads. Such barriers shall be approved on an individual basis by the Planning Department.
- g) All solar farms shall comply with the applicable buffer and screening requirements set forth in the Specific Provisions Section of this Development Ordinance. For Small Scale Solar Farms, the side and rear yard buffer requirements set forth in Section 711.03 shall also be applicable to the front yards thereof. In addition, the height of a landscaped buffer strip or a landscaped wall/fence buffer for a Small Scale Solar Farm shall be equal to the height of the highest solar panel on such Small Scale Solar Farm plus 6 inches, except at locations where such height would interfere with applicable visibility requirements set forth in this Ordinance.
- h) The Planning Department shall have the authority to impose any additional buffer requirements for a Small Scale Solar Farm which it deems necessary to protect residential areas in the vicinity of such Small Scale Solar Farm from the effect thereof. The Board of Commissioners shall have

the authority to impose a condition of approval of a conditional use application for a Large Scale Solar Farm any additional buffer requirements for a Large Scale Solar Far which it deems necessary to protect residential areas in the vicinity of such Large Scale Solar Farm from the effects thereof.

Section 712.12 Insurance

- a) The owner/operator shall maintain no less than \$100,000 of liability insurance coverage for any damage or injury caused by the solar farm and the operation and installation thereof.
- b) The applicant shall submit to the Planning Department a certificate of insurance demonstrating the required insurance coverage prior to the issuance of the conditional use permit, for a large scale solar farm, or prior to the issuance of a building permit, for a small scale solar farm.

Article VIII: Off-Street Parking and Loading

Section 800. Off-Street Parking and Loading

It is the intent of this Ordinance that all buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use and that such parking and loading spaces are so designed as to be readily usable for such purpose. Therefore, off-street automobile parking and loading spaces shall be provided, as specified in this Ordinance, for uses and structures hereafter established.

Section 800.01 General Requirements

- a) Provision for Adequate Parking/Loading - At the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, or seating or bed capacity; or when a conversion in use occurs, sufficient off-street parking and loading shall be provided according to the standards set forth herein. When an addition is made to a building containing less than the required parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
- b) Reduction of Parking/Loading - Areas reserved for off-street parking/loading in accordance with the requirements of this Regulation shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking/loading space is provided as specified herein.
- c) Off-site Parking - In those instances where a principal use cannot meet the parking and loading requirements on site, parking spaces on an adjacent parcel, or parcel located within five hundred (500') feet of the main entrance of, and within the same district as, such principal use, may be used to meet minimum requirements, providing that collectively, both locations meet minimum requirements. In this situation, the applicant shall submit with his/her application for a building permit an instrument duly executed and acknowledged which accepts as a condition for the issuance of a building permit the permanent availability of such off-street parking spaces to serve his/her principal use. Such automobile parking spaces shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.
- d) Shared Parking Areas - Two (2) or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for each of the individual uses as separately computed in accordance with the provisions of this Section, and provided that the owner of said lot relinquishes his/her development rights over the property until such time as parking space is provided elsewhere. One half of the off-street parking spaces required by a use, whose peak attendance will be at night or on Sundays, may be shared with a use that will be closed at night or on Sundays.
- e) Landscape Plan Required - Where buffer/screening or other such landscaping is required by this Ordinance, a Landscape Planting and Maintenance Plan, including details of proposed plant materials and/or walls, fencing or berms, and provisions for watering, maintenance and replacement, shall be submitted as part of any Rezoning, Conditional Use, or Building Permit application for the subject property and use, and must be approved prior to the issuance of said permit.

Section 800.02 Design Standards for Off-Street Parking

- a) All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements (excepting those associated with Single-Family Residential [R-1] and Two-Family Residential [R-2] uses).
- b) Location – Off-Street parking/loading areas should be located to the sides or rear of buildings wherever feasible. All required parking areas for multiple-family developments shall be arranged so that direct and convenient access to and from the parking areas is provided. Where dwelling units have direct access to the exterior of the building, and in structures providing a common entrance to multiple units, at least one entrance shall be adjacent to the required on-site parking area.

- c) Access – Off-street parking/loading facilities shall be arranged to provide safe and convenient access for pedestrians and vehicles. Except for single-family and two-family residential units, no off-street parking areas that make it necessary for vehicles to back out directly into a public road or otherwise obstruct the road shall be permitted. Loading spaces shall not hinder movement of pedestrians or vehicles over a street, sidewalk, or alley or to and from an off-street parking area.
- d) Curb Cuts/Driveways – All curb cuts/driveways shall meet the requirements in the Subdivision Section of this Development Ordinance.
- e) Improvements and Surfacing – All off-street parking facilities shall meet the following standards, except for AR, A-1, and A-2 Districts.
- f) At minimum, required parking area and drives shall be properly graded, surfaced and maintained so as to be dust-free, and to prevent erosion, siltation, and movement of mud, soil, or debris and excessive or detrimental stormwater runoff onto public or private lands or waters.
- g) All parking areas in the R-3, B-2, B-3, OIP, LI, and HI Districts, shall be graded to insure proper drainage, surfaced with concrete, asphalt, or approved pervious surface approved by the Board of Commissioners and maintained in good condition free of weeds, dust, trash, and debris. Each hard surface parking space shall be clearly demarcated by a painted stripe no less than three (3”) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.
- h) Size of Off-Street Parking Spaces - Each automobile parking space shall not be less than nine (9’) feet wide and eighteen (18’) feet deep.
 - i) Handicapped Parking – Parallel spaces for the handicapped, adjacent to a walk, shall be a minimum of thirteen (13’) in width by twenty-four (24’) feet in length. If the walk is at an elevation different from the elevation of the parking space, a 1:6 ramp shall be provided up to the walk. For 90-degree or angled spaces the minimum size of a handicapped space shall be thirteen (13’) feet wide and twenty (20’) feet deep. Handicapped spaces shall be marked on the pavement and by appropriate signs. Both markings shall use the universally accepted “Handicapped” symbol. Handicapped spaces shall be located nearest major building entrances. In no case shall handicapped spaces be more than one hundred (100’) feet from an entrance.
 - j) Interior Driveways – Adequate interior driveways shall connect each parking space with a public right-of-way. Interior driveways when used with 90-degree-angle parking shall be not less than twenty-four (24’) feet wide; when used with 60-degree parking, not less than twelve (12’) feet wide with one-way traffic; when used with parallel parking or where no parking exists, not less than ten (10’) feet for one-way traffic and not less than twenty (20’) feet for two-way traffic.
 - k) Interior Interconnecting Access - Interior interconnecting access and/or common access drives shall be provided in a logical and orderly manner between parking areas or interior drives on complimentary adjacent uses in the B-2 Highway Business and B-3 General Business Districts, so as to minimize the need for curb cuts/driveways and for vehicles belonging to the general public to enter and exit the major street or highway in order to patronize more than one use.
 - l) Vision Clearance - Signs, walls, fences, and landscape plantings shall not be placed within the public right-of-way. In all districts no fence, wall, shrubbery, sign, or other obstruction to vision between the heights of three (3’) feet and ten (10’) feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20’) feet of the intersection of the pavement or surface edge of two streets, or the intersection of the pavement or surface edge of a driveway with the pavement or surface edge of a public street.
 - m) Lighting. - If the off-street parking/loading facilities are to be used at night, they shall be adequately illuminated during the hours of operation for the safety of pedestrians and vehicles and for security. Illumination devices shall directed away from adjacent properties and be so placed and so shielded as to prevent direct view of the light source and to prevent the rays or illumination therefrom being cast onto adjacent property, public roadways, or into approaching vehicles.

Section 800.03 Design Standards for Off-Street Loading/Unloading Space

- a) In addition to off-street parking, as required herein, every business, industry, or institution requiring the receipt or distribution of materials or merchandise shall provide space for the

loading and unloading of vehicles off of the street. The off-street loading facilities shall in all cases be provided on the same lot or parcel of land as the structure they are intended to serve, and in no case shall said off-street loading space be part of the area used to satisfy the off-street parking requirements specified herein.

- b) Off-street loading/unloading facilities shall be provided as follows:
 - 1) Retail/Service Business - One off-street loading and unloading space at least ten feet by thirty feet (10' x 30'), with a minimum of fourteen (14') feet overhead clearance, for each five thousand (5,000) square feet of gross floor area or fraction thereof.
 - 2) Wholesale Business and Industry - One off-street loading and unloading space at least ten feet by fifty feet (10' x 50'), with a minimum of fourteen (14') feet overhead clearance, for each ten thousand (10,000) square feet of gross floor area or fraction thereof.
 - 3) Hospitals, Nursing Homes and Similar Institutions - One off-street loading and unloading space at least ten by thirty feet (10' x 30'), with a minimum of fourteen (14') feet overhead clearance, for each five thousand (5,000) square feet of gross floor area or fraction thereof.
 - 4) Bus and Truck Terminals - Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at any one time.
- c) Surfacing - All such loading/unloading areas shall be graded to insure proper drainage, provided with an improved surface and maintained in good condition free of weeds, dust, trash, and debris.

Section 800.04 Landscaping and Buffer/Screening Requirements

Interior Landscaping - With the exception of A-1, A-2, AR, R-1, and R-2 districts and uses, all off-street parking/loading areas, shall provide interior landscaping as follows:

- a) An average of at least one (1) tree occupying a planting island of at least ninety (90) square feet each shall be furnished for each ten (10) parking spaces on the interior and for each five (5) cars on the perimeter of the parking lot. The perimeter of the parking lot includes the outside perimeter and any parking spaces adjacent to a building. Said trees shall be in addition to the perimeter landscape buffer required herein.
- b) The planting island for trees shall be not less than nine (9') feet wide in any dimension. In addition to the required trees, planting islands shall also be planted with a dense evergreen covering of low shrubs or ground cover. Grass, if properly maintained may also be permitted. Trees shall be generally spaced in a uniform pattern throughout the interior of the lot to provide shade, screening and reduced stormwater runoff.
- c) For purposes of this section, a required tree may be any shade tree native to this region that has a single trunk and which will reach at least thirty five (35') feet in height and (35') thirty five feet in spread at maturity and which shall have a minimum height of ten (10') feet, at planting. To allow for vehicular circulation beneath the tree canopy without causing damage and to allow good visibility in the parking lot for security and traffic safety reasons, the trees, at maturity, should have a clear trunk at least seven feet above the finished grade.
- d) For vehicular use areas which do not include designated automobile parking spaces such as mini storage warehouses, truck loading and unloading spaces, impoundment yards, and the driveways and turning areas associated therewith, the required planting shall be one tree, as defined in paragraph "d" below, for each one thousand five hundred (1,500) square feet of such areas.
- e) Land located between parking areas and building lines shall be of sufficient width so as to allow for pedestrian use and appropriate landscaping. No parking or vehicle overhang shall encroach upon these areas
- f) Perimeter Landscape Buffer - Where off-street parking/loading for multi-family and non-residential districts/uses (other than agricultural) are located adjacent to or visible from existing single-family or two-family residential districts/uses, or where such off-street parking/loading areas are located adjacent to or visible from a public street, such off-street parking/loading areas shall be effectively screened with a perimeter landscape buffer as follows:

- 1) A perimeter landscape buffer, a minimum of ten (10') feet in width, shall be required for off-street parking/loading areas accommodating fewer than one hundred (<100) cars.
 - 2) A perimeter landscaped buffer, a minimum of twenty (20') feet in width shall be required for off-street parking/loading areas accommodating one hundred (≥100) or more cars.
 - 3) For perimeter landscape buffers facing a public streets or rights-of-way, plant materials shall consist of at least one tree (as defined in paragraph "1b" above) for each twenty-five (25') linear feet of buffer and a dense evergreen hedge, three (3') feet tall at planting that will reach a maximum height at maturity of no more than four (4') feet.
 - 4) For perimeter landscape buffers facing side or rear property lines abutting single- or two-family residential districts or uses, plant materials shall consist of at least one tree (as defined in paragraph "1b" above) for each twenty- five (25') linear feet of buffer and a dense evergreen hedge, a minimum height of three (3') feet at the time of planting and which will reach a minimum height of eight (8') feet at maturity. A landscaped fence/wall, a minimum of eight (8') feet in height, may be substituted for the dense evergreen hedge.
 - 5) Earthen berms may be incorporated into the buffer design, provided that such berms shall be properly stabilized with enduring vegetation and shall not create drainage or erosion problems on adjacent properties or public rights-of-way.
 - 6) The perimeter landscape buffer shall contain no paved surfaces with the exception of pedestrian walkways or access drives that cross the strip.
- g) Existing Trees - Where healthy trees or other native plant materials exist on a site prior to its development, islands and buffers of such material should be incorporated into the parking lot design with special attention to the saving and preservation of trees with trunk diameters of six (6') inches or more. In lieu of the required perimeter landscape buffer, a twenty-five (25') foot wide natural buffer strip may be substituted, as specified in the Specific Provisions Section of this Development Ordinance.
- h) Installation and Maintenance of Required Landscaping and Buffer/Screening - All required landscaping and buffer/screening shall be installed and maintained as specified in the Specific Provisions Section of this Development Ordinance .
- i) Vehicle Wheelstops or Curbs Required - To prevent damage from cars parking too close to trees or shrubs, a curb or wheelstop must be provided. A substantial bumper rail of wood, metal or concrete shall be installed on the inside of the planting strip. No parking or vehicle overhang shall encroach upon required buffers or required interior landscaping.

Section 800.05 Parking Space Requirements for All Districts

The following table depicts the minimum number of off-street parking spaces required by the type of permitted use. When multiple uses occupy a building, the parking requirements shall be met by determining the percentage of the total building area devoted to each type of use and then applying the appropriate requirements by use. In calculating the required number of parking spaces, a fractional total shall be rounded to the next whole number.

LAND USE	PARKING REQUIREMENTS
RESIDENTIAL:	
Single- and Two-Family Dwellings	Two (2) spaces per dwelling unit.
Multiple Family Dwellings Efficiency Apartments One Bedroom Two Bedroom Three Bedroom	One (1) space per dwelling unit One and one half (1.5) spaces per dwelling unit Two (2) spaces per dwelling unit Two and one half (2.5) spaces per dwelling unit

Bed and Breakfasts, Boarding Houses, Rooming Houses	One (1) space for each guest bedroom, plus two (2) additional spaces for a resident manager or owner
Mobile Home and Recreational Vehicle Parks.	One (1) space for each mobile home or guest trailer space, plus one (1) additional space for a resident manager or owner.
Hotels, Motels	One (1) space for each guest bedroom, plus one (1) additional space for each five (5) employees on the largest work shift, plus one (1) additional space per three (3) persons to the maximum capacity of each public meeting and/or banquet room

PUBLIC ASSEMBLY:	
Places of worship.	One (1) space for each four (4) seats in the main auditorium or sanctuary.
Private clubs, lodges and fraternal buildings not providing overnight accommodations.	One (1) space for each five (5) active members.
Theaters, auditoriums, coliseums, stadiums and similar places of assembly.	One (1) space for each four (4) seats.
Libraries, museums.	One (1) space for each 500 square feet of gross floor area to which the public has access
Schools	One (1) space for each teacher and employee, plus one (1) space for each two (2) volunteers, plus one space for each one hundred (100) square feet of seating space in auditoriums or cafeterias. Where spectator events are held (stadiums or gymnasiums) parking requirements include one (1) space for each four (4) seats. For high schools and colleges there shall be an additional one (1) space for every ten (10) students for which the school was designed.
Playschools and day care centers.	One (1) space for each employee plus five (5) visitor spaces
Places of public assembly or amusement without fixed seating arrangements.	One (1) space for each 200 square feet of floor area or ground area devoted to public use.
Places of public assembly or amusement with fixed seating arrangements.	One (1) space per each four (4) seats
HEALTH FACILITIES:	
Hospitals, sanitariums, nursing homes, and similar institutional uses.	One (1) space for each four (4) beds (not including bassinets), plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses, plus one (1) space for each facility vehicle operating from the premises.
Kennels and animal hospitals	One and one-half (1.5) spaces for every one hundred (100) sq. ft. of waiting room area, plus one (1) space for each two (2) employees.
Medical, dental and health offices and clinics.	One (1) space for each 200 square feet of floor area used for offices and similar purposes.
Funeral Homes and Mortuaries	One (1) space per four (4) seats in chapel or one (1) space per fifty (50) square feet of public area whichever is greater.

BUSINESSES:	
Automobile Service Station and repair establishments	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area.
Food Stores	One (1) space for each 100 square feet of floor area designated for retail sales only.
Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments.	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each seventy-five (75) square feet of floor area provided for patron use but not containing seats, plus one (1) space per each employee
Office buildings, including banks, business, and professional offices, but excluding medical, dental and health offices and clinics.	One (1) space for each 300 square feet of gross floor area, plus one (1) space for each company or fleet vehicle operating from the premises
General retail/service establishments, excluding food stores and restaurants.	One (1) space for each 200 square feet of gross floor area
Governmental offices.	One (1) space for each 300 square feet of gross floor area plus one (1) space for each governmental vehicle operating from the premises.
Shopping Centers.	Five (5) spaces for each one thousand (1,000) square feet of gross floor area up to 800,000 square feet, plus four and one-half (4.5) spaces per one thousand (1,000) square feet of gross floor area over 800,000 square feet.
Furniture Stores	One (1) space for every five hundred (500) square feet of gross floor area.
Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas sub-stations.	A parking area equal to twenty-five (25%) percent of the gross floor area.
INDUSTRIES:	
Commercial, manufacturing and industrial establishments, not catering to the retail trade.	One (1) space for each two (2) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
Wholesale establishments.	One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

Section 800.06 Parking of Commercial Vehicles Restricted in Residential Districts

In any R-1, R-2, R-3, or AR district containing less than five (5) acres, no more than one (1) commercial vehicle, including, but not limited to, van, panel truck, or pick-up truck, per family residing on the premises, shall be allowed in any open storage space or parking area, provided that it meets all setbacks and other requirements for the district in which it is located. On-street parking of business-related vehicles shall not be permitted at any time, and no parking problem or traffic hazard shall be created. In no case shall a commercial vehicle used for hauling explosives, gasoline, liquefied petroleum products, or other hazardous materials be permitted.

Section 800.07 Parking/Storage of Boats, Recreational Vehicles, or Trailers of Any Type in Residential Districts

Except for temporary purposes such as loading and unloading, no major recreational or hauling equipment such as a boat, recreational vehicle, travel/camping trailer, boat trailer, or hauling trailer of any type shall be parked or stored on any lot in R-1, R-2, R-3, or AR district containing less than five (5) acres, except in a carport or enclosed building, or behind the front line of the principal building, provided, that such equipment shall observe all setbacks and other requirements for the district in which it is located. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

Section 800.08 Parking and Storage of Inoperative/Junked Vehicles

No motor vehicle, trailer, automobile, contrivance, or part thereof which is in an inoperative/junked condition shall be stored on property within any district except as specified in Specific Provisions Section of this Development Ordinance.

Article IX : Sign Regulations

Section 900. Sign Regulations

Section 900.01 Intent

- a) Signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, and orienting and directing people. It is further recognized that because of potential detrimental impacts, signs must be regulated to:
- b) Protect the general public from damage and injury caused by the distractions, hazards, and obstructions caused by signs
- c) Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets;
- d) Facilitate efficient communication by implementing design criteria that produces signs which can be easily read, recognized, and without distracting elements;
- e) Complement the rural character of Oglethorpe County and avoid the visual clutter that is potentially harmful to community appearance;
- f) Support business and community vitality through informing the public of available goods, services, and activities; and
- g) Preserve the value of property by assuring that signs are appropriate and compatible with the use they represent and their surroundings and the community in general.

Section 900.02 Required Permits

No person, corporation, or other entity shall erect, construct, reconstruct, renovate, enlarge or substantially alter any sign, except as provided herein, without first obtaining a permit from the Planning and Zoning Official(s) and paying an application fee in accordance with the fee schedule prescribed by the Board of Commissioners. The permit application shall be accompanied by site plans, sign plans and any such other information as the Planning and Zoning Official(s) may require to determine the location of a sign and to otherwise determine compliance with this Ordinance.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.

Section 900.03 General Provisions

Signs shall be permitted as designated below or in other portions of this ordinance, but all signs shall be subject to the following regulations:

- a) Freestanding signs
 - 1) Freestanding signs over six square feet shall require a permit.
 - 2) Freestanding signs shall be securely affixed to a substantial support structure that is permanently attached to the ground, and wholly independent of building support.
 - 3) More than one freestanding sign may be permitted per parcel, provided however that the cumulative area of the signs do not exceed limitations in item 4 below.
 - 4) Freestanding signs shall not exceed the height and area as indicated in the following chart.

	Area Sq ft	Height feet
R1, AR	20	6'
All others	48	20'

- b) All Illuminated signs
 - 1) No lighted sign shall be constructed or maintained within two hundred (200') feet of any residential district or use.
 - 2) Illuminated signs shall be a conditional use, pursuant to the Amendments Section of this Development Ordinance.
 - 3) Illuminated signs shall be turned off when business or facility is closed or not later than 10 p.m., whichever is the earlier.
- c) Specific Requirements for Externally Illuminated Signs

- 1) Externally illuminated signs shall be lit by steady, white light through the use of sharp cutoff fixtures.
 - 2) The light from externally lighted signs shall be established in such a way that no direct view of the light source, glare, or direct light is cast upon adjacent properties and roadways and that adjacent properties and roadways are not adversely affected.
- d) Specific Requirements for Internally Illuminated Signs
- 1) Internally illuminated signs, except for digital displays as described below, must be static in illumination and color.
 - 2) Digital Displays
 - i. Digital displays containing animation, streaming video, or text or images which flash, pulsate, move, or scroll are prohibited.
 - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - iii. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).

Section 900.04 Prohibited Signs

The following signs shall be prohibited in all zoning districts of the county:

- a) Signs which endanger traffic by obscuring the view, by confusion with official signs, by glare or by flashing light, or by any other means.
- b) Signs placed on the public right-of-way.
- c) Signs which simulate or contain a simulation of an official traffic control or warning signal, sign, light, or device, or emergency vehicle device, or public service sign.
- d) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress and egress of any door, emergency exit, fire escape, driveway, street or roadway.
- e) Signs attached to, drawn, or painted upon utility poles, street markers, trees, rocks, natural features, stand pipes, or public utilities.
- f) Animated signs which use movement or changing lighting to depict action or to create special effects or scenes, whether electrical or wind-actuated devices, including but not limited to flags, spinners, aerial devices, fluttering banners, pennants, streamers, and twirlers, flashing electric lights, and other attention-getting devices. Such signs may be used on a temporary basis, no more than 90 days.
- g) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highways or on any residential, recreational or institutional lands by a person with normal hearing.
- h) Signs that omit visible smoke, vapor, particles or odors.
- i) Inflatable signs.
- j) Roof signs which extend higher than the highest peak of the roof.

Article X: Subdivisions

Section 1001. Intent

This Article presents the different ways that land can be subdivided in Oglethorpe County.

Section 1002. Minor and major subdivisions; defined.

Section 1002.01 Minor subdivision.

A “minor subdivision” is one in which no public improvements, such as new streets, stormwater drainage facilities or public utilities, are to be made. Minor subdivisions are defined as any one of the following:

- a) **Recombination.** The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with this Development Code and with all ordinances and resolutions of Oglethorpe County.
- b) **Lot splits.**
 - 1) **Two-lot split.**

The division of land into two lots, tracts or parcels with each resultant lot, tract or parcel:

 - i. Containing at least 1.5 acres, or more as may be required by this Development Code; where the remaining parent parcel contains at least the minimum acreage required by its zoning designation.
 - ii. Fronting on a public street improved to County standards, or on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 30 feet on a public street; and
 - iii. Conforming to this Development Code.
 - 2) **Three-lot split.**

The division of land into three or fewer lots, tracts or parcels with each resultant lot, tract or parcel:

 - i. Containing at least 5 acres;
 - ii. Fronting on a public street improved to County standards, provided however that one lot may be accessed by a private access drive as set forth in Section 1202.07; and
 - iii. Conforming to this Development Code.
 - 3) **Large lot split.**

The division of land into lots, tracts or parcels with each resultant lot, tract or parcel:

 - i. Containing 20 or more acres;
 - ii. Fronting on a public street improved to County standards, provided however that up to three lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 30 feet on a public street; and
 - iii. Conforming to this Development Code.
- c) **Restriction on resubdividing.** Land subdivided under the provisions of this Section may not be resubdivided under the provisions of this Section within 1 year of the recording of any minor subdivision final plat. Any further subdivision of a lot or tract created by approval of a minor subdivision plat under this Section must be accomplished following the procedures for a major subdivision in the Amendments Article of this Development Code.
- d) **Eligibility.** The minor subdivision requirements defined in this section are effective as of May 8, 2018. All minor subdivisions considered for approval after this date must adhere to the restrictions of this section.

Section 1002.02 Major subdivision

A “major subdivision” is any subdivision that does not qualify as a “minor subdivision.” A major subdivision commonly involves the construction of a new street or widening or other improvement of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or building sites or other divisions.

- a) Major subdivisions fall into the following categories for the purpose of development regulation:
 - 1) Traditional subdivisions, in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the

minimum lot size for the zoning district. Open space outside of the lots may be created, but is not required.

- 2) Conservation subdivisions, in which the minimum lot size is reduced to a certain extent in order to create open space and recreational amenities for the residents.
- b) Conservation easement required.
- 1) All primary conservation areas in a traditional subdivision, or conservation subdivision, that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement in a conservation subdivision or master planned development, or a natural resources easement for traditional subdivisions.
 - 2) Land within natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

Section 1003. Traditional subdivisions.

Section 1003.01 Maximum number of lots.

The maximum number of lots (or dwelling units) in a traditional subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

Section 1003.02 Minimum lot size.

In a traditional subdivision, the minimum total lot area required by the zoning district establishes the minimum lot sizes for each lot.

Section 1003.03 Minimum lot width, setbacks.

The lot width and setback requirements of Article VII apply to each lot in a traditional subdivision.

Section 1004. Conservation subdivisions.

Conservation Subdivisions, as defined herein, are permitted within Residential Zoning Districts provided that a concept plan has been approved by the Board of Commissioners at the time of rezoning of the property. In the case of property that was rezoned prior to the date of adoption of this amendment, the preliminary plat for said conservation subdivision shall be forwarded to the Board of Commissioners for review and approval prior to construction plan submittal.

Section 1004.01 Purpose.

The purposes of a Conservation Subdivision include:

- a) To provide residential subdivisions which permit design flexibility in order to preserve environmentally sensitive areas and create efficient uses of the land.
- b) To preserve open space and unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.
- c) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.
- d) To minimize land disturbance and removal of vegetation in residential developments.
- e) To conserve a portion of the otherwise developable property as open space in perpetuity.
- f) To promote interconnected greenways and corridors throughout Oglethorpe County.
- g) To encourage interaction of persons living in the resulting residential community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

Section 1004.02 Design Standards, Conservation Subdivisions.

- a) The following Table 10.1 shows the minimum lot sizes required in the allowed zoning districts for traditional subdivisions, and the minimum lot sizes allowed within a conservation subdivision in the same zoning districts.

Table 10.1: Conservation Subdivisions—Minimum Lot Size*		
	A2	AR
Traditional Subdivision	20 acres	5 acres
Conservation Subdivision	5.0 acres	1.5 acres

- b) The following Table 10.2 shows the minimum landscape buffer area width required in a conservation subdivision between the lots within the subdivision and an adjoining existing public road right-of-way.

Table 10.2: Conservation Subdivisions—Minimum Buffer Width along Public Road		
	A2	AR
Traditional Subdivision	10' planted / 25' natural	10' planted/ 25' natural
Conservation Subdivision	200'	200'

Section 1004.03 Conservation Concept Plan.

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of these requirements), the applicant for a Conservation Subdivision shall submit a concept plan, prepared by a Georgia registered Landscape Architect, Engineer or Land Surveyor for the purpose of determining the maximum allowable net density for the development. Said plan shall contain the following information with respect to the tract:

- a) A topographic map prepared from aerial or field data of a contour interval of two feet or less;
- b) Exact boundary lines of the tract with bearings and distances
- c) The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;
- d) Proposed street rights-of-way and pavement locations and widths;
- e) Proposed lot locations with preliminary lot dimensions noted and designed to the requirements of this Article and the Oglethorpe County Zoning Ordinance;
- f) Proposed location of storm water detention or retention facilities;
- g) Graphic scale and north arrow;
- h) Notation as to the number of lots on the Concept Plan, the total acreage of the property, minimum lot size, average lot size;

Section 1004.04 Open space standards.

- a) **Minimum area.** The minimum area of open space preserved shall be determined abide by the percentages listed in Table 10.3.

Table 10.3: Conservation Subdivisions—Conserved Open Space and Allowed Minimum Lot Size		
	A2	AR
50% Open Space	5.0 acre minimum lot size	2.0 acre minimum lot size
60% Open Space	4.0 acre minimum lot size	1.5 acre minimum lot size

- b) Open Space for Conservation Subdivisions is calculated as follows:
- 1) The percentage of Open Space required shall be based on the gross site acreage, exclusive of any land within an open body of water greater than 5000 square feet.
 - 2) Open Space within a Conservation Subdivision may include all Primary Conservation Areas defined as land consisting of the following site features:
 - ii) Within the River/Stream Corridor Protection District;
 - iii) Within the Water Supply Watershed Protection District;
 - iv) Within the Wetlands Protection District;
 - v) Containing steep slopes, defined as areas greater than 10,000 square feet with slopes greater than 25%, as identified on the Conservation Concept Plan.
 - 3) Open Space within a Conservation Subdivision may include Secondary Conservation Areas defined as land consisting of the following site features:
 - i. Woodlands, including forest land for the production of trees and timber;
 - ii. Farmland, whether actively used or not, consisting of cropland, fields, meadows and pasture but not to include any land used for intensive agricultural purposes;
 - iii. Wildlife corridors and habitats;
 - iv. Public and private recreation facilities.
 - 4) No more than 50% of the required Open Space for a Conservation Subdivision shall be the following:
 - (i) Areas defined as Primary Conservation Areas above; or
 - (ii) Active recreation facilities including, but not limited to, golf courses, playing fields, playgrounds, public parks, swimming pools or courts. Active recreation facilities shall be considered to be development where lands are cleared, graded and managed for intensive uses thereby reducing wildlife habitat or natural resource area.
 - 5) The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than three acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the County.
 - 6) The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.
 - 7) Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50 foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).
 - 8) See also the open space ownership and management requirements of Section 1005.

Section 1004.05 Permitted uses of open space.

- a) Uses of open space may include the following:
- 1) Conservation of natural, archeological or historical resources;
 - 2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - 3) Walking or bicycle trails;
 - 4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the

- subdivision residents and their guests; or dedicated to the Oglethorpe County upon acceptance;
 - 5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
 - 6) Easements for drainage, access, and sewer or water lines, or other public purposes;
 - 7) Underground utility rights-of-way; and
 - 8) Other conservation-oriented uses if approved by the Board of Commissioners.
- b) Non-permitted uses of open space include the following:
- 1) Roads and non-permeable paved surfaces unless approved otherwise by Oglethorpe County;
 - 2) Above-ground utility rights-of-way unless approved otherwise by Oglethorpe County; and
 - 3) Other uses inconsistent with the purposes of these regulations and the Zoning Ordinance.

Section 1005. Open space ownership and management.

The provisions of this Section apply whenever common open space is required or provided in a subdivision or a multi-family or nonresidential development.

Section 1005.01 Owner's association; when required.

- a) Homeowner's association.
- 1) For any residential development consisting of individual lots and containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.
 - 2) Membership in the Homeowner's Association must be mandatory for each property in the development.
 - 3) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
 - 4) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
 - 5) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, ¶ 44-3-220, *et seq.* enacted by Ga. L. 1994, p. 1879, ¶ 1).
 - 6) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development; that no debt shall transfer to the Association; and that any facilities required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, the operation and maintenance of which are the legal responsibility of the Homeowners' Association, shall at the time of transfer meet the standards of and properly function under the requirements of this Development Code. The reserve fund must be equal to no less than one year's expenses reasonably expected for the association's minimum operations and maintenance as required by this Development Code. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all the association's minimum operations and maintenance as required by this Development Code for the one year period following transfer of control.
- b) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
- 1) Equal access and right of use to all shared facilities;
 - 2) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
 - 3) Tax liability in the case of default;
 - 4) The method of assessment for dues and related costs;
 - 5) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
 - 6) Animals, including household pets;

- 7) Signs;
 - 8) Exterior items such as fences, lawn ornaments, and landscape areas and landscape buffers;
 - 9) Building improvements;
 - 10) Outside storage;
 - 11) Overnight parking of vehicles;
 - 12) Decorations and holiday lighting; and
 - 13) Trash collection containers.
- c) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with applications for preliminary and for final subdivision plat approval.
- d) Owners' association.
- 1) For nonresidential development projects, an association of the property owners that is consistent with the requirements for a residential homeowners' association will serve in lieu of the requirements of this Section.
- e) Condominium association.
- 1) For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:
 - 2) Specific maintenance responsibilities for storm water detention facilities are included; and
 - 3) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.
- f) Transfer of responsibility.
- 1) During the period of time that majority control is retained by the developer of a homeowners', owners' or condominium association, the developer shall retain such records as tax forms, bank statements, expense records or other data relevant to establishing the minimum operations costs of the association to support compliance with the reserve fund requirements of Section 1005.01.a(5).
- g) Association contact. Owners associations of developments that contain stormwater management facilities subject to this Development Code, shall appoint a representative as a point of contact to Oglethorpe County. The representative shall provide a report of all maintenance activities, submit copies of any maintenance records, and coordinate inspections to be performed by Oglethorpe County personnel. The contact information and reports shall be provided to Oglethorpe County annually, no later than July 1st.

Section 1005.02 Open space management.

- a) No later than the time of preliminary plat submittal for a conservation or other subdivision, the applicant shall submit a written management plan for the common open space areas shown on the plan, if any. The management plan shall include:
- 1) Identification of the entity proposed as the "holder" of the conservation or natural resources easement, as applicable (see the Environmental Protection Article of this Development Code).
 - 2) A letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Plat.
 - 3) For a multi-family or nonresidential development, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Site Plan.
 - 4) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;
 - 5) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - 6) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

- b) The common open space required in a conservation subdivision shall be permanently protected in perpetuity by a conservation easement conveyed to a nonprofit conservation land trust or other entity approved by Oglethorpe County prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, ¶ 44-10-1, et seq. enacted by Ga. L. 1992, p. 2227, ¶ 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the holder of the easement, the homeowners' association and in Oglethorpe County and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

Section 1006. Approval Process

This Section presents the procedures and requirements to obtain approval of a subdivision or other development project, as a precedent to authorization by the County to begin construction.

Section 1006.01 Minor subdivisions

- a) Minor subdivisions, as defined in this Development Code, are exempt from the requirements of this Section and may be administratively approved for recording under the following provisions:
 - 1) Plats for said subdivisions shall comply with all other requirements of this Code, and with State Law, provided however that such plats may be prepared by a Georgia Registered Land Surveyor.
 - 2) The Planning Director may however, at his or her discretion, forward such plats to the Board of Commissioners for review and action, should such plats, in the opinion of the Planning Director, warrant further consideration due to the nature of the subdivision.
 - 3) Health Department approval of sewage disposal method and water supply shall be required for each individual lot, tract or parcel prior to the issuance of a building permit or mobile home location permit for said lot.
- b) Administratively Approved Minor Subdivisions may be approved for recording without first being approved or signed by the Health Department provided that each lot, tract, or parcel resulting from the recording of said plat is at least 3 acres or larger.

Section 1006.02 Major Subdivisions, Preliminary Plat

- a) The Board of Commissioners must first approve a Preliminary Plat for a major subdivision prior to the issuance of any development permits or initiation of any land disturbing or construction activities.
- b) Preliminary plat; approval procedure.
 - 1) The subdivider/developer shall have a registered Landscape Architect, Engineer, or Surveyor prepare a preliminary plat.
 - 2) Neighborhood Meeting required. Prior to the application for a Major Subdivision, must conduct a Neighborhood Meeting in accordance with the following:
 - i. A notification letter explaining the purpose of the meeting, the location of the proposed development as described by both the address and Tax Parcel number, a description of the development proposal and the time, date and location of the Neighborhood Meeting shall be sent out 14 days prior to the meeting to all adjacent property owners.
 - ii. The meeting shall be conducted in a location that is accessible and convenient to adjacent residents.
 - iii. Planning Staff shall be notified of the meeting date, time and location at least 10 days prior.
 - iv. No application for a Preliminary Plat will be placed on the Zoning Board agenda until the required Neighborhood Meeting has been conducted.
 - v. The applicant shall facilitate the meeting and provide any information appropriate to adequately explain the development proposal, including, but not limited to, maps, plans and building elevations.
 - vi. If County Staff are not present at the Neighborhood Meeting, the applicant shall provide summary notes of the discussion within 3 days after the meeting takes place.

- vii. If the development proposal involves the creation of 5 or fewer lots, the Planning Director may waive the Neighborhood Meeting Requirement with a written request from the applicant stating reasonable justification for an exemption.
- 3) The subdivider/developer shall submit the preliminary plat or preliminary site plan to the Planning Department in accordance with the schedule published by the Planning Department, but in no case less than 15 days prior to the next regular meeting of the Zoning Board.
- 4) The Zoning Board shall review the Preliminary Plat for conformance with this Development Ordinance. Following the meeting, the Zoning Board Chairman shall report the recommendations to the Board of Commissioners for approval or disapproval of the Preliminary Plat.
- 5) Thereafter, the Board of Commissioners shall at their regular meeting approve, approve with conditions, table or disapprove the Preliminary Plat.
- 6) If approval is given subject to conditions, those required conditions shall be provided to the applicant in writing. All modifications shall be made on the Preliminary Plat prior to the final approval of the Preliminary Plat and issuance of any necessary permits.
- 7) The action of the Board of Commissioners shall be noted on copies of the Preliminary Plat, and one copy shall be returned to the subdivider or his/her agent and one copy kept and made part of the records of the Planning Department.
- 8) If action is not taken by the Board of Commissioners within two consecutive meetings, or sixty (60) days, whichever is greater, from the date the plat is submitted to the Board of Commissioners, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant may waive this requirement, and request an extension in writing.
- 9) Approval of the Preliminary Plat does not constitute approval of the Final Plat rather it shall be deemed an expression of approval to the general layout submitted on the preliminary plat as a guide to the preparation of the construction plans and final plat which will be submitted for county approval and recorded upon fulfillment of the requirements of this Development Code.
- 10) Preliminary Plat approval shall expire and be null and void after a period of one (1) year unless prior expiration, a request for an extension of time, giving the reasons for such, is made in writing by the subdivider/developer or his/her representatives and is approved by the Board of Commissioners.
- c) Additional Considerations for subdivisions abutting a State highway:
 - 1) If a proposed subdivision includes or abuts on any part of the State Highway System, two copies of the proposed subdivision plat shall be forwarded by the Planning Department to the appropriate office of the Georgia Department of Transportation for recommendation and approval as provided in O.C.G.A. 32-6-151.
 - 2) In the event the Department of Transportation recommends rejection or it fails to act within 30 days from submission, then the deadline for approval or disapproval of the plat by the Zoning Board shall be no earlier than 5 working days after the next regular meeting of the Zoning Board held more than 5 working days after receipt of the Department's action or the expiration of the 30 days without action, whichever is later.

Section 1006.03 Preliminary plat or site plan; general requirements.

- a) Not less than 5 copies of the preliminary plat or preliminary site shall be submitted to the Planning Department who shall submit copies to the Zoning Board members.
- b) Sheet size shall not exceed 24 x 36 inches nor be less than 8.5 x 11 inches. If the complete plat or site plan cannot be shown on one sheet, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- c) One copy of the approved or modified plat shall be filed in the office of the Planning Department with the date of said approval or disapproval noted thereon.
- d) The preliminary plat or preliminary site plan shall be accompanied by an application fee as set by Resolution of the Board of Commissioners from time to time.

Section 1006.04 Contents of Preliminary Plat

Each preliminary plat or site plan shall show the following:

- a) Proposed subdivision/development name.

- b) Acreage in total tract, area of the site in acres or, of smaller than one acre, in square feet.
- c) Name and street address of the record owner of the land proposed to be subdivided or developed, and the owner or proprietor of the subdivision/development and the Engineer or Landscape Architect.
- d) Date, scale, and north arrow.
- e) A statistical summary of development factors such as density, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the development.
- f) Acreage in park, streets, and other land usage.
- g) All parcels of land and easements to be dedicated for public use and the conditions of such dedication.
- h) Exact boundary lines of the tract with bearings and distances.
- i) Location or vicinity map tying the subdivision into the present road system and relating the subdivision to its surrounding area.
- j) Location and names of adjoining subdivisions or names of owners of adjoining lands.
- k) Conditions of approval, if any, associated with any rezoning, variance or other County approval applicable to the property.
- l) Building setback lines
- m) Lot and block numbers
- n) Natural features and man-made features within the property, including:
 - 1) Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.
 - 2) On all watercourses leaving the tract for which stormwater detention must be considered under this Development Code, the direction of flow shall be indicated, and for all such watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Floodplains shall be outlined.
 - 3) Any wetlands within 50' of a developable area, including any area within a proposed platted lot, must be delineated by a certified wetlands professional, accurately located by GPS or traditional survey equipment and represented on the submitted preliminary plat. The following statement from the design profession shall appear on the plat "Any and all wetlands or water courses as defined by current state and federal regulations that require permitted for encroachment and disturbance have been appropriately defined and defined on this plat by professionals certified to do so."
 - 4) Any landfills or bury pits should be identified on the plat or the design professional shall certify that none are present.
 - 5) Any cemeteries located within the boundary of the property and how access will be maintained to those cemeteries as required by state and federal regulations or a statement from the design professional that none are present.
 - 6) Topographic map on a scale of 1 inch representing 100 feet or less and contour intervals of 2 feet or less at an accuracy meeting National Map Accuracy standards (plus or minus ½ contour interval), showing major water courses, marshes, rock outcrops, wooded areas, and other outstanding features. A contour interval of 5 feet or less may be used on residential developments where the average lot size is greater than 5 acres, provided this data is sufficient to delineate natural drainage corridors, depressions, and other grade variations.
 - 7) The location, width, and names of all existing or platted streets, easements, or other public ways or public use of land for future street widening within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, utilities, and other important features.
- o) Additional information.
 - 1) A statement as to the source of domestic water supply, and a statement as to the provision for sanitary sewage disposal.
 - 2) For those properties that will not be served by a sanitary sewerage collection and treatment system, evidence is required showing that a soil report has been submitted to the Health Department that is to their required standards for the proposed lot sizes.
 - 3) For those properties proposed to be served by a public sanitary sewerage system, approval from the appropriate municipality providing service is to be included.

- 4) For those properties proposed to be served by a private sanitary sewerage system, evidence of approval by the Board of Commissioners must be submitted.
- 5) For those properties served by public water utility a preapproval and capacity letter is to be included.
- 6) For those properties served by community well system a capacity letter and proof of certification and compliance with all state and federal regulation is to be submitted.
- 7) Traffic Impact Study, if required by this Section.
- 8) The approximate location of proposed storm water detention facilities.
- 9) Draft covenants and/or provisions for maintenance of open space amenities, storm water detention areas and street lights, if present (such as draft articles of incorporation of a homeowners' association).
- 10) Such additional information as may be reasonably required by the Planning Director to permit an adequate evaluation of the development activity proposed in the subdivision.

Section 1006.05 Major Subdivisions, Final Plat

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

- a) Additional information be provided on the Final Plat:
 - 1) Bearings and distances to the nearest existing street lines or bench marks or other permanent monument (not less than three) shall be accurately described on the plat
 - 2) Municipal, County and land lot lines accurately tied to the liens of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
 - 3) Exact boundary lines of the tract, determined by a field survey.
 - 4) Name of Subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
 - 5) Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents.
 - 6) Lots numbered in numerical order and lettered alphabetically.
 - 7) Location, dimensions and purposes of any easements and any areas to be dedicated for public use.
 - 8) Accurate location, material and description of monuments and markers
 - 9) A statement, either directly on the Plat or in an identified attached document, of a private deed restrictions which developer intends to apply to the subdivision. All deed restrictions shall meet or exceed requirements contained in these regulations.

Section 1006.06 Certifications.

- a) Each Preliminary Plat is to include a certification by the professional engineer, registered land surveyor or landscape architect responsible for the project design, and by the owner, that read as shown on Figure 10.1 and Figure 10.2 and are signed in ink on the original drawing.
- b) Each Final Plat is to include a certification by the professional engineer, registered land surveyor or landscape architect responsible for the project design, by the owner, by the Health Officer, and by the Chairman of the Oglethorpe County Board of Commissioners that read as shown on Figure 10.3 through Figure 10.08 and are signed in ink on the original drawing.

Figure 10.1 - DESIGNER'S CERTIFICATION; PRELIMINARY PLAT

It is hereby certified that this Preliminary Plat is true and correct was prepared using a survey of the property prepared by _____, RLS, and dated; _____ and further that the proposed development meets all requirements of the Oglethorpe County Unified Development Code, as applicable to the property.

Signed: _____ Date: _____
 Registration No.: _____

Figure 10.2 - OWNER'S CERTIFICATION; PRELIMINARY PLAT

As the owner of this land, as shown on this Preliminary Plat; or his/her agent, I certify that this drawing was made from an actual survey and accurately portrays the existing land and its features and the proposed development and improvements thereto.

Signed: _____ Date: _____

Figure 10.3 - DESIGNER'S CERTIFICATION; FINAL PLAT

It is hereby certified that this Plat is true and correct and was prepared using a survey of the property by _____, RLS and dated: _____; that all monuments shown hereon exist or are marked "future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Oglethorpe County, Georgia have been fully complied with.

Signed: _____ Date: _____

Registration No.: _____

Figure 10.4 - OWNER'S CERTIFICATION; FINAL PLAT

State of Georgia, County of Oglethorpe; The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through duly authorized agent, certifies that this plat was made from an actual survey, that all state, county and city taxes or other assessments now due on this land have been paid.

Owner/Agent Signature: _____ Date: _____

Figure 10.5 - CERTIFICATE OF OWNERSHIP AND DEDICATION; FINAL PLAT

I (we) hereby certify that I (we) adopt this plan of subdivision and dedicated all streets, alleys, walkways, and other open spaces to public use as noted.

Owner: _____ Date: _____

Figure 10.6 - CERTIFICATE OF RECEIPT OF SURETY FOR REQUIRED IMPROVEMENTS

I hereby certify that a security bond or letter of credit in the amount of \$ _____ has been received to assured completion of all required improvements in the subdivision plat attached hereto in the event of default by the Developer.

Signature, Chairman of the Board of Commissioners of Oglethorpe County

Date: _____

Figure 10.7 - CERTIFICATION OF INDIVIDUAL PRIVATE WATER AND/OR SEWER SYSTEM

I hereby certify that the individual private sewerage collection and disposal system and the individual private water supply and distribution systems installed or to be installed, and/or plans for private sewage disposal system in the subdivision plat attached hereto meet the requirements of the Health Department. Lot Number(s) _____ is (are) not approved for private sewage disposal systems.

Health Officer Signature: _____ Date: _____

Figure 10.8 - CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon had been found to comply with the Subdivision Regulations of Oglethorpe County, Georgia, and that it has been approved by the Oglethorpe County Board of Commissioners for recording in the Office of the Clerk of Superior Court of Oglethorpe County. Signature, Chairman of the Board of Commissioners of Oglethorpe County

Article XI: Project Design and Construction Standards

Section 1101. Purpose of Article XI.

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Section 1102. Standards incorporated by reference.

Section 1102.01 Standard design specifications.

The Construction Standards and Details of Oglethorpe County, also referred to in this Code as “Standard Design Specifications” as maintained by the Planning Department and as may be amended from time to time by said department, are incorporated into this Code as though set forth within the body of this Code. In the case of a conflict between the Standard Design Specifications and the text of this Code, the text of this Code shall control.

Section 1102.02 Traffic signs and street striping.

The installation of all traffic control signs and street striping shall be governed by the standards contained in the Manual on Uniform Traffic Control Devices, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation, and the Non-Interstate Signage and Marking Design Guidelines published by the Georgia Department of Transportation.

Section 1102.03 Georgia DOT standards specifications.

Unless otherwise specially set forth in this Code or the Standard Design Specifications, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

Section 1102.04 AASHTO design standards.

Design criteria and standards not specifically set forth herein or in the latest standard specifications of the Georgia Department of Transportation shall conform to the latest edition of the *AASHTO Policy on Geometric Design of Highways and Streets*.

Section 1102.05 Vehicle trip generation.

Calculations regarding the generation of vehicular trips for a particular land use or development project shall use the data contained in the publication Trip Generation published by the Institute of Transportation Engineers, latest edition, unless vehicular trip data more specific to Oglethorpe County or the particular use of interest is available.

Section 1103. General design standards.

Section 1103.01 Established as minimum standards.

- a) Compliance with all applicable design and improvement standards set forth in this Article shall be reflected on all subdivision plats, development site plans and engineered plans required by this Development Code. All such design and improvement standards shall be considered minimum standards.
- b) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in other official regulations or resolution, the most restrictive shall apply.

Section 1103.02 Suitability of the land.

- a) Land with a slope of 35% or more, land within an area of special flood hazard (the 100-year flood plain), and land otherwise determined by the Planning Director to be physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development uses involving dedicated public facilities unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.
- b) Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.
- c) Land that lies within the adopted groundwater recharge area shall be subject to the special design and development requirements of that district

Section 1103.03 Conformance to other regulations.

Approval of proposed subdivisions and development projects shall be considered in the context of conformity with the Comprehensive Plan, this Development Code, and other development policies in effect at the time of submission for review.

- a) All highways, streets, capital improvement projects, infrastructure improvements and other features of the Comprehensive Plan shall be considered and incorporated into the subdivision design.
- b) Where State and/or Federal roads or rights-of-way controlled by State and Federal agencies are affected, the review and approval of the Georgia Department of Transportation may be required by Oglethorpe County.

Section 1103.04 Paved road access.

No major subdivision (as defined by this Development Code), and no nonresidential or multi-family project, shall be approved for construction or development unless the street providing access to the subdivision or development site entrance contains a roadway paved to a width of at least 20 feet with hot mix asphalt paving, such that the subdivision or development site shall have continuous paved road access to the County road system.

Section 1103.05 Name of subdivision or development project.

The name of each subdivision or development project must have the approval of the designated County authority. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Oglethorpe County or any of its municipalities. Evidence of the approval of the name of the subdivision or development project is required at the time of submittal of the preliminary plat or preliminary site plan, respectively.

Section 1103.06 Street names.

- a) The proposed names of streets or ways shown on all preliminary plats and site plans shall be submitted to the designated County authority for approval. Evidence of the approval of the street names is required at the time of submittal of the preliminary plat or preliminary site plan, as applicable.
- b) If such name is not a duplication of or so nearly the same as to cause confusion with the name of an existing street or way located in the county, if such is appropriate for a street name, such name shall be approved.
- c) No existing street names in Oglethorpe County, Georgia shall be duplicated, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives. Names shall be selected so as not to be confused with other streets and shall be subject to prior county approval.
- d) Proposed streets obviously in alignment with existing streets or with proposed streets whose names have been approved by the County shall bear the names of the existing or proposed named streets.

Section 1103.07 Street addresses.

When a building or structure is erected on any land covered by this Development Code, the number assigned shall conform to the existing house numbering system under the Systematic Addressing and Building Numbering Standards adopted by the Board of Commissioners, as most recently amended.

Section 1103.08 Blocks.

- a) **Residential blocks.**
 - 1) Length: Unless otherwise approved by the Planning Director under unusual circumstances, block lengths shall not exceed 1,250 feet nor be less than 400 feet in length.
 - 2) In blocks greater than 1,000 feet in length, the Planning Director may require one or more public easements of not less than 10 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.
 - 3) Width: Residential blocks shall be wide enough to allow two rows of lots, except where reverse frontage lots on major thoroughfares are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, or where abutting upon limited access highways or railroads, or where other situations make this requirement impractical, in which case the Planning Director may approve a single row of lots.
- b) **Nonresidential blocks.** Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

Section 1103.09 Lots.

The size of lots shall conform to the minimum area, width, frontage and other requirements of this Development Code, and the minimum setback or building lines shall conform to the minimum requirements of this Development Code.

- a) Vehicular access to lots.
 - 1) All lots approved under this Development Code shall front on a public or private street or on a private access drive as hereunder controlled and from which vehicular access may be obtained.
 - 2) Each lot shall have usable vehicular access from its own lot frontage onto a public or private street, or a private access drive as provided for in Section 1112.07 of this Development Code.
 - 3) All lots within a major subdivision shall only have direct vehicular access to a street within the development, or from a private access drive located within the development as provided in Section 1112.07 of this development code. Lots within a major subdivision shall have vehicular access by means of streets located within the development to an existing street located outside the development.
- b) Minimum lot dimensions and areas.
 - 1) Every residential lot shall conform to the minimum dimension and area requirements in this Development Code, provided that every lot not served by a public sewer or community sanitary sewage system and public water shall meet the dimension and area requirements of the Health Department and as specified herein.
 - 2) The shape and orientation of every lot shall be subject to approval of the Planning Director for the type of development and use contemplated based on slopes, drainage, soil types, exposure and other such relevant considerations.
- c) Adequate building sites.
 - 1) Building setback lines shall conform to front, rear, and side yard building setback requirements of this Development Code.
 - 2) Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation.
- d) Arrangement. Insofar as practical, side lot lines shall be perpendicular or radial to street lines, including cul-de-sacs.
- e) Through (double frontage) lots.
 - 1) Double frontage lots, unless approved by the Planning Director, shall be prohibited except where essential to provide separation of residential development from traffic arteries (arterial or collector streets) or to overcome specific disadvantage associated with topography, orientation, and property size.
 - 2) A planted buffer of at least 10 feet in width, or a 25 foot natural landscape buffer, shall be required along the property line of lots abutting adjacent public roads.
 - 3) The required buffer shall form and constitute a No Access Easement.
- f) Corner lots.
 - 1) Corner lots shall meet appropriate building setback from and orientation to both streets. In no case shall this be less than the minimum front yard setback for the zoning district on both street fronts.
 - 2) A planted buffer of at least 10 feet in width, or 25 foot natural landscape buffer, shall be required along the property line of lots abutting adjacent public road.
- g) Reserve Strips. Reserve strips, which control access to streets, alleys, and public grounds, shall not be permitted unless their control is placed in the hands of the County. This control shall be clearly noted on the subdivision construction plans, preliminary and final plats.
- h) Lots abutting lakes. The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the Board of Commissioners of an acceptable method for the maintenance of the lake and any recreational operations to be provided thereon. The minimum required area of each lot shall exclude those areas within the high-water level of the lake.

Section 1103.10 Plats straddling political boundaries.

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Planning Director may request assurance from the County Attorney, and the other jurisdiction that access is legally established, and that

the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

Section 1104. Required improvements.

Section 1104.01 Streets.

Except for minor subdivisions otherwise exempt from the construction of streets, the following street improvements shall be installed and provided by the subdivider and shall be indicated and conveyed or transferred and title shall vest in the county upon acceptance unless otherwise indicated on the plat.

- a) Storm sewer piping, drainage structures, curbs and gutter, ditches, related easements and appurtenances, as needed to provide proper drainage and grading of the streets.
- b) Street paving.
- c) Street name signs of the quality and design used and approved by the County.
- d) All traffic control signs, devices, and striping as specified by the County.

Section 1104.02 Improvements in minor subdivisions.

By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or stormwater detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

- a) The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the Public Works Director may require improvement of the roadway ditch and associated drainage structures as appropriate.
- b) Dedication of easements as required by this Development Code.

Section 1104.03 Required improvements in major subdivisions, multi-family, and nonresidential developments.

The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this Article.

- a) Survey monumentation in accordance with Section 1105.
- b) Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with Section 1108.
- c) Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. For existing streets that adjoin such a development, right-of-way shall be dedicated as a project improvement meeting the minimum standards of Section 1108.04 and as further necessary for deceleration and turn lanes required under Section 1112, measured from the centerline of the street along the development's frontage.
- d) Curb and gutter where required along all roadways, or drainage swale where allowed.
- e) Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer in accordance with Section 1109.
- f) Driveway access to each lot, shall be installed by the developer in accordance with Section 1111. for any lot that accesses an existing public road. Driveways that access new road ways will be reviewed at the time of plans review or building permit issuance.
- g) Project access improvements (such as, but not limited to, deceleration lanes and turn lanes) as deemed necessary by the Public Works Director under the provisions of Section 1112.
- h) Sidewalks, if required under Section 1113.
- i) Storm water drainage and detention facilities in accordance with Section 1114.
- j) Public or private water supply as required under Section 1115.
- k) Fire hydrants as required under Section 1115.
- l) Public or private sanitary waste disposal and/or reuse water system as required under Section 1115.
- m) Dedication of easements as required by this Development Code.

Section 1104.04 Continuing maintenance period.

- a) **Continuing maintenance period established.** A subdivider or developer shall maintain and keep in good repair all improvements required under Section 1104 and constructed by him from the date of completion and acceptance of the work by the County for a period of 2 years for streets, drainage water and sewer and all other improvements including required landscaping and buffers.
- b) **Maintenance and performance surety.** Prior to approval of a final subdivision plat or issuance of a

certificate of occupancy, maintenance surety for all public improvements required under Section 1104 shall be provided by the subdivider or developer, and performance surety shall be provided for all required improvements not yet completed. Surety shall be in the form of a letter of credit or bond and shall be in the amount equal to 20% of the value of all improvements as documented by the licensed professional responsible for the plans of the subdivisions.

Section 1105. Survey monuments.

Section 1105.01 Survey monuments required.

Documentation of monuments established by land survey are required for all major subdivisions and developments as described more fully in this Section 1105. Such documentation must be consistent with the requirements of Georgia Law and with the requirements for final subdivision plats under the Administration, Enforcement and Appeals Article of this Development Code.

- a) Monuments shall be indicated on all major subdivision plats intended to be recorded with the Clerk of the Superior Court.
- b) All such monuments shall be properly set in the ground and shall be approved by a Registered Land Surveyor prior to the time of final plat approval.
- c) Removal of monuments and resetting by anyone other than a Registered Land Surveyor is prohibited.
- d) All such plats shall be in the form required by O.C.G.A. § 15-6-67.

Section 1105.02 Exterior development boundaries.

- a) A minimum of 2 GPS/GIS monuments shall be installed for each subdivision with five or more lots.
- b) GPS/GIS monuments shall provide latitude, longitude, and elevation referenced to mean sea level.
- c) GPS/GIS monuments shall be 4" x 4" concrete with brass cap installed one (1) foot above the surrounding ground elevation.

Section 1105.03 Lot and street corners.

- a) Permanent reference monuments shall be placed at property corners and other points such as points of curvature and tangent points.
- b) All monuments shall be marked with a solid iron rod or an iron pipe not less than one-half inch in diameter, at least two 2 feet long, driven flush with the ground.

Section 1105.04 Floodplain elevations.

On developments containing floodplains, flood elevation references shall be set and referenced. Base flood elevations shall be shown on final subdivision plats in accordance with FEMA regulations.

Section 1106. Easements.

Easements shall be required in connection with subdivisions or developments for the following purposes, among others:

Section 1106.01 Utility easements.

- a) Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the County (or other appropriate public entity) for such purpose.
- b) Utility easements for electric and telephone service lines, sewage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot shall be at least 15 feet wide and generally platted 7.5 feet on each lot when sharing a common line.
- c) No structure shall be built on such easement.
- d) Utility easements for private utilities shall be avoided except in cases where no other satisfactory arrangements can be provided for the installation of private utilities.
- e) Transformers, meters and other utility apparatuses shall not be placed directly on property corners.

Section 1106.02 Pedestrian easements.

Pedestrian easements not less than 10 feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 1106.03 Drainage easements.

- a) Drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened, and stabilized with erosion control measures at the time of development to control surface water runoff.
- b) Drainage easements shall be provided where a development is traversed by or contains a natural or manmade water course, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the limits of such natural drainage feature, but shall be not less than 20

feet in width.

- c) Vehicular access to every stormwater detention facility shall be provided directly from an abutting street, or by access easement between the facility and the nearest street. Such access easement shall be cleared of any trees and shrubs, shall be unpaved and no less than 20 feet wide, and shall have a maximum grade of 12%.
- d) Drainage easements outside of the street right-of-way shall be clearly defined on the final subdivision plat. The property owner will be required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.
- e) Drainage easements for storm drain pipes and improved ditches shall adhere to the provisions of the Stormwater Management Article of this Development Code.

Section 1106.04 Overlapping easements.

Easements for water, sanitary sewers and drainage purposes may be combined, with the approval of the Planning Director, but must provide at least 7.5 feet of pipe separation.

Section 1107. Protection of public rights-of-way and easements.

Section 1107.01 Removal and relocation of utility facilities.

This Section relates to the authority of the County to order removal and relocation of utility facilities; giving notice to utility; and procedure by County upon failure of utility to remove facility.

- a) Any utility using or occupying any part of a public road which the County has undertaken to improve or intends to improve shall remove and relocate its facility when, in the reasonable opinion of the County, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the County, the facility will interfere with such contemplated construction or maintenance.
- b) Whenever the County reasonably determines it necessary to have a utility facility removed and relocated, the County shall give the utility at least 60 days written notice directing the removal and relocation of such utility obstruction. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering and other procedures reasonably necessary to the removal and relocation of the utility facility, the County may give the utility a final notice directing that such removal shall commence not later than 10 days from receipt of such final notice. If such utility does not, within 10 days from receipt of such final notice, begin to remove or relocate the facility or, having so begun removal or relocation, thereafter fails to complete the removal or relocation with a reasonable time, the County may remove or relocate the same with its own employees or by employing or contracting for the necessary engineering, labor, tools, equipment, supervision or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation; and the expenses of such removal or relocation may be paid and collected as provided in Section 1107.03.

Section 1107.02 Replacement right-of-way for relocated utility.

This Section relates to the authority of the County to obtain replacement right-of-way for a relocated utility.

- a) Whenever a public road improvement necessitates the acquisition by the County of a utility's privately owned rights-of-way and the relocation of such utility's facilities, the County may, with written consent of the utility, provide a replacement right-of-way.
- b) Whenever a public road improvement requires the relocation of a utility occupying public road rights-of-way, the County may, at the written request of such utility, provide to the utility a right-of-way which is not on public road right-of-way. In this event, the utility shall reimburse the County for the acquisition costs.
- c) Title to property acquired for utility relocations under Section 1107.02.a and Section 1107.02.b, and as authorized by Section 1107.01, may be transferred to such utility as authorized in Section 1107.03. However, the procedures for sale of property as set forth in Section 1107.04 shall not be applicable to the transfer of property acquired for utility relocation. Any such property transfer to the utility shall be conveyed by the execution of a quitclaim deed by the Oglethorpe County Board of Commissioners.

Section 1107.03 Payment of expenses of removal and relocation of utility facilities.

The expenses incurred by the County as a result of utility removal and relocation pursuant to Section 1107.01.b, including the cost of acquiring new land or interest therein pursuant to Section 1107.02.b, shall be paid out of the available appropriations of the County for the construction or maintenance of public roads. A statement of such expenses shall be submitted to the utility, which shall make payment to the County. In the event the utility does not make payment or arrange to make payment to the County within 60 days after the receipt of said statement, the County shall certify the amount for collection to the County Attorney. Nothing in this article shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

Section 1107.04 Promulgation of regulations by County.

- a) The State of Georgia, Department of Transportation—Utility Accommodation Policy and Standard; 1988 Edition, is hereby adopted as the rules and regulations of Oglethorpe County with the following exceptions:
- b) Section 3.2 (b) Authority to Approve is deleted and adopted in lieu thereof is the following “The County Engineer shall have full authority to approve requests for utility encroachment permits.”
- c) Section 3.9 (c) Notice to Other Utilities is deleted and adopted in lieu thereof is the following: Applicants shall comply with “Blasting or Excavations Near Underground Gas Pipe and Utility Facilities” Chapter of Georgia Code Ann. (O.C.G.A. § 25-9-1 *et seq.*).
- d) Appendix A, B, and C are deleted.
- e) The Rules and Regulations adopted hereby are those used by the State of Georgia. Wherever in the

course of using or interpreting such rules and regulations, reference is made to the State of Georgia, the Department of Transportation or other state department, officer or employee, same shall be interpreted to refer to the analogous county department, officer or employee, i.e., a reference to the State of Georgia shall be interpreted to mean Oglethorpe County, a reference to the Department of Transportation shall be read to mean the county engineer or a reference to a state road shall be generally read to mean county road.

Section 1107.05 Compliance with State and Federal Law.

No provision of this Article shall be construed to allow the County to take the property interests of others without complying with applicable requirements of state and federal law including, without limitation, the payment of just and adequate compensation for the acquisition of such interests to the extent, and in the manner, such compensation is required by law.

Section 1108. Streets

This Code requires that all streets, whether public streets or private streets (other than private access drives meeting the requirements of Section 1112.07), be built to minimum standards of material and construction. Several materials and types of construction shall be used, as set forth herein.

Section 1108.01 Access.

- a) A publicly approved paved street meeting the requirements of this Article shall serve every development and every lot within an approved major subdivision. (See also Section 1103.04 regarding paved road access to a subdivision or development project.)
- b) A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved access easement, in accordance with the minimum lot frontage and access easement provisions of this Development Code.
- c) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- d) No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.
- e) Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the County under ownership, dedication, or easement conditions approved by the County Attorney and the Public Works Director.
- f) Subdivision streets that intersect an arterial or major collector road shall do so at intervals of not less than 500 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 250 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

Section 1108.02 Relation to present and future street system.

The design and layout of all streets shall conform to the general highway map of Oglethorpe County or portions or elements thereof for streets, highways, and pedestrian ways. In addition:

- a) The street system in the proposed subdivision shall relate to the existing street system in the area adjoining the subdivision. Horizontal and vertical alignments and other design elements shall substantially conform to these regulations, AASHTO Policy on Geometric Design of Highways and Streets, and Georgia DOT design standards. Where conflict among these standards exists, the County Engineer shall determine which standard shall apply.
- b) Design of streets where railroads, parkways, or grade separations are involved shall be subject to conditions imposed by the County Engineer as may be required by the circumstances in each case.
- c) Whenever a proposed subdivision or development project abuts a road which is included in the state system of primary highways, an access road extending the full length of the subdivision or development project along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road and highway.
- d) Where a subdivision abuts or contains an existing or proposed arterial street, the Public Works Director shall require an access road as provided under Section 1108.02.c, or a single tier of through (double-frontage) lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through

- traffic.
- e) Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. Each street or way which is the continuation of or approximately the continuation of an existing street or way shall be shown on the preliminary plat and final plat and shall be given the same name as such existing street or way.
 - f) Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the development or subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum width requirement for the street as a project improvement. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.
 - g) All right-of-way required for off-site improvements related directly to the subdivision or development project, such as acceleration or deceleration lanes, shall be acquired by the developer at no expense to Oglethorpe County.
 - h) Where, in the opinion of the Planning Director, it is necessary to provide for inter-parcel access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.
 - i) Where an existing street on the adjoining property terminates at the boundary of the development or subdivision, the street shall be extended into the development or subdivision.
 - j) Where no street exists on the adjoining property, a temporary turnaround shall be provided at the boundary of the development or subdivision at an appropriate location. See Section 1108.04.(l) for standards.

Section 1108.03 Street classifications.

For the purposes of this Development Code, all roads in Oglethorpe County, Georgia are hereby divided into the following classifications:

- a) Arterial: A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)
- b) Major Collector: A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)
- c) Minor Collector: Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 501 and 2500 vehicles per day)
- d) Local: A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 500 vehicles per day)
- e) Private access drive/easement - A private drive or easement, serving as the exclusive access for a landlocked parcel or parcels of land, and which is not owned or maintained or intended to be owned or maintained by the County. A private access drive/easement that serves no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of-way or easement width of thirty (30') feet. A private access drive/easement that serves two or more lots, or that serves a single lot containing a total area of three (3) or more acres, shall have a minimum right-of-way or easement width of fifty (50') feet.

Section 1108.04 Design standards for streets.

Design standards shall be based on road function and projected average daily traffic (ADT), calculated with trip generation rates published in the most recent edition of Trip Generation Manual by the Institute of Transportation Engineers.

- a) For residential lots, this will generally be equal to 10 to 12 trips per day per single family lot and 16 to 18 trips per day per two family lot.
- b) Trip generation rates from other sources may be used if the applicant demonstrates that these better reflect local conditions at the sole discretion of Oglethorpe County. Street classes and their corresponding ADT thresholds are found in Section 1103.
- c) Each street shall be classified and designed to that classification for its entire length. The applicant

shall demonstrate that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

- d) All proposed or new streets that serve only residential lots within a minor or major subdivision as defined by this code shall be classified as a local street.
- e) Traffic Impact Studies.
 - 1) The county will require a traffic impact study when the projected traffic from the development equals or exceeds 1,000 ADT combined for all entrances.
 - 2) The traffic projection shall be based on the developer's most intense use as allowed by the zoning on the property.
 - 3) The requirement and scope of the traffic impact study will be based on the nature of the development, existing background traffic volumes and patterns, and future development along the adjoining corridors. The intent of the impact study is to identify the impacts to capacity, level of service, and safety to existing corridors and the actions required to mitigate these impacts.
 - 4) The determination of the requirement for traffic impact studies shall be made by the County Engineer with consideration to the above criteria. The Design Professional of Record shall determine the scope of the impact study and obtain concurrence of the County Engineer.
 - 5) The traffic impact study and proposed mitigation measures will be provided and considered as part of the approval process for the preliminary plat.
- f) Street rights-of-way and pavement width shall conform to the minimum street design standards as shown in Table 11.1: Street Design Standards.

Table 11.1: Street Design Standards

	Arterial ¹	Major Collector	Minor Collector	Local Street
Average Daily Trips (ADT)	10,000 or more	2,501 to 9,999	501 to 2,500	500 or less
Minimum Right-of-Way, in Feet	100	64/80 ⁴	60	60
Minimum Pavement Width, in Feet ²	48	24/30	20	20
Maximum Grade	6%	10%	10%	12%
Minimum Stopping Sight Distance, in Feet	495	360	200	155
Design Speed, in MPH ⁵	55	45	30	25
Minimum Centerline Radius, in Feet ⁶	2000	1100	375	250
Minimum Length of Tangent Between Reverse Curves, in Feet	300	200	100	100
Pavement Radius at Intersections, in Feet	30	30	30	30
Minimum Finished Grade	1%	1%	1%	1%

¹ Geometric design standards of the Georgia Department of Transportation shall represent minimum requirements for arterial street design and construction. All other street classifications shall adhere to current AASHTO standards; relating to design speed, stopping sight distance, vertical and horizontal controls.

² Pavement width does not include curb and gutter.

³ See Section 1012.07 for "private access drives."

⁴ Varies 64' to 80' based on requirements for roadway section and approval of the County Engineer.

⁵ In some instances, the County Engineer may grant a change from the designated Design Speed, based on traffic volumes, road configuration, and the number of proposed entrances or outlets. In all instances, the posted speed limit shall accurately reflect design criteria, based on current AASHTO standards.

⁶ Based on minimum middle ordinate of 14 feet for 10-foot lanes and 15 feet for 12-foot' lanes. May be adjusted with review of supporting data and approval by County Engineer.

g) Street grades.

- 1) A street grade exceeding 10 percent for minor collector streets and 12 percent for local streets will be approved only when conclusive evidence shows that a lesser grade is impractical and would not cause detrimental land disturbance, erosion and destruction of vegetative cover, or storm water hydraulic complications. In any case, any deviation from these standards shall still be in compliance with current AASHTO standards as determined by the CountyEngineer.
- 2) All street grades shall be no less than one percent.
- 3) Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 40 feet, measured from the nearest right-of-way line at the point of intersection unless otherwise approved by the County Engineer. Slope lines shall be extended beyond the 8 feet minimum to achieve the proper corner/intersection sight distance.

h) Curved Streets.

- 1) Under no circumstance is a curved street to be reverse super elevated. All streets (unless super elevated) shall have a ¼-inch per foot center crown above gutter elevation. Crown slopes shall be transitioned over a distance of 50 feet from any intersection, to provide a proper tie-in at the mainline edge of pavement.

- 2) See Section 1108.04.f for geometric requirements.
- i) Street intersections.
 - 1) As far as is practical, all proposed streets shall be continuous and made to connect with existing streets without offset. In all cases of offsets, centerline jogs of less than 125 feet shall not be permitted.
 - 2) All street intersections and junctions shall be at right angles, unless otherwise approved for good cause by the Public Works Director, but in no case shall they be less than 80 degrees.
 - 3) In addition, at all street intersections and junctions, there shall be a minimum stopping sight and corner sight distance in accordance with AASHTO Policy on Geometric Design. The profile shall be flattened at intersections to provide an area of not over 5 percent grade extending at least 40 feet each way from the intersection. In no case shall the stopping sight or corner sight distance be less than indicated herein.
 - 4) Islands within roadways at intersections shall be subject to individual approval by the Public Works Director. In no case shall anything extend more than 3 feet above the pavement within the right-of-way of the street.
 - 5) Curb lines at street intersections shall have a radius of curvature of not less than 30 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.
 - 6) Intersecting street right-of-way lines shall parallel the back of curb of the road-way.
- j) Minimum sight distance.
 - 1) In all Zoning Districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of 3 feet and 15 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.
 - 2) Lines of sight shall be provided along street roadways (i.e., "midblock") and at street intersections in accordance with this Subsection. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.
 - 3) Midblock visibility requirements.
 - i. The following shall be met at any point along the entire length of a street in between intersections:
 - ii. Minimum vertical and horizontal midblock visibility requirements are shown on Table 11.2.
 - iii. Midblock visibility distances shall be measured along the centerline of the roadway between two points 4 feet above pavement level.

Table 11.2: Minimum Sight Distance

	Midblock Visibility		At Intersections	
	Vertical	Horizontal	Urban	Rural
Major Arterial Street*	500 feet	500 feet	650 feet	800 feet
Minor Arterial Street*	500 feet	500 feet	600 feet	700 feet
Collector Street*	300 feet	300 feet	400 feet	550 feet
Local Street	200 feet	200 feet	350 feet	350 feet

*Per Georgia DOT for State and U.S. numbered highways.

- k) Visibility requirements at street intersections.
 - 1) At an intersection where traffic is to be controlled by stop signs on the minor road, said

minor road shall be designed to intersect the major road in accordance with the standards imposed by the Georgia DOT, where applicable; and where not applicable the minor road shall intersect at such location as will provide minimum sight distance in either direction along the major road as required in Table 10.2.

- 2) For the purpose of these intersection visibility requirements, land zoned A-1, A-2 or any one of the AR zoning districts shall be considered rural, and roads located therein shall be classified as rural. All other roads shall be classified as urban.
 - 3) Visibility distances at intersections shall be measured from a point on the centerline of the entering street 14.4 feet back from the nearest edge of the roadway in the abutting street, and extending in both directions along the abutting street. Minimum sight distances are to be measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object 2 feet high on the pavement in the center of every on-coming travel lane.
 - 4) Exceptions.
 - i. Where it is deemed by the Public Works Director that the application of a minimum sight distance requirement would render a property undevelopable, the Public Works Director may require the installation of appropriate warning signs and flashing lights, a traffic signal, or other hazard reducing approach.
 - ii. Any modification to the required sight distances stated herein made by the county for cause shall conform to the standards and requirements contained in AASHTO policy.
- l) Dead-end streets (cul-de-sacs).
- 1) Cul-de-sac or permanent dead-end streets shall be terminated by a turnaround. They shall be separated from the exterior boundary or topographic boundary of the subdivision by the depth of one lot or 80 feet, whichever is less.
 - 2) Cul-de-sac streets shall not exceed 1250 feet in length unless otherwise approved by the Board of Commissioners through the appropriate variance process. They shall terminate in a circular right-of-way with a minimum diameter of 120 feet and a paved diameter of 94 feet. This shall be measured to the edge of pavement in un-curbed cul-de-sacs and to the back of curb in curb and gutter cul-de-sacs.
 - 3) Maximum grade along the centerline of a cul-de-sac shall not exceed 5 percent and the maximum cross slope shall not exceed 2%.
- m) Alleys and service drives.
- 1) Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot and have a minimum roadway width of 20 feet of pavement, exclusive of curbs and gutters.
 - 2) Alleys with a minimum width of 20 feet of pavement, exclusive of curbs and gutters, may be required by the Planning Director where necessary to provide access to the rear of two or more lots designated for multi-family, business, or industrial use.
 - 3) Dead end alleys are prohibited unless the dead-end alley is provided with a turn-around having a roadway radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the Public Works Director.
- n) Half streets prohibited.
- i. Half streets along development boundaries are prohibited. Whenever a street is planned adjacent to the proposed development or subdivision tract boundary, the entire street right-of-way shall be platted within the proposed development or subdivision.
- o) Split Level Streets.
- i. A street that is constructed so as to have lanes in each direction at a different vertical level within the same right-of-way shall provide a pavement width of at least 14 feet in each direction and a vegetated median between the lanes having a slope of not greater than four to one. Split level streets will be allowed when:
 - 2) Topographic conditions are such that alternatives to the typical street construction would be more desirable.
 - 3) The shape and size of the parcel could be more efficiently developed.
 - 4) In either case, approval must be obtained from the Planning Director for the specific

design.

Section 1108.05 Street improvements.

- a) Construction standards. All materials, construction, and definitions shall conform to the current Georgia Department of Transportation "Standard Specifications for the Construction of Roads and Bridges", latest Edition, and any Amendments thereto, unless otherwise stated herein.
- b) Curbs and gutters.
 - 1) Vertical or rollback six-inch concrete curbs and gutters with a minimum overall width of 24 inches shall be constructed on all residential, commercial and industrial streets not in the A-1, A-2 and AR zoning classifications. In the A-1, A-2 and AR zoning classifications, concrete curbs and gutters are required in subdivisions where more than one-half of the total number of lots are 2 acres or less, or where the average street frontage per lot is less than 100 feet, or where at least one-half of the total number of lots in such subdivision have widths of less than 200 feet.
 - 2) Concrete curbs and gutters are required in the cul-de-sac portion of a street to channel water to the stormwater conveyance structure. Stormwater conveyance structures may include, but are not limited to, culverts, storm drainage pipes, catch basins, drop inlets, junction boxes and headwalls, and shall be provided for the protection of public rights-of-way and private properties adjoining project sites and/or public rights-of-way.
- c) New local residential streets (without curb and gutter).
 - 1) Grassed shoulders and waterways (ditches) are required.
 - 2) The aggregate road base shall be extended one foot beyond the edge of pavement, (pavement is twenty feet wide) and the shoulders and ditch sections shall be constructed in accordance with Oglethorpe County's typical cross section for unpaved roadways.
 - 3) In no instance shall the shoulder be less than 7 feet. Shoulders shall be graded to no more than ½ inch per foot.
- d) Unsuitable topography.
 - 1) Certain tracts of land, because of topographic features or unfavorable or highly erodible soil conditions, should not be developed with grassed shoulders and waterways.
 - 2) When a developer proposes to develop without curb and gutter, data and information showing that conditions are suitable for establishing permanently stabilized grassed shoulders and waterways shall be submitted in support of such proposal, together with any provisions necessary to correct any unfavorable conditions.
 - 3) An unfavorable condition is generally defined when the velocity of the storm water in the channel exceeds 3.0 feet per second or erosive soils are present.
 - 4) When the County does permit development using grassed shoulders and waterways, additional provisions may be required where slopes and soil conditions are unfavorable.
 - 5) Requirements which may be imposed to mitigate unfavorable topographic features may include, without limitation, hydro-seeding of shoulders and waterways with specific grass mixtures, grass, sod, planting and erosion mats, rip-rap, concrete ditches, ditch checks and grade stabilization structures where the finished grade exceeds 5%, to insure permanent stabilization of the shoulders and waterways and to minimize erosion and future maintenance.
- e) Shoulder requirements. The street right-of-way shall be graded at least 8 feet, measured from the back of the curb (curb & gutter sections) or 7 feet measured from the edge of the pavement (uncurbed sections) on both sides of the street to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, and to provide walk-ways off the paved vehicular surface, and provide proper sight distances in curved roadway sections.
- f) Grassed medians. Vertical or rollback six-inch concrete curb and gutter shall be required for a grassed median on all streets. Such medians shall be designed to slope towards the outside curb of a street or contain an adequate drainage system within the median.
- g) Backfill, finish grading & grassing. Shoulders shall be sloped and backfilled as necessary following paving and curb and gutter installation. All curbs and gutters shall be backfilled according to the designs in these Regulations. All eroded areas shall be reconstructed to the original final grade. Re-grass shall be required for bare spots, areas of insufficient stand and reconstructed areas.
- h) Sub-surface drainage systems. Sub-surface drainage installations may be required by the County Engineer to provide a stable sub-surface and base for fills and base course construction over wet

weather springs, soft spots, swamps and other unsuitable soils. The County Engineer shall require the owner to have a soil analysis and drainage design performed by the Design Professional of Record if such conditions are encountered.

i) Cuts, fills, and subgrade.

Cuts, fills, and subgrades shall be subject to the following. Any deviation shall be approved by the county engineer.

- 1) Slope maximums shall be at a ratio of 3 feet horizontal distance to 1 foot rise (3:1). No slope line shall extend closer than 8 feet to back of curb or 15 feet to edge of pavement on uncurbed sections. Minimum slope shall be ½-inch per running foot.
- 2) All slopes shall be adequately planted with approved vegetation. A suitable mulch of straw, hay or other approved material shall be used.
- 3) The developer shall be responsible for any erosion that might occur until the expiration of the maintenance period.
- 4) Compaction shall be 95 percent by Standard Proctor Density Test. Subgrade compaction will be field tested through the use of a "Roll Test", as specified herein.
- 5) All organic and other unsuitable materials located within the proposed roadbed and 2 feet on either side of the back of curb or edge of pavement shall be removed prior to subgrade preparation.
- 6) Backfill behind curbs shall be free of organic material (roots, trunks, etc.), stone, broken concrete, etc. Topsoil and other similar unsuitable soil types removed from the roadbed may be utilized for shoulder construction, but not for fill construction, beyond 8 feet on either side of the back of curb or edge of pavement. The use of topsoil within 8 feet of the back of curb or edge of pavement shall be limited to a maximum depth of 6 inches.
- 7) Cut and fills shall be extended beyond the right-of-way as required, but a slope easement must be provided for maintenance purposes. Trees outside of the graded right-of-way with driplines extended into the right-of-way shall be removed at the direction of the County Engineer or Road and Bridge Inspector. Such tree removal shall be required on a case-by-case basis due to public safety concerns, potential interference with public infrastructure, or the survivability of the tree.
- 8) Sub-base stabilization may be required by the County Engineer as specified herein if necessary to allow safe access of construction vehicles and equipment.
- 9) Shaping and backfilling of shoulders, ditches and slopes shall be accomplished to final grade lines following the installation of underground utilities by the owner. Care shall be taken to fill and compact settled or eroded areas.
- 10) Grassing of all cleared portions of the shoulders and slopes shall be accomplished immediately following the achievement of final grade lines. If limitations require the application of temporary vegetative cover, the owner shall make contractual provisions for re-grassing with permanent cover. Requirements for grass species, mixture, fertilizer and application methods in each individual subdivision shall be in accordance with the Georgia Soil and Water Conservation Commission standards for critical areas. Bermuda grass shall be required during the season from May through September and as permanent grass species.
- 11) Conduits for utility crossings shall be installed before subgrade inspection. Said conduits shall be indicated on the construction plans. No bores will be allowed for utility distribution/transmission systems after subgrade inspections or paving operations without prior approval of the Public Works Department.

j) Street base and paving

- 1) All street base and paving shall follow the specifications in the most current adopted edition of the Georgia DOT Road Design and Construction Manual.
- 2) Required base and pavement thicknesses. The following Table 11.4 shall be used to determine the minimum thickness for each layer of the pavement structure based on the classification of the roadway. Please refer to Section 1108.03 for roadway classification criteria and associated traffic volumes. The pavement structure for development entrances deceleration and acceleration lanes up to the right-of-way shall be based on the classification of the adjacent mainline roadway or meet GDOT requirements if applicable.

Table 11.4: Minimum Base and Pavement Thickness					
	Industrial¹	Arterial	Major Collector	Minor Collector	Local Street²
Graded Aggregate Base Course	10 inches	10 inches	8 inches	8 inches	6 inches
Asphalt Binder Course	9 inches	6 inches	4 inches	2 ½ inches	2 inches
Surface	1 ½ inches	1 ½ inches	1 ½ inches	1 ½ inches	1 ½ inches

- k) Alternative pavement structures may be considered by the County for approval for Arterial and higher classification streets, or streets with unusual or poor sub-grade conditions. Unusual or poor subgrade conditions shall be defined as soil structures with a modulus of subgrade reaction of less than or equal to 100 psi/in or a soil structure that is not stable after conventional compaction techniques. Said structures shall be designed by a registered professional engineer, licensed in the state, in accordance with AASHTO and GDOT design policies and procedures. Design data and calculations shall be submitted with any proposed alternative design.
- l) Load testing. Both the subgrade and base course will be load tested when required by the county engineer or his/her designee with a minimum 18 ton hauling capacity tandem dump truck, fully loaded or an equivalent. The test shall cover the material thoroughly to assure a maximum tolerance of a ½-inch settling and the absence of any cracking or pumping, prior to all paving. This test shall be witnessed by the County Engineer, County Road & Bridge Inspector, or their designee.

Section 1109. Street signs, traffic signs and striping.

Section 1109.01 Street name signs.

- a) Sign installation shall be accomplished by the owner, per Georgia DOT standards and the FHWA *Manual on Uniform Traffic Control Devices and County Standards*. Signs, striping, and traffic control devices shall be installed prior to final plat approval or issuance of the Certificate of Occupancy (for site developments). Upon paving of a road in an uncompleted subdivision, the developer shall barricade or install proper signage and striping at the intersection with existing county roads. All county roads shall be signed at each intersection, so as to identify all county roads in each approach to the intersection. Warning signs shall be installed on existing county roads in advance of any new intersection created with existing county roads from the development.
- b) Street name signs and traffic control signs of approved design shall be installed at all street intersections by the developer or owner of the subdivision, at his/her expense. These signs shall be placed at the intersections upon completion of street paving. The signs to be installed shall be ordered through the Oglethorpe County Road Department. A sign order form is available in the Oglethorpe County Board of Commissioners Office. The installation of all signage, striping, and traffic control devices shall be completed before Final Plat Approval.
- c) All streets shall be designated by name on a metal street sign post, with such metal post having nameplates of metal set one above the other with a clearance of 7 feet. The post shall be so located

¹ The Industrial / Business Uses classification shall apply to all industrial parks, and all other public roadways which are planned to support industry typically classified under the Industrial Zoning Districts. Private facilities are not included in this classification.

² Local streets may be paved with 8" base and 2 inch surface course as an alternative to 6-2-1.5. Surface course must be installed within one year of the final plat. A performance bond or letter of credit for 115% of the cost of the surface course must be provided to the county prior to final plat. Prior to installation of the surface course the County Engineer or his designee shall inspect the binder course and identify any areas that must be repaired prior to the installation of the surface course

as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, 2 sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at T-street intersections. All signs shall conform to the guidelines contained in the Manual on Uniform Traffic Control Devices. The developer shall be responsible for all costs associated with the installation of street signs, speed limit signs, traffic control signs and devices and pavement markings.

Section 1109.02 Traffic signs.

- a) Traffic control signs shall conform to the FHWA Manual on Uniform Traffic Control Devices, latest edition.
- b) The developer shall install these traffic control signs at his/her expense. All traffic control signs shall be installed and approved by the Public Works department prior to final plat approval or issuance of a building permit.

Section 1109.03 Striping requirements.

- a) Striping requirements shall be determined by the County Engineer in accordance with applicable Georgia DOT, FHWA and County standards. Costs associated with striping shall be the responsibility of the developer.
- b) Striping shall be accomplished with striping materials meeting Georgia DOT and County standards and conform to the Manual on Uniform Traffic Control Devices.

Section 1109.04 Decorative signs and posts.

- a) Any traffic sign or post not conforming to County standards hardware will be considered as decorative.
- b) Any decorative sign or post system to be used must be approved by the County Engineer prior to construction plan approval.

Section 1110. Private bridges and dams on roadways.

Section 1110.01 Specifications for private dams and bridges on roadways.

No private dams or bridges shall be allowed within any county road right-of-way or private street easement except for as described below.

Section 1110.02 Exemptions.

The prohibition upon private dams and private dams in county road rights-of-way and private street easements shall not apply to the following:

- a) Private bridges or dams used solely in conjunction with agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard: the preparation and planting of pasture land; forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices: and the construction of farm buildings.
- b) A private bridge or dam on a roadway reasonably expected to serve no more than one single-family residence.
- c) Surface mining, as the same is defined in O.C.G.A. 12-4-72 and granite quarrying and land clearing for such quarrying.
- d) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, or any road construction or maintenance project, or both, undertaken by the County.
- e) A private dam exempted from the provisions of Section 1111.02 by vote of the County Board of Commissioners.

Section 1111. Driveways and development entrances.

Section 1111.01 Driveway permit.

- a) Driveway permit; required. Before installing any driveway or means of ingress and egress to any property abutting a County road or County maintained road, the owner of the subject property or the person installing said driveway acting as owner's designee shall make application to the Code Enforcement Department for and receive a permit authorizing said installation. If existing curb and gutter is to be removed to facilitate the driveway, then a permit authorizing said removal shall also be required.
- b) Driveway permit; provisions.
 - 1) The permit shall specify the location of the driveway, the width of same, the size and material for the culvert to be used and other matters required for adequate drainage of the driveway in accordance with accepted engineering and road management practices.
 - 2) In issuing the permit Oglethorpe County may impose any reasonable conditions that the circumstances may warrant. Conditions may include but are not necessarily limited to drive location, elevation, pipe size, surface treatment, drainage easements, and other requirements to facilitate safe maintenance and operation of county roads.
 - 3) The driveway permit is to be strictly construed and no work other than that specifically authorized by said permit may be performed in County rights-of-way.
 - 4) A driveway permit must be renewed if the work described is not completed within one year from the date permit is issued.

Section 1111.02 Driveway design standards.

Driveways connecting to a street must comply with the following standards:

- a) Driveway widths. Driveway widths at the right-of-way line cannot exceed a pavement width of 16 feet for a single-family or two-family dwelling (unless the face of a two-car garage accessed by the driveway is less than 30 feet from the right-of-way line), or 40 feet for all other uses or instances, exclusive of required curbs and gutters.
- b) Slope. The slope of ingress and egress driveways for multi-family and nonresidential uses at their connection to the adjoining street shall not exceed that allowed by County specifications for landings at residential street intersections. For single-family and two-family uses, driveways shall have a slope of not more than 15 percent for a distance of 10 feet measured along the driveway centerline from the intersection of the centerline of the driveway and the edge of pavement or back of curb.
- c) Driveway separations.
 - 1) The distance from a driveway to the intersection of two streets shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses.

- 2) Separation distances must be measured along the street right-of-way line from the back of the driveway curb.
- d) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
 - 1) Along all County arterial roads, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by the Georgia Department of Transportation.
 - 2) Along all other County streets or roads, except for circular driveways for single-family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply: no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The County Engineer shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.
- e) Relief. Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Section 1111.02.d may be considered as a variance. See the Administration, Enforcement and Appeals Article of this Development Code for procedures.
- f) Vision clearance. With the exception of sign posts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 20 feet along the edge of a driveway and 20 feet along the street right-of-way line. A larger vision clearance area, depending on street classification, may be required under the Project Design and Construction Standards Article of this Development Code.

Section 1111.03 Installation and construction standards for driveways.

- a) Pipes are necessary to adequately convey water through ditches and under driveways. When required, a minimum pipe size of 15 inches and minimum 20-foot length of pipe must be used for all driveway construction. A minimum pipe size of 18 inches must be used for all cross drains under public roads.
- b) Pipes for driveways shall be either 16 gauge-corrugated steel or aluminum in accordance with county standards. Reinforced concrete may be used as well. Smooth-lined HDPE pipes are also permitted within County right-of-way. Driveways requiring curb and gutter removal shall be installed in accordance with instructions and diagrams issued by the Roads Department at the time of the application for permit.
- c) Portions of driveways located within the right-of-way of a public street or within a private street easement shall not consist of specialty or decorative type construction such as stamped concrete or brick pavers.

Section 1111.04 Inspection of work.

Driveway construction and material shall be the responsibility of the owner/applicant for the permit. All work shall be in conformity with the permit as granted and shall be subject to inspection by authorized representative(s) of the Board of Commissioners. No use of said drive or issuance of permits for uses of the property served thereby shall be permitted until such compliance is met.

Section 1111.05 Responsibility for maintenance.

- a) No provision of this Section shall be construed as a responsibility of the County to provide future maintenance of the driveway and/or drainage structures installed.
- b) By application and issuance of the permit, owner and successors agrees to bear all responsibility and cost for repair and maintenance of the driveway and associated drainage structures.
- c) If the owner or successors fails to maintain the driveway and/or associated drainage structures to the extent that the Board of Commissioners or an authorized representative of the Board of Commissioners determines that the driveway and/or associated drainage structures has a detrimental impact on the safe operation and maintenance of county roads, notice shall be given to the owner.
- d) Owner shall perform the necessary action(s) to correct the detrimental impacts at the sole expense of the owner.
- e) Failure of owner to perform the necessary work within the time prescribed in the notice shall be cause for the county to perform the work. Expenses incurred by the county to perform the work shall

be the responsibility of the owner.

Section 1111.06 Driveway access to a State road.

For all business and industrial developments fronting on a State highway, no building permit shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department.

Section 1111.07 Private access drives.

- a) Each subdivision development shall contain no more than one private access drive.
- b) A private access drive which meets all of the following standards may serve a maximum of 5 lots within the B-1, B-2, B-3, OIP, LI, HI and PG Districts. Within all other zoning districts, a private access drive, which meets all of the following standards, may serve a maximum of 3 lots provided that:
 - 1) The minimum overall easement width shall be 30 feet; greater width may be required to accommodate necessary utilities. The minimum continuous paved surface shall be 16 feet in width and paved with 2 inches of asphalt surface on a 4-inch crusher run stone base applied on a properly prepared sub-grade. Stabilized shoulders shall be provided and shall be 3 feet wide on both sides, (compacted and grassed or graveled or paved).
 - 2) Maximum centerline slope of 17% and cross sloped or crowned for drainage.
 - 3) Maximum centerline length of 2,000 feet as measured from the intersection with the public right-of-way line to the end of the cul-de-sac. In the case of looped drives, which extend continuously from public right-of-way line to public right-of-way line, this two thousand foot maximum length may be waived, provided that public health, safety and welfare considerations are adequately addressed.
 - 4) A paved turning area shall be provided at the termination of cul-de-sac drives with a minimum outside radius of 47 feet plus 3-foot wide stabilized shoulders, contained within the easement boundaries.
 - 5) In subdivisions served by public or private water the lot(s) served by a private access drive shall also be served with those utilities. Such water lines, if installed along the alignment of the private access drive, shall include, as an appurtenance thereto, a perpetual maintenance easement of sufficient dimensions to provide for the maintenance of said water lines. Similar easement(s) shall be provided for sewer service and/or other utilities as applicable.
 - 6) Private access drives shall be clearly marked as such on all subdivision plats and shall comply with the signage provisions of these Regulations and shall comply with the provisions of applicable County Ordinances.
 - 7) Private access drives which do not meet each and all of the above standards shall serve no more than 2 lots and shall comply with the provisions of applicable County Ordinances.
- c) Each lot, the access to which is dependent upon a private access drive, shall have, at a minimum, as an appurtenance thereto, a perpetual easement for ingress and egress over that portion of the private access drive lying adjacent to such lot and connecting it with a public street.
- d) Private access drives shall be exempt from the improvements required by Section 1104.01 of this Article, except as otherwise provided in this Section.
- e) The ownership and maintenance responsibility of the private access drive by private party(s) must clearly be established on all subdivision plats and recorded in all maintenance agreements.

Section 1111.08 Access easements.

Vehicular access may be provided from a public street via easement in any one or more of the following circumstances:

- a) The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement for the applicable zoning district. The property must be served by an exclusive access easement that shall be limited to the provision of access to only one principal use or structure on one lot.
- b) The access easement serves one single-family residence on a lot which is otherwise a buildable lot of record, and which is sharing a common driveway with one other single-family residence, both of which meet the minimum size, frontage, lot width and other requirements of this Code.
- c) The access easement was lawfully established as such prior to the adoption of this Development Code.
- d) The access easement serves a buildable lot of record which meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.

Section 1112. Deceleration lanes and turn lanes.

Section 1112.01 Deceleration and turning lanes; where required.

Subdivision entrances from minor collector streets with an ADT equal to or greater than 500 vehicles per day and higher classifications shall include a deceleration lane.

Section 1112.02 Residential subdivision entrances.

Entrance streets to all major residential subdivisions connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day, shall construct a deceleration lane at each entrance to the subdivision. See Section 1113.05, below.

Section 1112.03 Commercial/Industrial subdivision entrances.

- a) A deceleration lane shall be installed at all entrance roads into a commercial or industrial subdivision connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Section 1113.05, below.
- b) The County Engineer may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that the traffic generated by the project warrants it, the County Engineer will require the additional improvements or other mitigating measures.

Section 1112.04 Driveways for multi-family and nonresidential development projects.

- a) Multi-family and nonresidential development projects shall install a deceleration lane at each driveway entrance connected to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Section 1112.05, below. For such a project located on a corner lot, a continuous 12-foot wide travel lane shall be provided in lieu of a deceleration lane along each intersecting street from which access is allowed, for the length of the property's frontage (but not exceeding 200 feet plus a 50-foot taper).
- b) Nonresidential development projects on corner lots that have frontage on interior residential subdivision streets shall have access only from the main street
- c) Multi-family and nonresidential development projects projected to generate an ADT less than 500 vehicles per day and having an entrance on a minor collector, major collector or arterial street shall install offset radii and 50 foot tapers.
- d) The County engineer may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Section 1112.05 Deceleration and turn lane construction standards.

Deceleration and turn lanes shall meet the following standards:

- a) A minimum 150 foot long lane with 50 foot taper and a minimum 25 foot taper on the acceleration side.
- b) The length of the deceleration lane, (and acceleration side taper), shall be measured from the radius return point.
- c) The width of the lane shall be no less than 24 feet from the centerline of existing two lane road to outside edge of new asphalt (26 feet to back of new curb).
- d) Curb and gutter along all deceleration lanes and tapers are required, unless otherwise waived or modified by the County Engineer due to site, drainage or continuity considerations.
- e) Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall be required.
- f) Other project access improvements may be required by the County Engineer in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer.
- g) The developer will pay the cost of any catch basins that must be constructed along an existing County road as a result of the deceleration lane.
- h) Utilities and drain pipes shall be relocated at the developer's expense outside of the deceleration lane.

Section 1112.06 Median breaks.

If the street has an existing or proposed median, and the developer is approved by the County or Georgia DOT, as applicable, to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of the County. Other improvements may be identified by the County Engineer that are needed to ensure safe and efficient operation of traffic.

Section 1113. Sidewalks.

Section 1113.01 Sidewalks; requirements

If the installation of sidewalks within public right-of-way is desired, a sidewalk plan shall be submitted by the subdivider with the construction plans for the development. Sidewalks shall be installed on both sides of the street on an individual lot basis at the time of construction of the individual home, apartment building, commercial, or other use. The developer shall install all handicap ramps and transitions as required by the County for Americans with Disabilities Act compliance at the time of development construction. The Code Enforcement Director shall inspect the location and construction of the sidewalk, and shall not issue a Certificate of Occupancy until the required sidewalk is properly installed.

- a) Sidewalks shall be 4 inches thick, with a minimum width of 5 feet on major collector streets and higher classifications and 4 feet on all other streets.
- b) A grass planting strip with a minimum width of 3 feet shall be provided between the back of curb and the sidewalk, with a 10 foot wide planting strip required for major collector and arterial streets.
- c) All sidewalks shall be sloped at the rate of ¼ inch per foot toward the street, unless otherwise approved.
- d) Sidewalks must be installed prior to the issuance of a Certificate of Occupancy.
- e) Sidewalks shall be installed across the full width of the lot frontage.

Section 1113.02 Sidewalks; where required.

Sidewalks shall be provided in the following types of subdivisions:

- a) In all commercial zones;
- b) In all residential zoning classifications, sidewalks are required in major subdivisions where more than one-half of the total number of lots are 2 acres or less, or where the average street frontage per lot is less than 100 feet, or where at least one-half of the total number of lots in such subdivision have widths of less than 200 feet;
- c) If required in a conservation subdivision by 1014.02(2), sidewalks do not have to be built along the frontage of all green space lots as long as pedestrian access is provided to get from the residential lots to the green space lots.

Section 1114. Storm drainage.

See the Stormwater Management Article of this Development Code for design requirements relating to storm drainage.

Section 1115. Utilities.

Section 1115.01 Utilities required.

Except for minor subdivisions otherwise exempt from the construction of utilities, the improvements listed below are required. Where installed upon property within the county at the time of construction, all such improvements shall be dedicated and conveyed or transferred to and the title shall vest in the county unless otherwise indicated on the recorded plat of subdivision. Nothing contained in this Section is in any way intended to affect matter of litigation pending between the county and/or their agencies at the time of enactment of this Development Code before courts of competent jurisdiction relating to the ownership of improvements required by this Section.

- a) Developer shall provide sanitary sewer or septic capacity, fire protection lines and necessary flows for the project as required by applicable codes. Said capacity shall be demonstrated to the satisfaction of the Utilities department in accordance with established codes prior to issuance of land disturbance and building permits.
- b) Developer shall be responsible for providing and paying for necessary water and sewer extensions including the addition of necessary capacity required to serve the development.

Section 1115.02 Water supply.

- a) Water supply and/or distribution system shall comply with appropriate the jurisdiction's standards.
- b) All potable water systems shall be subject to the current "Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989, Georgia Environmental Protection Division" as applicable and applicable county regulations, policies and construction standards.
- c) Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the subdivision or development.

Section 1115.03 Fire hydrants.

- a) Fire hydrants are required in all subdivisions and development projects served by a public water system.
- b) Fire hydrant spacing shall be in accordance with the water system specifications of Oglethorpe County. Placement of fire hydrants is subject to approval by the County Engineer and appropriate utility issuing authority.

Section 1115.04 Sanitary sewage disposal.

- a) Sanitary sewer system with service connection to the property line for each parcel and lot; except in cases where septic tanks are approved.
- b) When a public sewer line and adequate treatment capacity is available within 1,500 feet of said subdivision, the subdivision system shall be connect to said public sewer system.
- c) The provisions of this paragraph are further subject to any sewer use priority policies adopted by the Board of Commissioners from time to time.
- d) When in the written opinion of the Oglethorpe County Health Department public sanitary sewers and treatment capacity are available within reasonable access of the subdivision or development project, the developer shall provide sanitary sewer services to each lot within the bounds of the subdivision or development project. All sewer service lines shall be installed by the subdivider.

Section 1116. Location of utilities and street cuts.

Section 1116.01 Location of utilities in streets.

Utility lines shall be located in accordance with the street cross sections contained herein, or at such other locations as may be approved by Oglethorpe County. Any underground utilities shall be installed with the surface having the same compaction as that of the paved way and marked on the plat to indicate the location of the underground utilities.

- a) The subdivider shall install sewer mains, sewer laterals and water mains and with the service extended to the property line of each lot, in accordance with accepted engineering practices, the approved subdivision construction plans, and the appropriate Utility Department Water and Wastewater Standards.
- b) In cases where public water and sewer services are not available, the minimum lot sizes shall conform to those set forth in this development code.
- c) Design criteria for storm drain facilities shall conform to accepted engineering practices and guidance documents. Pipe materials shall conform with all criteria set forth in the "Guidelines for Storm Sewer Piping" Section of the Stormwater Management Article of this Development Code.
- d) Water mains for both domestic use and fire protection shall be properly connected with the public water system, or with an alternate water supply approved by the county and Georgia EPD. The lines shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat. The lines shall be installed in conformance with the appropriate Utility Department Water and Wastewater Standards. The County will require network distribution analysis of the water distribution system for any development where the peak hour water demand is equal to or exceeds 50 gpm.
- e) *Above-ground utilities.* All fire hydrants, utility poles, street lights, transformer boxes and pedestals, and other public or private utility structures placed above ground within a public street right-of- way or private street easement must be at least 6 feet back from the back of the street curb (or edge of pavement).
- f) *Underground Utilities.*
 - 1) All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision, and in any multi-family or nonresidential development.
 - 2) Utilities placed underground within a public street right-of-way or private street easement shall be located as shown on the Utility Location Cross-Sections in this development Code, above. Where no public or private street exists or is proposed (such as in a shopping center), utilities shall be placed in accordance with the development plans as approved by Oglethorpe County.
 - 3) The right-of-way is to be cleared and rough graded the full width prior to any utility installation.
 - 4) Underground utilities including sewer services, all water lines and any cable conduits under the pavement shall be placed in the ground before the base material is in place, or the pipes shall be bored if installed after street construction.
 - 5) All trenches shall be thoroughly compacted in six-inch layers with mechanical compacting equipment.

- 6) The facilities for underground utilities such as sewer, water, and gas, including sewer and water laterals to each lot line when laid in streets, shall be in place prior to surfacing of streets. All facilities for utilities shall be placed in easements provided for that purpose in the subdivision.
- 7) Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, gas, phone and cable must be repaired or replaced with the specified materials as called for in the initial improvements.

Section 1116.02 Pavement cuts.

- a) If utility services are installed after the streets have been paved (i.e., under existing streets), such utility services shall be installed by boring under the street. Note that this applies only to services and not the distribution system in the development.
- b) When it is necessary for a subdivider or any utility company to break existing base or pavement for the installation of services, or any other purpose, the subdivider or utility company shall be financially responsible for the repair of the pavement. The pavement shall be repaired with a patch in accordance with standards developed by the County Engineer, and in accordance with all other specifications required herein for construction of streets.
- c) No existing County road can be open cut unless unusual circumstances warrant it. All utility construction plans within County right-of-way shall be reviewed and approved by the County Engineer.
- d) If a pavement cut is approved, all trenches shall be backfilled and compacted the same day the trench is opened. Trenches under the paving shall be returned to 95 percent compaction. The backfill in all such ditches will be thoroughly compacted in 6-inch lifts, the subgrade shall be brought to the lines, grades, and typical roadway section required by County specifications. See also Section 1120 regarding excavating and trenching requirements.

Section 1117. Overview—Project Construction.

All improvements shall conform to standard specifications as set forth in this code and in the applicable regulations of the county, and/or other state and federal regulations. In case of conflict, the more stringent standards shall apply.

Section 1117.01 Responsibility during construction.

- a) The developer and his/her Design Professional of Record have full responsibility for quality control and inspection during construction to ensure substantial conformance with the approved construction plans, County standards, County regulations, and generally accepted construction practices. County personnel are only providing construction observation to intermittently check the adequacy of the developer's quality control and inspection.
- b) Any construction issues requiring an interpretation and/or change in the plans, standards, and/or regulations are to be resolved by the Design Professional of Record and presented to the County Engineer for written concurrence or approval. Any design changes must be revised on the construction plans and issued as a change to the approved construction plans.
- c) Failure of the developer to provide adequate quality control and inspection which results in a substantial nonconformance with the plans, standards, regulations or generally accept construction practice or endanger the public health, safety, and welfare shall be cause for the County Engineer or Code Enforcement Director to issue a Stop Work Order for any or all portion(s) of the construction in accordance with County procedures and ordinances. The order will remain in effect until the developer or his/her Design Professional of Record can demonstrate to the County that adequate quality control and inspection will be provided to address and correct the nonconformance and minimize the potential for further non-conformance issues or endangerment issues.
- d) Each day of continued construction on the scope of work covered by the Stop Work Order under this Development Code shall be considered a separate violation.
- e) The developer controls the means, sequence, and methods of construction. As such, the developer has full responsibility for safety on the project site and compliance with all federal, state, and local regulations pertaining to safety and environmental requirements.
- f) Preconstruction activity. Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural landscape buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the Code Enforcement Department Inspector prior to the commencement of any clearing or grading activities.

- g) Grading.
 - 1) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
 - 2) Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

Section 1117.02 Development phase inspections.

Requests for inspections shall be made by the owner or contractor to the Building Inspections Department in accordance with the listing of inspection responsibilities established by Oglethorpe County. Such requests shall be made at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required for each of the following phases, as applicable to the actual work to be performed under the development permit:

- a) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection and approval of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- b) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- c) Inspection and approval shall be required upon installation of storm drainage pipe, detention, or other storm water facilities.
- d) Inspection and approval of street curbing and gutter (if provided) shall be provided. Inspection shall be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.
- e) The sub-grade of streets may be roll tested in accordance with Section 1108.05.k at the discretion of the Roads Inspector.
- f) Street base may be string-lined for depth and crown. The street base will be tested for depth and compaction in accordance with Section 1121.05.e, and may be roll-tested in accordance with Section 1108.05.k, at the discretion of the Roads Inspector.
- g) Paving. A Roads Inspector may be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, the asphalt will be tested for depth and compaction in accordance with Section 1121.05.e, and may be roll-tested in accordance with Section 1108.05.k, at the discretion of the Roads Inspector.

Section 1117.03 As-built data.

- a) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the County Engineer for review and approval a complete set of record drawings showing “as-built” conditions prepared by the design professional of record who prepared the original plans, or a professional land surveyor, engineer or landscape architect licensed in the State of Georgia. These drawings shall show the location of:
 - 1) Street centerlines and rights-of-way lines.
 - 2) Drainage system pipes, manholes and channels, including finished elevations.
 - 3) Storm water detention facilities including finished elevations.
 - 4) Sanitary sewer system (if any) including finished elevations.
 - 5) Water system and reuse water system (if any) including finished elevations.
- b) The as-built data shall be certified and sealed by the design professional of record or other professional preparer, subject to the tolerances of accuracy indicated in the certification.

Section 1117.04 Final development inspection.

- a) Following submission and review of the as-built data, the Roads Inspector shall conduct a final development inspection of the project.
- b) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

Section 1118. Site Clearing and Grading.

Grading and land disturbance operations shall not begin until approval of the preliminary plat or site plan (as applicable), subdivision construction plans and soil erosion and sediment control plans and until a pre-construction conference has been conducted with county officials, the developer, developer’s consultant, contractors and subcontractors. All contractors working in Oglethorpe County shall provide any applicable local state and federal

certificates and licenses, including but not limited to business licenses, NPDES, E&S, Water and waste water, state business registration and OSHA.

Section 1118.01 Initiation of clearing and grading activities.

- a) Clearing and grading shall not proceed until issuance of an approved development permit authorizing such activities. No development permit authorizing clearing or grading shall be issued prior to review and approval by the County of construction plans as applicable to the property. See the Administration, Enforcement and Appeals Article of this Development Code for details.
- b) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Protective devices for undisturbed areas, if any are required, must be installed, inspected and approved in accordance with the approved construction plans prior to the initiation of clearing and grading activities.
- c) Erosion and sedimentation control measures. Required erosion and sedimentation control measures must be installed, inspected and approved in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity, and shall be maintained or supplemented as development progresses.
- d) Stormwater drainage facilities. Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

Section 1118.02 Slopes.

- a) Cut or fill slopes in the public right-of-way and/or slope easements shall not exceed one (1) vertical unit to three (3) horizontal units, unless otherwise approved by the County Engineer based on topographic conditions. This is the maximum allowable slope and should not be considered the norm. If grading plans indicate cut or fill slopes outside of the right-of-way then the construction plans and final plat shall indicate slope easements for the required grading.
- b) No cut or fill slopes or existing unadjusted slope shall encroach closer than 8 feet from the curb back in curbed sections or 15 feet to the edge of pavement for un- curbed sections on any street right-of-way within the subdivision. A cut or fill slope between lots should be confined to the lower lot whenever possible so as to avoid erosion from the higher lot to the lower lot.
- c) All fill slopes created for the purpose of street or home construction shall have a compaction of not less than 95 percent as determined by the established engineering practices.
- d) All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure.

Section 1119. Installation of streets and utilities.

Section 1119.01 Permit for utility installation.

This Section governs the installation of telephone lines, gas lines, water lines, sanitary sewer lines, gray-water reuse lines, electrical lines, fuel lines, steam lines, T.V. cables, open storm drainage, storm sewers and other utilities within county-maintained road or street rights-of- way.

- a) Application for permit; when required.
 - 1) New facilities or extensions of existing facilities within county-maintained road or street rights-of-way shall require a written application and a permit issued by the appropriate County department.
 - 2) Service lines and maintenance and repair of existing facilities shall not require a permit unless a pavement cut is required, but all other requirements of this Development Code shall apply to said activities, where applicable.
 - 3) Emergency cuts without a permit may be made when required. Such cuts shall be followed by a written application or report to the appropriate governing authority within 2 working days thereafter. Repairs to the pavement and disturbed soil and all other applicable requirements of this Development Code shall apply to such emergency cuts.
- b) Application for permit; requirements.
 - 1) Application for permit for Utility Facility Installation shall be made to the appropriate governing authority in the jurisdiction providing service. A copy of said permit shall be submitted with the application submitted to Oglethorpe County to install or extend utility facilities within a county maintained road or street right-of-way.
 - 2) In the case of water lines and sanitary sewer lines, a record of approval from the appropriate governing authority in the jurisdiction providing service shall accompany a permit

- application.
- 3) In those cases where a Georgia Department of Transportation application and permit is required, a copy of the Department of Transportation application and permit along with the expected date of work commencement shall be provided to the Oglethorpe County Board of Commissioners and said copy shall satisfy the application and permit requirements herein.
- c) Installation and construction requirements.
- 1) The installation of said facility as authorized shall be subject to the inspection, direction and control of the Oglethorpe County Engineer who shall be notified before work is commenced. Such notification shall include the date and time of the commencement of the construction and/or installation and location of same.
 - 2) The work shall be performed in a workmanlike manner and all installations shall be done by the utility owner in such a way as to leave free flows in drainage ditches, pipes, culverts or other surface water drainage facilities of the roadway or its connections. No part of any installation shall be attached to any portion of a bridge, culvert or other structure of the roadway without special authorization of the County Engineer after detailed information is furnished as may be required.
 - 3) Where breaking of pavement has been approved, a six-inch concrete slab will be poured over the backfilled trench and will rest on undisturbed soil. If the pavement is asphalt, the surface of the 6-inch, concrete slab will be 1½ inches below the surface of the abutting pavement. The 1½-inch section will be paved with Type E, F, or H plant asphalt. The finished surface will be smooth and flush with abutting pavement.
 - 4) Underground piping and wiring will be installed and located in accordance with Section 1117. Where underground piping parallels the roadway the excavated ditch edge nearest the pavement will be at least 8 feet from the pavement edge, unless otherwise authorized herein.
 - 5) The facility trench shall be backfilled carefully after the facility has been installed, in accordance with the standard practice for installing culverts and minor structures. In crossing roadways the backfill will be made in 6-inch layers and each layer firmly compacted. Where roadway grass is disturbed, satisfactory replacement will be accomplished including adequate seeding of newgrass.
 - 6) The full and entire expense and cost of the facility installation and maintenance shall be borne by the utility owner and the utility owner shall make necessary arrangements for traffic over said point during such work as may be directed by the County Engineer. The utility owner shall place the necessary barricades, warning signs, signals, lights and, if necessary, watchmen for the protection of the traveling public, and further agrees by the acceptance of the permit to keep and hold Oglethorpe County harmless from any and all damages caused by negligence on the part of the utility owner, its agents, servants, officers or employees, or contractors, engaged in doing said work, or any injuries or damages suffered by anyone as a result thereof.
- d) Future relocations at utility expense. In case the Board of Commissioners should in the future decide to widen and/or relocate the existing road, the Oglethorpe County Commissioners reserve the right to require the utility owner to take up and relay such sections of the facility within the right-of-way as may be necessary to take up and relay from an engineering standpoint due to such widening and/or relocating; the taking up and relaying to be at the expense of the utility owner. This work shall be completed within 60 working days after notification by the Board of Commissioners or within such other time as may be approved in writing by the County Engineer or designated representative of the Board of Commissioners.

Section 1119.02 Additional design & construction considerations.

More stringent design and construction standards may be required by the County Engineer where streets cross 100 year flood plain(s), serve as the only means of public ingress and egress to one or more lots, cross flowing streams, cross poor soils or encounter other similar conditions.

- a) All streets, roads, and alleys shall be constructed to provide the necessary paving, roadway, drainage, and safety requirements as provided herein and by other specifications of Oglethorpe County.
- b) Clearing and grubbing.
 - 1) All streets, roads and alleys shall be graded to their full width so that pavement, shoulders and sidewalks, where required or proposed for future installation, can be constructed on a

uniform plane. The right-of-way shall be cleared of all trees. Additional trees shall be removed outside of the right-of-way if any grading or trenching, or other disturbance encroaches the drip line of a tree by more than 25 %

- 2) Clearing, grading or other land disturbing activities associated with subdivision construction shall not commence until the preliminary plat, engineered construction plans and soil erosion/sediment control plans have all been approved by all local state and federal agencies as determined by the Planning Director of Oglethorpe County.
 - 3) Where any tree removal has occurred under the pretext of a logging activity, permitted or otherwise, prior to the issuance of all applicable development permits shall require a wait period of 3 years prior to issuance of any non-logging or development permit.
- c) Storm drainage. See the Erosion Control and Stormwater Management Article of this Development Code for requirements relating to storm drainage.

Section 1119.03 Installation of utilities; general.

All utility crossings, service lines, conduit, or other related appurtenances shall be installed within the limits of the roadbed plus 2 feet on each side of the pavement surface, prior to the placement and compaction of the graded aggregate base course. Utilities should be installed following the installation of curb and gutter, unless the curb line is accurately staked at 50 foot intervals to insure proper utility locations as specified in Section 1117. The developer shall coordinate the location of all utilities and provide a copy of all as-built and proposed locations upon submission of the final plat.

Section 1119.04 Slopes and shoulder improvements

Slopes and shoulder improvements shall conform to the requirements of Section 1108.05.h.

Section 1119.05 Construction methods; roadways.

- a) Roadway grading and embankments.
 - 1) All streets and roads shall be graded to their full width by the subdivider so that pavements and sidewalks, where required or proposed for future installation, can be constructed on a level plane as shown in the cross-sections on the approved plans.
 - 2) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner, and shall not be buried in the right-of-way or within the project limits.
 - 3) Road fill of suitable material free of organic matter shall be placed in uniform eight-inch layers compacted to at least 95 percent of maximum density throughout as specified for construction and testing in the Georgia DOT standards for embankments. Embankment compaction tests shall be taken at an interval not exceeding 2500 cubic yards. All storm drainage and other underground utilities installed under the roadbed and the backfill in all ditches shall be compacted to at least 95 percent maximum density. Compaction testing of backfill for said structures shall be taken at a minimum interval not less than once between any 2 structures. Compaction test results shall be reported to the county immediately after results are obtained.
 - 4) Cut and fill slope ratios shall start at the edge of the right-of-way and shall not exceed 3:1 in the right-of-way and 2:1 outside of the right-of-way. In lieu of a cut or fill slope, a retaining wall may be utilized where necessary with the approval of the county.
 - 5) Cut or fill slopes shall be uniform for each section of cut or fill. The depth of cut or fill shall be constructed to the maximum cut or fill occurring in any one section. When a cut made in rock requires blasting, the slope may be changed to an alternative slope grade upon written approval of the county.
 - 6) If paving is to be delayed, provisions shall be made to drain low points in the roadway. If curbing has not been installed, a break in the berm section may be provided. If curbing is in place, 4-inch pipe sections shall be used to provide drainage under the curb to side slopes.
 - 7) All work must be approved by the County Engineer prior to preparation of the subgrade. It is the design professional's duty to inspect to determine whether the road grading specifications have been met. The developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway grading. The developer shall also provide to the County certification by a professional land surveyor or engineer licensed in the state that grading has been completed to the lines and grades to a tolerance of +/- 6 inches. The developer will also provide staking of the roadway centerline in conjunction with

said certification for verification by the Roads Inspector. Upon presentment and approval of such documentation by the County, road construction may continue.

- b) Preparation of subgrade.
 - 1) All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The sub-grade shall be properly shaped, rolled and uniformly compacted to conform with the lines, grades and typical cross-sections as shown on the drawings approved by the County.
 - 2) The subgrade shall be scarified to a depth of 8 inches, and compacted to 95% maximum dry density and within +/- 3 percent of the optimum moisture content. Subgrade compaction shall be determined by field testing at intervals not to exceed 1500 feet. Compaction testing shall be accomplished in accordance with the standardized testing protocols of GDOT. Written test results shall be provided to the County immediately after results are obtained.
 - 3) It is the design professional's duty to inspect to determine whether subgrade preparation specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway subgrade preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.
- c) Preparation of aggregate base course.
 - 1) Base course shall be installed as described in the latest edition of the GDOT Road Construction Manual.
 - 2) Graded aggregate base shall meet the requirements of Georgia DOT Specifications for graded aggregate. Graded aggregate base compaction tests shall be taken at an interval not exceeding 1 per 1500 linear feet and shall meet all GDOT compaction requirements.
 - 3) After the base course has been installed and inspected, and before any surface is applied, all residential streets shall be primed with suitable asphaltic materials as per Georgia DOT Specification 412 unless asphalt paving commences within two weeks from acceptance of the certification from the period March 1 to December 1 or within 24 hours during the period December 1 to March 1.
 - 4) It is the design professional's duty to inspect to determine whether graded aggregate base course preparation specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway graded aggregate base course preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.
- d) Asphaltic concrete construction.
 - 1) Material, equipment, seasonal and weather limitations, preparation of road surface, material application and construction methods shall be the same as set out in the Georgia Department of Transportation's Standard Specifications for Road and Bridges, latest edition, and any amendments thereto.
 - 2) Mix design(s) shall be provided to the County for approval at least a minimum of 2 weeks prior to paving operations.
 - 3) If paving will not be completed within 2 weeks after the base course is completed during the period March 1 to December 1, then, the base will need to be primed in accordance with GDOT Standards with the roadway being barricaded thereafter. The above will be required within 24 hours during the period of December 1 - March 1.
 - 4) One asphaltic concrete extraction test per type mix shall be taken per subdivision. Extraction test results shall be reported to the county immediately after results are obtained.
 - 5) Asphaltic concrete compaction tests for each type mix shall be taken at an interval not exceeding 1 per 1000 linear feet per 1 lane of roadway. All asphalt courses shall conform to GDOT compaction requirements and Compaction testing shall be accomplished in accordance with the appropriate standardized protocols set forth in the GDOT Sampling, Testing, and Inspection Manual. Compaction test results shall be reported to the county immediately after results are obtained.
 - 6) Where a binder course is provided on streets, a tack coat shall be applied to all prepared road surfaces as provided in Georgia DOT Specifications.

- 7) On streets where a binder course is provided, the final layer of asphalt shall be placed no later than 1 year after the binder course is laid or when 80 percent of the project is built-out, whichever comes first.
- 8) The County Engineer shall require that all work meet or exceed the above requirements.
- e) It is the design professional's duty to inspect determine whether the roadway asphaltic concrete construction specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for road- way asphaltic concrete construction. Upon presentation and approval of such documentation by the county, roadway construction will be considered as complete for the purpose of final plat.
- f) Base, asphalt and compaction testing. Depth testing. The County reserves the right to require depth checks on base materials and asphalt cores to be taken at random locations at five hundred foot intervals along each road at the discretion of the County Engineer or Road & Bridge Inspector. Any area found deficient shall be brought up to the required thickness prior to placing any additional layer of material. All asphalt core holes shall be filled with hot mix asphalt of similar grade prior to final acceptance.
- g) Additional testing requirements/coordination. All testing shall be scheduled with the Roads Inspector, or his/her duly appointed representative no less than 24 hours in advance. Compaction testing shall not be performed until the surface/material is to the lines and grades shown on the plans. Once an embankment, subgrade, or base course has been certified then that material shall not be disturbed or additional testing will be required. All areas or sections of the subgrade and base course, which do not pass compaction testing, shall be corrected. Once the Developer makes all necessary corrections, it shall be his/her responsibility to schedule any and all subsequent tests. The Roads Inspector may require that in addition to the compaction testing required, a roll test be performed in accordance with Section 1108.05.k. All certifications provided shall contain all test data and results to support certification.
- h) Seasonal limits. No roadway construction material shall be deposited or shaped when the subgrade is frozen at any depth or thawing at any depth or during unfavorable weather conditions including rain of any intensity. Paving material installation shall be subject to temperature and weather conditions as contained in Georgia DOT construction standards. The time period from December 1 to March 1 will require special construction procedures unique to the individual sites and weather conditions. The Contractor/Developer shall consult with the Public Works Department during a supplemental Pre-Construction Conference prior to beginning or continuing any roadway construction work during this period. It shall be the responsibility of the Developer to schedule this conference.

Section 1120. Building construction.

Section 1120.01 Building permit required

- a) No construction activity of any kind including grading, installation of improvements, and building shall begin on any subdivision lot or site development project without the prior approval and issuance of a building permit by the Board of Commissioners.
- b) The Board of Commissioners shall not issue any permit for the erection of any building or structure to be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of this Development Code, until such plat shall have been admitted to record as provided for in this Code.

Section 1120.02 Building site development.

- a) Development and building construction on an individual subdivision lot (such as a single- family detached home) or development project site (such as a nonresidential building or multi-family project) shall be in accordance with the Stormwater Management Article of this Development Code.
- b) Bury pits – no bury pits for debris, vegetation or any other material shall be located on any individual lots within a major or minor subdivision.

Section 1120.03 Certificate of occupancy required.

- a) No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the County Health Office and the Building Inspections Department.
- b) No principal building of any kind, and no accessory building requiring issuance of a building permit, shall be occupied or used for any purpose until a Certificate of Occupancy has been issued, as

authorized by the Fire Marshal (if required) and the Buildings Inspector, unless otherwise waived by the County in accordance with provisions of this Development Code.

Article XII: Exceptions and Modifications

Section 1200. Nonconforming Uses/Structures/Lots of Record

Section 1200.01 Purpose

Within the Zoning Districts established by this Ordinance or amendments that may later be adopted, there exist Lots, Structures, and Uses of Structures and/or Land, which were lawful before this Ordinance was passed or amended, but which would be prohibited, further regulated, or restricted under the terms of this Ordinance or future amendments. Such non-conforming uses/structures/lots are declared by this Ordinance to be incompatible with permitted uses/structures/lots in the districts involved.

To balance the public interest in full compliance with the terms of the various zoning districts, and the private interest in legitimate investments made in good faith prior to this Ordinance, and in order to avoid undue hardship; this Ordinance seeks to phase out nonconforming uses/structures/lots at varying rates as specified herein, depending on the degree to which the effectiveness of the Ordinance is undermined by their continued existence. It is the intent of this Ordinance to permit all but the most imposing nonconformities to remain until they are voluntarily removed, corrected, or discontinued, but to prohibit their expansion and encourage their elimination or transformation to a conforming status.

Nothing in this Section shall require a change in the plans, construction, or designated use of any building under construction or designated use of any building under construction prior to the adoption of this Ordinance.

Any use or structure established prior or subsequent to the adoption of this Ordinance without the proper authorization and permits, and which violated and continues to violate the standards of this Ordinance, is ILLEGAL not nonconforming, and shall be handled in accordance with Article XIII, Administration, Enforcement, and Appeals, of this Ordinance.

Section 1200.02 Nonconforming Lots of Record

Where the owner of a lot, which was legally platted and recorded prior to the adoption of this Ordinance, does not own sufficient land to enable him to conform with the width or area requirements of this Ordinance, such lot may nonetheless be developed with any use permitted in the District for which it has been designated, provided that said lot and use are approved by the Oglethorpe County Health Department, and that said lot and proposed use/structures shall comply with all other requirements of the District and this Ordinance. Any such use or structure shall not be considered non-conforming for the purposes of this section.

It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

Section 1200.03 Nonconforming Structures

Through their violations of maximum and/or minimum size and space standards designed to ensure light, air, privacy, and compatible design, nonconforming structures may significantly impact the use and value of neighboring properties, though rarely will they threaten the integrity of the whole district. So long as they are used in accordance with the district, such structures may remain indefinitely and be maintained, but the nonconformity may not be expanded.

Specifically:

- a) Nosuchnonconformingstructuresmaybemoved,enlarged,oralteredinawaywhichincreasesitsnonconformity;butanystructuremaybemovedonthesamelot(butremainingwithinthesame)or altered,providingitisinawaywhichdecreasesoreliminatesitsnonconformity. Normal repairs and maintenance shall be permitted.
- b) Nonconformingstructuresmaynotbemovedforanyreasontoanotherlotortoanotherdistrictwithout conformingtoalloftheregulationsofthedistrictintowhichitismoved.
- c) Should any such nonconforming structure be damaged or destroyed by any means, including natural disaster or catastrophe, to an extent exceeding seventy-five (75%) percent of its replacement cost at the time of destruction, as determined by the Zoning Official, it shall not be reconstructed, repaired, rebuilt, or altered except in conformity with the provisions of this Ordinance unless a variance has been approved by the Board of Commissioners.
- d) If a nonconforming structure that is damaged or destroyed by any means, including natural disaster or catastrophe, to an extent exceeding seventy-five (75%) percent of its replacement cost at the time of destruction, as determined by the Zoning Official(s), is part of an agricultural operation and constitutes less than

fifty(50%)ofthetotaloperation,thenitmaybereconstructed,butinsuchaway as to reduce the nonconformity wherever feasible, and provided that a building permit is obtained for the work within six (6) months from the date the damages were incurred.

- e) Structures incurring damage equivalent to seventy-five (75%) percent or less of the replacement cost at the time of destruction, as determined by the Zoning Official(s), may be restored and reconstructed to their prior state, provided that a building permit is obtained for the work within six (6) months from the date the damages were incurred.
- f) In either case, the owner of such property shall remove debris, and where deemed necessary, the remainder of the structure itself, from the property within ninety(90)daysfromthedatethedamageswere incurred. If,attheendofthis period, the owner has failed to comply with this regulation, the County may remove the debris and shall assess the owner for the cost of removal which the county shall be entitled to collect in the same manner as property taxes.

Section 1200.04 Physically Unsafe Structures

If a nonconforming structure, or portion of a structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, pursuant to the standards in OCGA Section 41-2-10, and is declared by any duly authorized official to be unlawful by reason of physical conditions, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 1201 Variances

When the owner of one or more adjacent lots of record at the time of the enactment of this ordinance does not own sufficient contiguous land to enable him to meet the spatial requirements of this Ordinance; or where the topography, physical shape, or other unique features of such lot(s) of record prevent reasonable compliance with the spatial requirements of this Ordinance, the Board of Commissioners may authorize, upon appeal in specific cases except as otherwise provided herein, such variances from the spatial requirements of these Regulations as will not be contrary to the public interest or constitute a public health or safety hazard, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship; and so insuring that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may also be granted from the requirements for public water, public sewer, or both, applicable to the R-1, R-2, and R-3 zoning districts, pursuant to the standards and procedures set forth herein.

Section 1201.01 Variances for Use and Density Prohibited

No variance shall be granted for a use of land, buildings, or structures which is not permitted by right or by conditional use within the district involved, nor shall it be granted for a variance from residential densities, except in the case of a hardship mobile home, as specified in Section 1204, in this Ordinance.

Section 1201.02 Conditions and Findings

Variances may be granted in such individual cases for practical difficulty or unnecessary hardship only upon a finding by the Board of Commissioners that all of the following conditions exist:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, character, topography, and
- b) The application of this Regulation to this particular piece of property would create an unnecessary hardship; and
- c) Such conditions are peculiar to the particular piece of property involved; and
- d) The special conditions and circumstances do not result from the actions of the applicant; and
- e) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; and
- f) The variance requested is the minimum necessary to make possible the legal use of the land, building or structure.

Section 1201.03 Application Procedure and Review Process

Application requirements and review process for Variance approval shall be as specified in the Amendments Section of this Development Ordinance, including submission of application and required fees, deadlines, Zoning Board review, required notification and public hearing, and action by the Board of Commissioners.

The application for a variance shall include:

- a) A statement of ownership;
- b) The requested variance
- c) The specific grounds for the request - including documentation of unique conditions or hardship

- d) A site plan, as specified, with applicable information shown thereon
- e) Such other information regarding the property and proposed use as directly affects the application or as may be required by the Zoning Board or Board of Commissioners.

Section 1201.04 Modifications and Conditions

In granting a variance, the Board may make modifications or attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. The conditions to an authorized variance shall also be a part of the public record and be a part of the requirements for an issuance of a building permit.

Section 1201.05 Rehearing After Denial

If an application for a Variance is denied by the Board of Commissioners, then the same property may not again be considered for a Variance and no application for such shall be accepted until the expiration of at least six (6) months immediately following the date of the final decision for denial by the Board of Commissioners.

Section 1201.06 Expiration of Variance Approval

The approval of any application for a Variance shall be effective for a period of no longer than twelve (12) months from the date of final approval by Board of Commissioners. If during that twelve (12) month period, no action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, initiating development plat approval, or otherwise proceeding with the building, occupancy or establishment of the approved use, then such approval shall become null and void.

Section 1202. Conditional Uses

Conditional uses, as set out in this Ordinance, are those which possess characteristics which may require certain controls in order to insure compatibility with other uses in and adjacent to the district. Therefore, such conditional uses shall only be permitted by special review by the Zoning Board and approval by the Board of Commissioners based upon findings that the use is consistent with adopted plans for the area and that the location, construction, and operation of the proposed use will not result in a significant adverse impact upon surrounding development in the district or the County in general.

Section 1202.01 Findings

In determining the compatibility of a Conditional Use with adjacent properties and the overall community, the Board of Commissioners must make the following findings if the Conditional Use is to be approved:

- a) Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to a safe and acceptable level and that the proposed use will not have a significant adverse effect on natural resources (air quality, water supply, municipal water supply watersheds, groundwater recharge areas, wetlands, rivers and streams, floodplains and erosion control, significant trees and forests, and prime agricultural land, for examples) historic and scenic resources, or rare/endangered plant or animal species.
- b) Public facilities and services, and utilities (water and sewer systems, solid waste disposal facilities, roads and bridges, schools, law enforcement, fire protection, emergency medical services, for examples) are capable of adequately serving the proposed use.
- c) Vehicular traffic and pedestrian movement on adjacent streets will not be hindered or endangered.
- d) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be safe and adequate in terms of location, capacity, and design to serve the use.
- e) Adequate provision is made on the proposed site for setbacks, fences, screening, or other improvements to protect adjacent properties from possible adverse effects, such as glare, noise, dust, vibration, odor, electrical disturbances, unsightly views, or similar factors.
- f) The proposed use will not have a significant adverse effect on the level of property values or the general character of or quality of life in the area.

Section 1202.02 Application Procedure and Review Process

Application requirements and review procedures for Conditional Use approval shall be as specified in the Amendments Section of this Development Ordinance, including submission of application and required fees, accompanying data, including any additional data specifically required for certain uses or within certain districts as set out elsewhere in this Ordinance, drawings, narratives and other supporting documentation, deadlines, Zoning Board review, required notification and public hearing, and action by the Board of Commissioners, and any other requirements specified therein.

Section 1203. Temporary Uses

Certain temporary, incidental uses which are not normal accessory uses under the applicable zoning district, may be permitted by the Board of Commissioners, provided said temporary uses do not constitute a danger to the public health, safety, and welfare and provided that the owner of the property upon which said temporary use is proposed first obtains a Temporary Use Permit from the Board of Commissioners, as specified herein.

Section 1203.01 Temporary Building(s) for Construction Project or Land Subdivision Development

A temporary building or buildings for use in connection with a construction project or land subdivision development, such as a real estate sales office, contractor's office, or equipment shed, shall be permitted on the same property as the project during the construction period, provided that:

- a) No cooking or sleeping accommodations are maintained in the structure.
- b) No temporary or permanent sanitary facilities shall be maintained in the structure unless approved and certified by the Health Department.
- c) Such structure observes all appropriate front, side, and rear yard setback requirements for the district in which it is located.
- d) Such temporary buildings shall be removed upon completion of the construction phase and shall not remain as sales or advertising offices.

Section 1203.02 Temporary Sawmills

Temporary sawmills used to process timber grown and harvested on the property where it is processed shall meet the following conditions:

- a) The sawmill shall be located no closer than two hundred (200') feet from the nearest residential district or use.
- b) Hours of operation shall be restricted to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

Section 1203.03 Temporary Signs

Temporary signs which are not permitted as exempt signs, as specified in this Ordinance, shall require a temporary use permit as follows:

- a) Such signs shall be erected no earlier than fourteen (14) days prior to the event and shall be removed no later than five (5) business days following the event.
- b) No sign or advertising shall be posted on any building, structure, or property belonging to another without the written consent of the owner thereof. If applicable, such written consent shall be submitted with the temporary use application.
- c) In addition to the temporary permit application, applicant for a permit to place a temporary sign shall file a bond in the amount specified by the Board of Commissioners. Said bond shall be remitted upon removal of all signs by the applicant and subject to compliance with the requirements of this Ordinance and all other applicable laws and regulations.
- d) Each application for a temporary sign permit shall contain an agreement to indemnify and save the county harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. In addition, a certificate of liability insurance may be required by the county and shall be presented by the applicant upon request, prior to the issuance of the permit.

Section 1203.04 Other Temporary Uses

The Board of Commissioners may permit any other temporary use, not to exceed twelve (12) months, which it finds to be compatible with existing uses in the district for which it is proposed, for a period of time which the Board deems appropriate for the use, provided that such use is clearly of a temporary nature and will not create a hazard or nuisance for surrounding properties.

Section 1203.05 Exemptions

The following temporary uses shall be exempt from the requirement for a Temporary Use Permit as specified herein:

- a) Established places of worship, schools, or other public or semi-public facilities where such occasional and temporary land uses are normal accessory uses to the established facility, where existing off-street parking and facilities are adequate to accommodate said use, where the use is conducted wholly on the property of said existing facility, where new or substantially altered driveways are not required, and where the use complies with applicable laws and ordinance. This exemption shall apply to temporary, incidental uses, only, and not to permanent or extended uses, buildings, structures, or site improvements which would otherwise require rezoning, permits, or other government action.
- b) Certain Temporary Signs, as specified in the Sign Regulation Section of this Development Ordinance, which are directly related to and on the same property as the uses listed in paragraph #1, above.

Section 1204. Hardship Manufactured Housing

Section 1204.01 General Standards

Hardship manufactured housing shall be considered a temporary use. In order to be approved by the Hardship Manufactured Housing Review Committee or Board of Commissioners, hardship manufactured housing shall be subject to the conditions set forth below. The applicant shall bear the burden of providing conclusive evidence to the Hardship Manufactured Housing Review Committee or Board of Commissioners that these conditions have been met. The Hardship Manufactured Housing Review Committee or Board of Commissioners may modify the conditions listed below to be more restrictive, or place additional conditions, which may also be more restrictive than the conditions listed below, on any approval granted the applicant. If the hardship manufactured housing is approved, the applicant is responsible for the operation of said manufactured housing in conformance with these conditions.

- a) The hardship petition shall be presented to a called meeting of the Hardship Manufactured Housing Review Committee. The members of the Review Committee shall consist of the Board of Commissioners Chairman, or Vice Chairman in the Board of Commissioners Chairman's absence; the District Commissioner from the applicant's district; and the Zoning Board Chairman, or Vice Chairman in the Zoning Board Chairman's absence. Upon hearing the petition, the members of the Review Committee must vote by signing the application in favor of, or opposed to, the petition. If the petition is unanimously approved by the Review Committee it does not have to be heard by the entire Board of Commissioners. If the petition is not unanimously approved by the Review Committee, and the applicant desires to continue with the petition, the petition must be presented to the entire Board of Commissioners at a regularly scheduled monthly meeting. Majority approval is required by the Board of Commissioners.
- b) The manufactured housing shall be permitted only if a genuine hardship exists based on medical reasons or natural disaster. Written documentation, such as a letter on professional stationery and signed by the attending physician in the case of a medical hardship, or verification of the circumstances surrounding the hardship in the case of a natural disaster, shall be submitted by the applicant.
- c) The proposed manufactured housing shall only be occupied by a relative by blood, marriage, or adoption of the owner of the property, or by a legally appointed guardian of the person upon whose condition the hardship is based.
- d) An application for hardship manufactured housing approved by the Hardship Manufactured Housing Review Committee or Board of Commissioners shall be reviewed twelve (12) months from the date of approval and on an annual basis thereafter to determine whether the conditions under which the approval was granted still exist to warrant a continuance.
- e) The manufactured housing shall be removed from the property within six (6) months after the specified hardship ceases to exist. The manufactured housing shall not be rented or otherwise occupied once the hardship has ceased to exist.
- f) The applicant shall submit a written description and photographs of the proposed manufactured housing demonstrating that it will comply with each of the conditions listed herein.
- g) The applicant shall submit a site plan or plat showing the dimensions of the lot, the location of the proposed manufactured housing on the lot and its distance from all property lines.

- h) The applicant shall submit written approval from the Oglethorpe County Health Department for water supply and sewage disposal for the proposed manufactured housing.
- i) The lot which contains the hardship manufactured housing shall be an approved, recorded lot, or it shall be a lot of record as defined in this Ordinance.
- j) The proposed hardship manufactured housing shall meet the minimum setback requirements of the zoning district in which it is to be located.
- k) Only one hardship manufactured housing unit shall be permitted on a tract of land at one time.

Section 1204.02 Minimum Safety and Installation Requirements

- a) At minimum, such structure shall conform to the American National Standards Institute (ANSI) 119.1(1975), also cited as National Fire Protection Association (NFPA) Code 501(b) and shall otherwise conform to Section 901 of this Ordinance, and shall be inspected and approved by Zoning Official(s)
- b) Such structure shall be installed according to the minimum standards of the State of Georgia, the manufacturer's installation instructions (when available), or Appendix "H" of the Georgia State Building Code and including the use of approved tie-downs and ground anchors able to withstand winds of 100 miles an hour, so as to resist wind overturning and sliding.

Article XII: Administration, Enforcement, And Appeals

Section 1300. Permits

No building or land shall hereafter be used or occupied except in conformity with the regulations herein specified for the district in which it is located. There shall be no land disturbing activity, no development of any type, no construction of any type, no building, structure or part thereof, constructed, erected, enlarged, structurally altered, converted, moved or demolished, without first obtaining a development permit and/or any other permits or approvals as may be required by this Ordinance or any other applicable local, state, or federal ordinances. No development permit shall be issued except in conformance with the provisions of said ordinances.

Section 1300.01 Development Permits

The term Development Permits includes local permits or approvals issued for construction or land disturbing activities, rezoning, conditional use, variances, and preliminary and final subdivision plat applications as specified by the Oglethorpe County Zoning Ordinance, the Oglethorpe County Subdivision Regulations, or by any other regulations or ordinances duly adopted by the Oglethorpe County Board of Commissioners and subject to the requirements and procedures as specified in the appropriate sections of the applicable regulations and ordinances.

- a) Permits shall be issued only if the activity is in compliance with approved site plans and this Ordinance and other applicable state, federal and local regulations. The Oglethorpe County Board of Commissioners or their designated official(s) shall impose conditions on any permit necessary to assure that any adverse impacts are prevented or kept to a minimum.
- b) Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. The Board of Commissioners may establish filing fees sufficient to retain the services of expert consultants, if deemed necessary by the Board of Commissioners or their designated official(s) for the proper evaluation the application.
- c) The Board of Commissioners or their designated Planning Official(s) may require a bond with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
- d) Permits may be revoked for failure to comply with regulatory guidelines, including conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit.

Section 1300.02 Building Permits

An application for a building permit shall include any necessary data required by the Board of Commissioners or their designated Planning Official(s) to determine that the proposed structure(s) or use conforms to the requirements of this Ordinance along with the required application fee, as established by the Board of Commissioners. At minimum, all applications for development permits shall be accompanied by two (2) copies of a recorded plat and fully dimensional site plan, drawn to a scale of not less than one-eighth (1/8) inch equal to one (1) foot, and signed by the owner or his/her authorized agent. Said plan may be drawn by the applicant, however, in cases where a clear determination that the structure or use meets all the requirements of this Ordinance cannot be made from a sketch plan, a site plan drawn by a registered engineer, architect, land surveyor, or landscape architect shall be required. Submission shall include the following items, as applicable:

- a) Individual Single-Family and Two-Family Residential Dwelling:
 - 1) Project owner and address.
 - 2) Date, scale, north arrow.
 - 3) Owner(s) and use(s) of adjacent properties.
 - 4) Property lines and dimensions.
 - 5) Total project acreage.
 - 6) All required setbacks appropriately dimensioned and designated.
 - 7) Location and use of existing and/or proposed buildings and the square footage in each
 - 8) Location and names of adjacent street(s)
 - 9) Location and width of driveway
 - 10) Location of any rivers, creeks, streams, lakes or ponds, including 100 Year Flood Plain
 - 11) Location and identification of any easements, including access and utility
 - 12) Method of water supply and sewage management including Health Department Certification, if required.

- 13) Any other data, as requested by the Planning Official(s), necessary to an understanding and evaluation of the project and to determine conformance with this Ordinance.
- b) Non-Residential and Multi-Family Development:
- 1) Project name.
 - 2) Project owner and address.
 - 3) Date, scale, north arrow.
 - 4) Vicinity map.
 - 5) Owners and uses of adjacent properties.
 - 6) Property lines and dimensions.
 - 7) Total project acreage
 - 8) Topography at five (5') foot contour intervals may be required
 - 9) Proposed use of property to be developed
 - 10) Required setbacks appropriately dimensioned.
 - 11) Location and use of existing and/or proposed buildings and the square footage in each
 - 12) Location of adjacent street(s), including names and width of right-of-way and pavement
 - 13) Location of any rivers, creeks, streams, lakes or ponds, including 100 Year Flood Plain
 - 14) Location and identification of any easements, including access and utility
 - 15) Method of water supply and sewage management including Health Department Certification, if required.
 - 16) Location, dimensions, pertinent details of required buffers/screening, including plant material by name, spacing of plant material, and total number of plants by species, where applicable
 - 17) Location of driveway ingress and egress, including dimensions for curb radius, driveway width, and distance to nearest street intersection.
 - 18) Location, dimensions, and details of existing and proposed off-street parking/loading areas, including all interior drives, provisions for interior interconnection access, bays and walkways, type of servicing, angle of stalls, dimensions of stalls, width of access aisle, and schedule listing total number of parking stalls by type.
 - 19) Trash/garbage receptacle (dumpster) location, if applicable.
 - 20) Location, dimensions, and details of any proposed signage.
 - 21) Location and details of any proposed exterior lighting.
 - 22) Any other data, as requested by the Planning Official(s), necessary to an understanding and evaluation of the project and to determine conformance with this Ordinance.

Section 1300.03 Review Procedure

The application shall be reviewed by the Planning Official(s) or their designee within forty-five (45) days of its official submittal. An application shall not be deemed officially submitted unless it contains all required documents and information, and all required fees have been paid. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Planning Official(s) or their designee. The Planning Official(s) may approve, approve with conditions, or deny the application. If the Planning Official(s) fails to act on the application within forty-five (45) days of its official submission to the Planning Official(s), the application shall be deemed to have been approved. The applicant shall receive written notification of the findings within seven (7) days.

Upon determination that the application has filed, together with the plans and specifications, conforms in all respects with the requirements of this Ordinance, and other applicable local, state, and federal regulations, then the Planning Official(s) shall issue the permit applied for. One copy of such plans shall be returned to the owner or agent when such plans shall have been approved by the Planning Official(s). If an application is disapproved, the applicant shall be notified in writing with the reason for disapproval.

Section 1300.04 Records Maintained

A record of such applications and plats or site plans shall be kept by the Oglethorpe County Planning Official(s).

Section 1300.05 Expiration of Building Permits

- a) Any building permit issued shall expire and become invalid unless the work authorized by the permit shall have been commenced within twelve (12) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of twelve (12) months.

- b) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled. Further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
- c) The Oglethorpe County Board of Commissioners or their designated Planning Official(s) shall issue to the applicant written notice of said expiration prior to revocation of any permit.

Section 1300.06 Adherence to Approved Plans, And Permits

Development Permits issued on the basis of approved uses, site plans, operations, and conditions included in a Rezoning, Conditional Use, Temporary Use, or Variance application, as approved by the Board of Commissioners or their designated Planning Official(s), authorize only such use, plans, operations, and conditions as set forth and approved, therein. Any deviation from the authorized use, plans, operations, and conditions shall constitute a violation of this Ordinance.

Section 1300.07 Display of Permit

Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction.

Section 1300.08 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Planning Official(s) after a final inspection of said building, structure, or use.

A Certificate of Occupancy shall not be issued unless the final inspection of the property in question determines that the proposed use of the building or land conforms to the provisions of this Ordinance, and/or unless the final construction of the building, structure, or use complies with the approved site plan upon which the Building Permit was issued. The Planning Official(s) shall state in writing the reasons for denying such Certificate of Occupancy.

Section 1300.09 Schedules and Fees

From time to time the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Ordinance, and may adopt schedules of dates, times, and places, as appropriate and necessary to regulate the application, review, and hearing processes required by this Ordinance.

Section 1301. Enforcement

Section 1301.01 Enforcement Authority

The Oglethorpe County Board of Commissioners or their designated Official(s) shall administer and enforce the provisions of this Ordinance and carry out the duties required. They shall be provided with the assistance of such other persons as the Oglethorpe County Board of Commissioners may direct.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have authority to enforce this Ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

The Oglethorpe County Board of Commissioners or their designated official(s), agents, or officers shall have the authority to enter upon privately owned land, at reasonable times and with due process, for the purpose of performing their duties under this ordinance and may take or cause to be made such inspections, examinations, surveys, or samplings as Oglethorpe County Board of Commissioners or its designated official(s) deem necessary to determine conformance to the requirements of this Ordinance.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have the authority to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction

Law enforcement officials or other officials having police powers shall have authority to assist the Oglethorpe County Board of Commissioners or their designated official(s) in enforcement of this Ordinance.

Section 1301.02 Enforcement Action

- a) If the Oglethorpe County Board of Commissioners or its designated official(s), agents, officers, or employees find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation(s), indicating the nature of the violation(s) and

- ordering the action necessary to correct it. Such written notice, however, shall not be a necessary condition to enforcement of the Ordinance.
- b) The Oglethorpe County Board of Commissioners or its designated official(s) may suspend or revoke a permit for failure to comply with regulatory guidelines, or with conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit. The Board of Commissioners or their designated official(s) shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the local newspaper serving as the legal organ of the county.
 - c) The Oglethorpe County Board of Commissioners or its designated official(s) shall order discontinuance of illegal use of land, buildings, or structures or of illegal additions, alterations, or structural changes; or discontinuance of any illegal work being done; or shall take any other action, including instituting an injunction, mandamus, or other appropriate action as authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
 - d) When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
 - e) When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
 - f) If the Oglethorpe County Board of Commissioners or their designated official(s) discover a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

Section 1301.03 Penalties for Violation

It is unlawful to violate the provisions of this Ordinance or to fail to comply with any of its requirements, including conditions or limitations established in connection with grants of variances, rezoning, special exceptions, restricted conditional uses, or other permits. Any person who commits, takes part in or assists in any violation of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, be fined, as determined by the court, for each offense, not more than one thousand dollars (\$1,000.00) and in addition shall pay all costs and expenses involved in the case. Each violation shall be deemed a separate offense and, in the case of a continuing violation, each day such violation continues shall be deemed a separate and distinct offense.

Section 1302. Appeals

Section 1302.01 Appeal to the Board of Commissioners

Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the designated Planning Official(s), agents, officers, employees or any other party in enforcement of this Ordinance, may appeal in writing to the Oglethorpe County Board of Commissioners for an interpretation of pertinent Ordinance provisions. In exercising this power of interpretation, the Board of Commissioners may, in conformity with the provisions of this Zoning Ordinance, reverse or affirm any order, requirement, decision, or determination made by the designated Planning Official(s), agents, officers, employees, or any other party. The Board of Commissioners shall inform in writing all the parties involved of its decisions and the reasons therefore.

Section 1302.02 Application of Appeal

- a) An application of appeal shall be filed, in writing, with the official(s) from whom the appeal is taken and with the Clerk of the Oglethorpe County Board of Commissioners, along with any filing fee. Any such appeal must be filed within thirty (30) days of the decision or action being appealed. Incomplete applications will not be placed on the Board's agenda. The application shall include, at minimum, a statement of ownership, the requested interpretive ruling, the specific grounds for the request, including documentation of unique hardship, where appropriate.
- b) The Official(s) from whom the appeal is taken shall forthwith transmit to the Board of Commissioners copies of all the papers constituting the record upon which the action being appealed was taken.

Section 1302.03 Public Hearing and Notification

Before taking any official action on an application for appeal, the Board of Commissioners shall hold a public hearing thereon. The Board of Commissioners shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof in a newspaper of general circulation in Oglethorpe County, at least fifteen

(15) and no more than forty-five (45) days before the hearing. Upon a hearing, all parties shall appear in person, by agent, or by attorney. Said hearings shall be open to the public and shall be conducted in accordance with the provisions set forth in the Amendments Section of this Development Ordinance.

Section 1302.04 Appeal from Decision of the Governing Body

Any party aggrieved by any decision of the Oglethorpe County Board of Commissioners may petition the Superior Court for certiorari, as provided under Georgia law. Such appeal shall be filed with the Clerk of Court within thirty (30) days of the rendering of said decision by the Oglethorpe County Board of Commissioners being appealed.

Section 1302.05 Stay of Legal Proceedings

An appeal to the Court of Record shall stay all proceedings in furtherance of the action appealed from, unless the zoning official(s) from whom the appeal is taken certifies to the Board of Commissioners and the County Attorney after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by a court of law.

Section 1302.06 Judicial Review - Alternative Actions

Based on any proceedings and the decision of the Oglethorpe County Superior Court, the Oglethorpe County Board of Commissioners may, within the time specified by the court, elect to:

- a) Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
- b) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
- c) Institute other appropriate actions ordered by the court that fall within the jurisdiction of Oglethorpe County.

Article XIV: Amendments

Section 1400. Authority

The Oglethorpe County Zoning Ordinance and the Official Zoning Map of Oglethorpe County, Georgia, may be amended from time to time by the Oglethorpe County Board of Commissioners pursuant to the policies and procedures set out herein. Any proposed amendment shall first be submitted to the Oglethorpe County Zoning Board for review and recommendation.

Section 1401. Initiation of Amendments

Applications for amendment may be in the form of proposals to amend the text of this Ordinance or proposals to amend a zoning classification or use, as designated on the Official Zoning Map of the county, including rezoning, conditional uses and variances.

Section 1401.01 Amendment to Text of Oglethorpe County Zoning Ordinance

An application to amend the text may be initiated by the Zoning Board or be submitted to the Zoning Board by the Board of Commissioners or by any individual, firm, or organization of the County, or by their duly appointed agent or attorney.

Section 1401.02 Change of Zoning Classification or Use on Official Zoning Map of Oglethorpe County, Georgia

An application for a change in zoning classification or use (rezoning, conditional use, or variance) for a specific parcel of land as designated on the Official Zoning Map may be initiated by the Zoning Board, or be submitted to the Zoning Board by the Board of Commissioners or by any person with fifty-one (51%) or more percent ownership in fee simple of subject property being petitioned for rezoning or his/her legal agent authorized in writing over the owner's signature. Unless initiated by the Board of Commissioners or by the Zoning Board, all applications for amendments or change in zoning classification or use must be submitted by the owner of such property or by the authorized agent of the owner. Such authorization shall be notarized and attached to the application.

Section 1402. Application Procedure

Section 1402.01 Submission Requirements

- a) Application Fee - Any application for amendment to the text of the Oglethorpe County Zoning Ordinance or for a change in zoning classification or use (rezoning, conditional use, or variance) on the Official Zoning Map of Oglethorpe County (except those initiated by County Officials) shall be accompanied by a filing fee, to cover administrative and advertising expenses, as established by the Board of Commissioners. No application shall be processed unless the filing fee has been paid in full.
- b) Submittal Deadline - All applications, fees, and materials shall be submitted to the Zoning Board or the Zoning Official(s) at least fifteen (15) working days in advance of the next regular meeting of the Zoning Board at which the application is to be considered. All data, drawings, narratives and other supporting documentation required herein, along with payment of the required application fee, must be provided for in an application before it shall be officially received for review and consideration by the Zoning Board.

Section 1402.02 Applications for Text Amendment

All applications for a text amendment of the Oglethorpe County Zoning Ordinance shall include ten (10) copies of the amendment application providing the following information:

- a) Name and address of applicant.
- b) Current provisions of text to be affected by amendment.
- c) Proposed wording of text change.
- d) Reason for amendment request.

Section 1402.03 Application for Change of Zoning Classification or Use

All applications for a change of zoning classification or use (including rezoning, conditional use, or variance) shall include the information and materials as specified in this Ordinance and shall be accompanied by all applicable filing fees. Incomplete applications shall not be processed. The submittal of inaccurate or incomplete information may be cause for denial of the request; or, if such discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for revocation of the approval and any related permits by the County.

- a) Minimum Requirements – All applications for change in zoning classification or use, including rezoning, conditional use, and variances, submitted or initiated by a party other than the Zoning Board or Board of Commissioners, shall include, at minimum, the following:
 - 1) A typed metes and bounds legal description of the subject property.
 - 2) Ten (10) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include a general description of the project, including details for provision of water supply and sewage management, (signed certification of approval by the Oglethorpe County Health Department shall be required, or, if use of municipal water supply and/or municipal sewage system are proposed, a signed and dated authorization for such use from the appropriate municipal governing body shall be required), details of any existing or proposed development controls, deed restrictions, or covenants applicable to the property and any other relevant concerns identified by the County or applicant.. For any application for change in zoning classification or use, the applicant shall also include an analysis of the impact of the proposed change in zoning classification or use, addressing the criteria set forth in Section 1403, Evaluation Criteria, herein.
 - 3) Ten (10) copies of a site plan or plat of the subject property, drawn to scale and prepared by an architect, engineer, land surveyor, or landscape architect, whose state registration is current and valid and whose seal shall be affixed thereto, and containing the following information, as applicable:
 - i. Project Name
 - ii. Name, address, telephone number, and signature of owner(s) of record as well as that of any authorized agent(s)
 - iii. Date, scale, and north arrow
 - iv. Vicinity map
 - v. Current zoning classification and use of property and proposed zoning classification and use of property
 - vi. Owners of record, zoning district classifications and uses of adjacent property, including those across an abutting public right-of-way.
 - vii. Property Lines and Dimensions of the tract, with bearings and distances
 - viii. Total project acreage
 - ix. Required setbacks, appropriately dimensioned
 - x. Location of existing or proposed streets on and adjacent to the site, including street names and width of rights-of-way, pavement (or if unpaved, notation of such), and points of access
 - xi. Location and dimensions of any existing or proposed easements, including access, utility, drainage, etc., on or adjacent to the site;
 - xii. Location, identification, and dimensions (including height and gross square footage), of any existing or proposed buildings, structures, and uses,
 - xiii. Location, dimensions, and type surfacing of existing or proposed off-street parking/loading areas and interior drives;
 - xiv. Location, and dimensions of any required landscaping, buffers and/or screening
 - xv. Location of any lakes, ponds, significant wetlands, rivers, creeks, and other watercourses including location of one hundred (100) year flood plain, on or adjacent to the site.
 - xvi. Location of any significant rock outcrops, cemeteries, or significant identified historic sites/structures on or adjacent to the site
 - xvii. Provision for water supply and sewage disposal.
 - xviii. A signed Certification of Approval by the Oglethorpe County Health Department shall be required. If use of municipal water supply and/or municipal sewage system are

- proposed, a signed and dated authorization for such use from the appropriate municipal governing body shall be required;
- xix. Location, height, fixture type, and wattage of any proposed exterior site lighting
 - xx. Trash/garbage receptacle locations
- 4) Any additional information the applicant believes to be pertinent.
 - 5) A topographical map with contour lines at intervals of not more than five (5') feet may be required by the Planning and Zoning Official(s), if deemed necessary to an evaluation of the project and to determine compliance with this Ordinance.
 - 6) Any additional information or data as may be required for certain specific districts or uses as specified in this Ordinance;
 - 7) Any other data which is deemed necessary to an understanding and evaluation of the project, as may be requested by the Zoning Board or Board of Commissioners.
- b) Comprehensive Site Development Plan - If a Comprehensive Site Development Plan is required as part of the application for change in zoning classification or use, including Conditional Use or Planned Development, as specified for certain zoning districts and uses in this Ordinance, then the following additional information and materials shall be required:
- 1) A typed metes and bounds legal description of the subject property.
 - 2) Ten (10) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community, including:
 - i. The name and type of the business or company, address, and telephone number as registered with the Secretary of State.
 - ii. The existing and proposed zoning district classification and use of the property;
 - iii. Zoning district classifications and uses of adjacent properties, including those across an abutting public right-of-way.
 - iv. Provision for water supply and sewage disposal.
 - v. A general description of the project including proposed uses, density (including any calculations used to determine allowed density), details of the operation, number of employees, shifts, hours of operation.
 - vi. Calculations of average daily traffic and peak hour(s) vehicle trip ends to be generated by the project with estimate of preferred route split.
 - vii. A description of any significant modifications of the natural landscape that will be required to accommodate the proposed use
 - viii. Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas.
 - ix. Any significant site improvements proposed to accommodate the proposed use or to further buffer adjacent uses.
 - x. Details of any proposed development controls, deed covenants, or deed restrictions, condominium declarations, or similar documents.
 - xi. Details of any areas or improvements to be dedicated to the County and the extent of the title which is to be dedicated;
 - xii. Details of proposed surety for installation of required or proposed improvements or as indemnity for closure or cleanup of certain uses as specified in this Ordinance;
 - xiii. For phased developments, a proposed development schedule shall be included indicating the phases in which the project will be built and the approximate beginning date and time period required for completion of each phase; and a schedule by which amenity packages will be completed (if applicable).
 - xiv. An analysis of the impact of the proposed change in zoning classification or use, addressing the criteria set forth in Section 1403, Evaluation Criteria, herein.
 - xv. Any additional required data as specified for certain districts and uses, in this Ordinance;
 - 3) Ten (10) copies of Site Development Plans, drawn to scale and prepared by an architect, engineer, land surveyor, or landscape architect, whose state registration is current and valid and whose seal shall be affixed thereto. Plans shall be clearly and legibly drawn in permanent ink or blue line at a scale sufficient to show necessary details, generally one inch equals one hundred feet (1" = 100'). Sheet size shall be no smaller than 17" x 22", of paper

consistent with current engineering practices. If the complete plat cannot be shown on one sheet, it may be shown on more than one sheet with approximate match lines provided and an index map on a separate sheet of the same size.

- 4) All Site Development Plans shall include the following information as applicable:
- i. Project name
 - ii. Name, address, telephone number and signature of owner(s) of record as well as that of any authorized agent(s)
 - iii. Date, scale, and north arrow
 - iv. Vicinity map, drawn at a scale of not less than one inch equals 2,000 feet (1" = 2,000') and showing adjacent roads and landmarks.
 - v. Current zoning classification and use of property and proposed zoning classification and use of property
 - vi. Owners of record, zoning district classification and uses of adjacent property, including those across an abutting public right-of-way.
 - vii. Property Lines and Dimensions of the tract, including bearings and distances
 - viii. Total project acreage and total percentage of ground coverage.
 - ix. Existing topography with ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than five (5') feet.
 - x. Location of any lakes, ponds, significant wetlands, rivers, creeks, natural drainage ways, and other watercourses including location of one hundred (100) year flood plain, within or adjacent to the site.
 - xi. Location of any rock outcrops, cemeteries, or identified significant historic or archaeological sites/structures (as designated in the Oglethorpe County Comprehensive Plan or any published surveys or inventories of the County, officially authorized or accepted by local, state, or federal authorities);
 - xii. For mixed use developments, locations, acreage, dimensions, and identification of areas set aside for each type of use;
 - xiii. Location, dimensions, purpose, identification of any areas to be reserved or dedicated for public or common use.
 - xiv. Required setbacks, appropriately dimensioned
 - xv. Location and dimensions of any existing or proposed easements, including access, utility, drainage, stormwater detention facilities, etc., within or adjacent to the site;
 - xvi. Location of existing and proposed streets within and adjacent to the site, including street names and width of rights-of-way and surface treatment, and cross-section and centerline profiles (showing angles of deflection, angles or intersection, radii, and lengths of tangents) for each proposed new street;
 - xvii. Location, use, dimensions, gross square footage and rough floor plans (if applicable) of existing and proposed buildings, structures, and areas of operation;
 - xviii. Number of units and number of bedrooms for all proposed single-family attached, two-family, and multi-family residential structures and/or any proposed minimum/maximum restrictions on size or number of bedrooms for any single-family detached residential structures on lots of reduced size.
 - xix. Location, dimensions, capacity, and surface treatment of all off-street parking/loading areas, including entrances and exits, interior drives, and, if applicable, provisions for interior interconnecting access
 - xx. Location, width and surface treatment of any proposed bikeways, equestrian paths, and pedestrian walkways;
 - xxi. Number, location(s), dimensions, height, design, materials, orientation, and lighting details (if any) of proposed signs;
 - xxii. Location, height, fixture type, and wattage of exterior site lighting;
 - xxiii. Trash/garbage/ receptacle (dumpster) locations;
 - xxiv. Details of required or proposed landscaping, any required buffers and/or screening, and any additional screening elements proposed to further protect surrounding properties, including location, dimensions, identification of plant material by name, spacing of plant material, and total number of plants by species (as applicable).

- xxv. A signed Certification of Approval by the Oglethorpe County Health Department shall be required. If use of municipal water supply and/or municipal sewage system are proposed for the development, a signed and dated authorization for such use from the appropriate municipal governing body shall be included;
 - xxvi. For phased developments, locations, acreage, dimensions, and identification of areas set aside for each development phase.
 - xxvii. Any additional data as may be required for certain specific districts and uses as specified in this Ordinance;
 - xxviii. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, walls, fencing, buffers/screening.
- c) An applicant may also file any additional renderings, construction specifications, written development restrictions, covenants, proposed additional site improvements or conditions planned to mitigate potential adverse impacts, or any other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application, or any additional information the applicant believes to be pertinent.
 - d) Any other data which is deemed necessary to an understanding and evaluation of the project, as may be requested by the Zoning Board or Board of Commissioners.

Section 1403. Evaluation Standards

When evaluating on application for amendment for a change of zoning classification or use (including rezoning, conditional use, or variance), the Zoning Board and the Board of Commissioners shall consider factors relevant in balancing the interest in promoting the public health, safety, morals, or general welfare against the right of the individual to the unrestricted use of property and shall specifically consider the following criteria. The applicant shall have the burden of proof, which includes the presentation of evidence and the burden of persuasion of each factor necessary to receive approval by the Board of Commissioners.

- a) Whether the zoning proposal is in conformity with the policy and intent of the Oglethorpe County Comprehensive Plan, the Transportation Plan, or any other duly adopted plans for the development of the County.
- b) Whether there is reasonable evidence, based upon existing and anticipated land use, which would indicate a mistake was made in the original zoning of the property.
- c) Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
- d) Whether the change will create an isolated district unrelated to the surrounding districts, such as “spot zoning”
- e) Whether the need for rezoning could be handled instead by a variance request to the Zoning Board of Adjustments.
- f) Whether the subject property is suitable for the existing zoned purpose.
- g) Whether the subject property is suitable for the proposed zoning or use (location, size, lot configuration, topography, drainage, availability of public water supply and sewage system, or space and soil type to accommodate a safe water supply and an appropriately sized septic system, etc.).
- h) Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
- i) The impact and suitability of the most intense possible future use that would be permitted on the subject property under the proposed change in zoning classification.
- j) Whether the change requested is out of scale with the immediate neighborhood or the needs of the county as a whole.
- k) Whether the zoning proposal will result in a use that could cause an excessive or burdensome use of or other adverse impact on existing streets, traffic patterns and congestion, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services.
- l) Whether the zoning proposal will result in a use that will have an adverse impact on population density in the area.
- m) Whether there could be a significant threat for ecological, environmental, or pollution impact, including but not limited to air quality; ground and surface water supply and quality; significant destruction of habitat for wildlife, deterioration or destruction of significant or sensitive natural and environmental resources, habitat for endangered or threatened plants or animals, waste generation

and disposal; waste water quality, sanitary sewage disposal capacity; toxic or hazardous materials; odors, noise, vibration, and other nuisances; diseases of public health importance, and any related concerns, resulting from the proposed use or from major modifications to the land if the request is granted.

- n) Whether the requested change would have an adverse impact on significant natural, historic, or scenic resources.
- o) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- p) To what extent the zoning proposal will adversely affect the property values of adjacent or nearby property.
- q) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
- r) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- s) The length of time the property has been vacant as zoned considered in the context of land development in the area, in the vicinity of the property.
- t) Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- u) To what extent subject's property values will be diminished by the existing zoning restrictions.
- v) To what extent the destruction of the subject's property value under the existing zoning will promote the health, safety, morals, or general welfare of the public
- w) The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Section 1404. Zoning Board Review

All applications for a change of zoning classification or use or for amendments to the text of this Ordinance, together with all other required materials, shall be transmitted to the Oglethorpe County Zoning Board, which shall study the proposal and materials and make a recommendation to the Oglethorpe County Board of Commissioners. The recommendations of the Zoning Board shall be of an advisory nature to the Board of Commissioners.

- a) The Zoning Board shall conduct a comprehensive review of the application and accompanying materials. It shall determine the need and justification for the requested change based on the facts applicable to the particular case, an analysis of the immediate and future impact of the proposed use on the community in general, and any other relevant factors. Applications for amendments involving a change in zoning classification or use shall be evaluated subject to the criteria set out in Section 1403, Evaluation Criteria, herein.
- b) Where appropriate, the Zoning Board may consult with other departments of the County to fully evaluate the impact of the proposal on public facilities and services and conduct a site review of the property and surrounding area.
- c) Where expert opinion and studies are deemed necessary to fully evaluate the impacts of the proposed use, the Zoning Board may recommend to the Board of Commissioners, that consultation with impartial professionals or experts regarding issues pertinent to the proposal be provided as specified in Subsection 1406.07, Professional Consultation, herein.
- d) The Zoning Board may recommend amendments or modifications to the applicant's request and/or recommend conditions of rezoning which are deemed advisable so that the purpose of this Ordinance will be served and that the health, safety, and welfare of the public is secured.
- e) The Zoning Board shall have sixty (60) days or two regular meetings, whichever is greater, from the date the application is officially received to complete its study of the proposed amendment and submit a written report and recommendation for approval, approval with conditions, disapproval, or such other recommendation as it deems appropriate to the Oglethorpe County Board of Commissioners. If the Zoning Board fails to submit a report within sixty (60) days or two regular meetings, after it has officially received the application, complete in all respects, it shall be deemed to have recommended approval of the proposal, provided that the time limit may be extended by mutual agreement between the applicant and the Commission.

Section 1404.01 Changes or Amendments to Application

There shall be no changes or amendments to an application once officially received for review and consideration by the Zoning Board, except for those specifically requested by the Zoning Board. Any adjustments or amendments other than those recommended by the Zoning Board shall be considered a new application and cause the original rezoning request to be returned to the Zoning Board for reconsideration. The Zoning Board, if necessary, may take up to sixty (60) days to review the new application. All fees normally associated with a rezoning request shall also be applicable.

Any changes or amendments to the site plan, made in response to recommendations by the Zoning Board, must be completed by the applicant and approved by the Zoning Board prior to submission to the Board of Commissioners.

Section 1404.02 Withdrawal of Application

An amendment application or application for a change of zoning classification or use and accompanying materials may be voluntarily withdrawn by the applicant without prejudice until such time as the advertising for public hearing required by this Article has been made. Once the application has been submitted to the Board of Commissioners and the advertising for public hearing has been made, no such application shall be withdrawn without causing the application to comply with the designated waiting period prior to a rehearing as specified in Subsection 1406.06, Rehearing After Denial, herein, unless the request for withdrawal shall be specifically granted by the Board of Commissioners, by a majority vote at the public hearing or at the next following regularly scheduled meeting. There shall be no reimbursement of application fees for withdrawn applications.

Section 1405. Notification and Public Hearing Requirements

Before taking any official action on an application for text amendment, change of zoning classification or use, conditional use, or variance, the Board of Commissioners shall hold a public hearing thereon, for the purpose of receiving and considering the recommendations of the Zoning Board and public comment on the merits of the proposed amendment or change. Said hearings shall be open to the public and any interested party and citizens may appear in person, or by agent, or by attorney. The public hearing shall be held in accordance with the provisions set forth herein.

Section 1405.01 Setting Public Hearing Date

Upon completion of the Zoning Board review, the Oglethorpe County Board of Commissioners shall establish a date, time, and place for a public hearing on the petition which shall be not less than seven (7) days nor more than sixty (60) days from the completion date of said review.

Section 1405.02 Notification to Applicant

Written notification of the hearing date, time and place shall be forwarded forthwith to the applicant or his/her duly authorized agent.

Section 1405.03 Notification to Adjacent Property Owners

The Board of Commissioners shall cause notice of the date, time, place, and purpose of the public hearing to be given by mail to the owners of record of all properties adjacent to the property subject to the amendment application.

Section 1405.04 Publication of Notice

At least fifteen (15) and no more than forty-five (45) days prior to the date of the public hearing, the Board of Commissioners shall cause to be published in a newspaper of general circulation in Oglethorpe County, a legal notice of the hearing. Said notice shall state the date, time, place, and purpose of the hearing.

- a) If an amendment to the text of the Oglethorpe County Zoning Ordinance is under consideration, then the public notice shall also include a description of the proposed amendment and the intent of the proposed change.
- b) If an amendment for a change in zoning classification or use is under consideration, then the public notice shall also include the name of the applicant, tax parcel number, location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or conditional use or specific variance requested.

Section 1405.05 Notification Sign Required

If an application for amendment involves the rezoning of property from one zoning district classification to another, then a sign shall be placed in a conspicuous location on the subject property, facing the public road. On lots with more than one street frontage, a sign shall be placed facing each public road. If the subject property does not have frontage on a public road, then the sign may be posted on the right-of-way of the nearest public road that provides access to the site. The sign shall be installed not less than fifteen (15) days prior to the public hearing. Said sign shall remain posted until final action has been taken by the Board of Commissioners.

The sign shall be not less than two (2) by two (2) feet square, with not less than three (3") inch black letters upon a white background, and shall read as follows:

NOTICE TO THE PUBLIC

APPLICATION TO REZONE THIS PROPERTY FROM [CLASSIFICATION] TO [CLASSIFICATION]
PUBLIC HEARING TO BE HELD [Day of the Week]_[Month]_ [Date]_ [Time]

[Location]

FOR MORE INFORMATION CALL [Telephone Number]

Section 1405.06 Additional Notification and Public Hearing Requirements for Zoning Amendments Involving Halfway Houses, Drug Rehabilitation Centers or Other Facilities for Treatment of Drug Dependency

When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The rearing required by this subsection shall be in addition to any other hearing required in Section 1405, Notification and Public Hearing Requirements, herein. The Board of Commissioners shall give notice of such hearing by posting notice on the affected premises as specified in Subsection 1405.05, Notification Sign Required, and by publishing a notice as specified in Subsection 1405.05, Publication of Notice, herein, but with the additional requirements that both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, and that the published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Section 1405.07 Public Hearing Procedures

All hearings for final zoning decisions by the Oglethorpe County Board of Commissioners (hereafter, "Board") shall be called pursuant to O.C.G.A. 36-66-4, as amended.

- a) All hearings for final zoning decisions by the Oglethorpe County Board of Commissioners shall be conducted according to the following procedures:
- b) All persons who wish to address the Board at a hearing concerning a final zoning decision under consideration by the Board shall first sign up on a form to be provided by the Board prior to the commencement of the hearing. Any party who wishes to address the Board through his/her or her attorney or other designated representative or agent shall first sign up on a form to be provided by the Board prior to the commencement of the hearing, setting forth the name of their principal and the capacity in which they are appearing before the Board, i.e. whether as attorney, parent, attorney in fact, real estate agent, or otherwise.
- c) The Board shall cause to be read the proposed zoning decision under consideration and the reading or presentation of any departmental reviews pertaining thereto prior to receiving public input on said proposed zoning decision. Proposed zoning decisions shall, as a general rule, be called in the order in which they are received by the Board, provided that nothing shall prevent the Board from changing the order of decisions reviewed at the time of the hearing, for the convenience of the Board and the public.
- d) The Board shall call each person who has signed up to speak on the proposed zoning decision in the order in which the persons have signed up to speak, except for the applicant (or his/her designated representative or agent), who will always speak first, or if the Board has brought a proposed zoning decision to the hearing, then the Commissioners shall speak first; provided however, no person shall be allowed to speak in addition to his or her attorney or other designated representative or agent. Each person shall have only one opportunity and time limit in which to speak and said opportunity and time shall be used only by the person or the person's attorney or other designated agent. The purpose of this provision is to disallow additional time not allowed to the speakers, by use of attorneys and agents, thereby gaining an unfair advantage at the hearing. Prior to speaking, the speaker will identify himself or herself and state his or her current address, and if an attorney or other designated agent, identify his or her principal. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak unless the Board, in its discretion, votes

to make an exception at the time of the hearing, notwithstanding the failure of the person to sign up prior to the hearing.

- e) Each speaker shall be allowed a limited amount of time to address the Board concerning the proposed zoning decision then under consideration, unless the Board, prior to or at the time of the reading of the proposed decision, allows additional time in which to address the Board on said proposed zoning decision. The applicant may initially use all of the time allotted to him or her to speak or he or she may speak and reserve a portion of his or her allotted time for rebuttal. Provided however, if the Board's members desire to ask questions of the speaker, once the speaker has finished speaking on said proposed zoning decision, the time incurred to ask and answer said questions shall not accrue to the speaker's allotted time. Provided further, however, the questioning body may stop questioning and responses at any time, at which time the speaker must relinquish the floor. Individual speakers at the hearing shall be allotted five (5) minutes in which to address the Board. A member of the Board's staff shall be designated as the timekeeper to record the time expended for each speaker. Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak. This time period shall not be less than ten (10) minutes per side in accordance with State Law. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his or her remarks only to the Board. The merits of the proposed zoning decision shall include evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, welfare and benefit of the community or county as it is affected by the proposed zoning decision. The speaker shall refrain from comment on unrelated zoning issues and unrelated tracts of land. Each speaker shall refrain from personal attacks on any other speaker and from discussion of facts or opinions irrelevant to the proposed decision under consideration. The Board may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- f) Nothing contained herein shall be construed as prohibiting the Board from taking reasonable steps necessary to insure that hearing are conducted in a decorous manner, to assure that the public hearing on each proposed zoning decision is conducted in a fair and orderly manner.
- g) Prior to the close of the hearing, the Board shall announce whether it votes on the proposed amendment or decision at the same hearing or whether it will defer its vote for a period not to exceed thirty (30) days.
- h) A secretary shall record the proceedings of the public hearing. The record of the public hearing and all evidence submitted at the public hearing shall be recorded for public record and shall become a permanent part of the particular zoning amendment's file.

Section 1406. Board of Commissioners Consideration and Decision

Section 1406.01 Official Action

The Board of Commissioners shall have sixty (60) days or two regular meetings, whichever is greater, following the public hearing, to make a decision to approve, approve with conditions or modifications (as set out in Subsection 1406.02, Conditional Zoning, herein) or deny the application, provided, however, that the Board of Commissioners shall reserve the right to defer decision on an application in order to seek additional information or consultation with impartial professionals or experts regarding issues pertinent to the proposed amendment or change in zoning classification or use, as specified in Subsection 1406.07 Professional Consultation, herein, or pertinent to issues arising from the public hearing. Any action to defer decision shall include a specific meeting date to which the application shall be deferred.

Section 1406.02 Conditional Zoning

The Board of Commissioners may approve an application with conditions or modifications. Conditional zoning may be defined as the imposition of conditions or modifications upon a rezoning request that do not necessarily arise out of the zoning resolution itself; or are not uniformly applicable throughout a zoning district; but rather, are uniquely applicable to the specific project or rezoning involved. As such the Oglethorpe County Board of Commissioners, based on the report and recommendations of the Zoning Board, and any professional or expert consultation, may require that certain conditions be added or modifications be made to a rezoning request so as to offset any adverse impacts to the community that may result from an approval. Such conditions or modifications might include reducing the land area, changing the district requested, and/or adding or deleting conditions of rezoning, and/or modifying the hours of operation, arrangement of facilities or structures, parking, building size, lot size, outside displays, signs, lighting, setbacks, buffering and screening requirements, or any other conditions or modifications deemed necessary, and shall

be imposed when it benefits the neighbors or community as a whole by ameliorating the effects of the zoning change and insuring the safe and orderly operation of the proposed uses and their compatibility with the surrounding properties. These conditions shall be consistent with the Oglethorpe County Comprehensive Plan; and/or lessen the impact on public infrastructure, facilities or services; and/or protect the health, safety, and welfare of the community. Such conditions:

- a) Must be included in the motion for approval; and
- b) Shall be required of the property owner and all subsequent owners as a condition of their use of the property until such time as said conditions shall be removed or modified through a subsequent application and approval of a change of zoning classification or use, as specified herein; and
- c) Shall be interpreted and continuously enforced by the Zoning Board and Zoning Official(s) in the same manner as any other provision of this regulations.
- d) A building permit shall not be issued until after the review and approval by the Zoning Official(s) and Zoning Board of final site, architecture, and development plans required by such conditions.

Section 1406.03 Changes in the Zoning Maps

Following final action by the Board of Commissioners, any necessary changes shall be made on the Official Zoning Map of Oglethorpe County. A written record of the type and date of such changes shall be maintained by the Clerk of the Board of Commissioners.

Section 1406.04 Adherence to Approved Plans

Unless otherwise noted, the building and site plans, operations data, and other documentation and proposals submitted in support of an application for rezoning, conditional use, or variance as amended and approved by the Board of Commissioners, shall be considered part of the approval and binding. No Building Permit or other permits or Certificates of Occupancy shall be granted for any buildings, structures, uses, or actions that do not comply with said approved building and site plans, operations data, and other documentation and proposal and any deviation from such, without applying for an amendment as specified herein, shall constitute a violation of these regulations.

Approval of a proposed use by the Board of Commissioners does not constitute an approval for future expansion of, or additions or changes to, the initially approved operation. Any future phases or changes that are considered significant by the Zoning Board, Board of Commissioners, or their designated Zoning Official(s), and not included in the original approval, are subject to the provisions herein, and the review of new detailed plans and reports for said alterations, by the governing authority.

Section 1406.05 Expiration of Approval

The approval of any amendment for a change in zoning classification or use shall be effective for a period of no longer than twelve (12) months from the date of final approval by the Board of Commissioners. If during that twelve (12) month period, no action is taken by the applicant to implement the use proposed in the application by obtaining the proper permits and/or license, initiating development plat approval, or otherwise proceeding with the building, occupancy or establishment of the approved use, then such approval shall become null and void. Written notice of the expiration shall be issued to the applicant by the Oglethorpe County Board of Commissioners or their designated Zoning Official(s) prior to revocation of any permits. The Board of Commissioners shall reserve the right to initiate action to rezone the parcel to its original zoning, following the procedures outlined herein, except that no fees shall be required.

Section 1406.06 Rehearing After Denial

If an application for a change in zoning classification or use is denied by the Board of Commissioners, then the same property may not again be consideration for an application for the same change in zoning classification or use that was previously denied and no application for such shall be accepted until the expiration of at least twelve (12) months immediately following the date of the final decision for denial. In addition, the same property may not be considered for any other type of zoning application (rezoning, conditional use, variance, etc.), and no application shall be accepted for such until the expiration of at least six (6) months immediately following the date of the previous final decision for denial. Said interval shall not apply to applications initiated by the Board of Commissioners or Zoning Board.

Section 1406.07 Professional Consultation

The Board of Commissioners reserves the right to require an independent evaluation of the impacts of the proposed use and technical details of the proposal. The evaluations of the impacts may include but are not limited to, environmental impacts, traffic density impacts, economic impacts, infrastructure impacts or growth impacts. Where expert opinion and studies are deemed necessary for the County to fully evaluate the impacts and/or technical details of the proposed use, additional fees may be charged to cover the actual cost to the County of obtaining such expert opinion and studies. The initial deposit for such additional fees shall cover a minimum of ten hours of an expert consultant's established hourly rate to provide consultation to Oglethorpe County. The Board of Commissioners shall

not contract for more than ten hours of expert consultation without the prior notification and consent of the applicant in writing. The initial deposit, in cash or check, shall be submitted to the Board of Commissioners or their designated Official(s). If the actual cost to the government is greater than the initial deposit, the applicant shall be billed for the difference and shall pay the bill in full prior to the hearing before the Board of Commissioners. If the actual cost to the government is less than the initial deposit, the actual cost will be deducted from the initial deposit and the remainder of the deposit shall be refunded to the applicant within ten working days following the hearing before the Board of Commissioners.

Section 1406.08 Developments of Regional Impact

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's, and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local government's jurisdictional boundaries, impacts on other jurisdictions need to be assessed. If a development project submitted to the Oglethorpe County Zoning Board or the Board of Commissioners for approval is determined to require DRI review, then the time deadlines imposed by this Ordinance shall be suspended until the DRI review process is completed.

Section 1407. Disclosure of Financial Interest and Campaign Contributions

Any local government official, including members of the Zoning Board and members of the Board of Commissioners, who has a property interest in any real property affected by a rezoning action upon which that official will have the duty to consider; or has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official will have the duty to consider; or has a member of the family having such an interest shall immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners, as set out in OCGA Subsection 36-67A-2. The Oglethorpe County official who has an interest as defined above, shall disqualify himself from voting on the rezoning action. The disqualified county official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in this section shall be public record and available for public inspection at any time during normal working hours.

When any individual applying for rezoning action has made or given, within two years immediately preceding the filing of said rezoning application, campaign contributions or gifts aggregating \$250.00 or more to a local government official involved in the rezoning action, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the Board of Commissioners as set out in OCGA Subsection 36-67A-3.