

CHAPTER 2. PROCEDURES AND PERMITS

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CHAPTER 2. PROCEDURES AND PERMITS.

ARTICLE I. PURPOSE, DEFINITIONS, AND OVERVIEW.

Sec. 2-1 Purpose of Chapter 2.

This Chapter describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, the procedures for amendments to the text of this Development Code, and the process for appeals from an administrative decision, for a special exception, or for hardships.

Sec. 2-2 Definitions.

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a zoning change, development permit, building permit, hardship variance, special exception, or appeal, or any other authorization for the use or development of their property under the requirements of this Development Code.

Application: A petition for approval of a zoning change, development permit, building permit, hardship variance, special exception, or appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

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

Building Code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the County under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

Condition of Zoning Approval: A requirement adopted by the County Commission at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or special use and to further the protection of the public health, safety, or general welfare.

Condominium: A multiple unit dwelling in which each dwelling unit is owned or financed by the occupant, but in which halls, entrance ways, common areas, and underlying lands are owned jointly.

Condominium Plan: A drawing that is required to be recorded prior to the first conveyance of a condominium unit, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan.

DBH: Diameter Breast Height, a standard for measuring the diameter of a tree.

Owner: A person having or controlling a majority fee simple interest in a property, or their authorized representative.

Plat: A drawing prepared by a land surveyor that describes and depicts real property boundaries, including, but not limited to, a map, condominium plat, subdivision plat, as-built survey, easement survey, or retracement survey.

Public Improvement: The construction, enlargement, extension, or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control, and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve, or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole, or other appurtenance other than a drain line from a building.

Subdivision: (1) The division of a property or tract of land into two or more tracts or lots; (2) a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

Subdivision, Major: The division of land into 2 or more lots that will require the construction or extension of public streets, water, or other public facilities (other than the direct connection of buildings to existing facilities).

Subdivision, Minor: The division of land into 2 or more lots, each of which will be adequately served by existing public streets, water, and other public facilities.

Zoning Change: An amendment to the Zoning Map (rezoning), approval of a special use, or approval of a change in the conditions of approval associated with a rezoning or special use.

Sec. 2-3 Overview—land development.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process.

(a) Zoning changes (rezoning or special use approval).

A request for rezoning or approval of a special use must be approved prior to development or construction. A zoning change for a multifamily or nonresidential project must include a sketch plan showing the proposed layout of the building, parking lots, etc.

(b) Subdivisions with public improvements (major subdivisions).

The division of land into 2 or more lots that will require the construction or extension of public streets, water, or other public facilities (other than the direct connection of buildings to existing facilities) shall be conducted as follows:

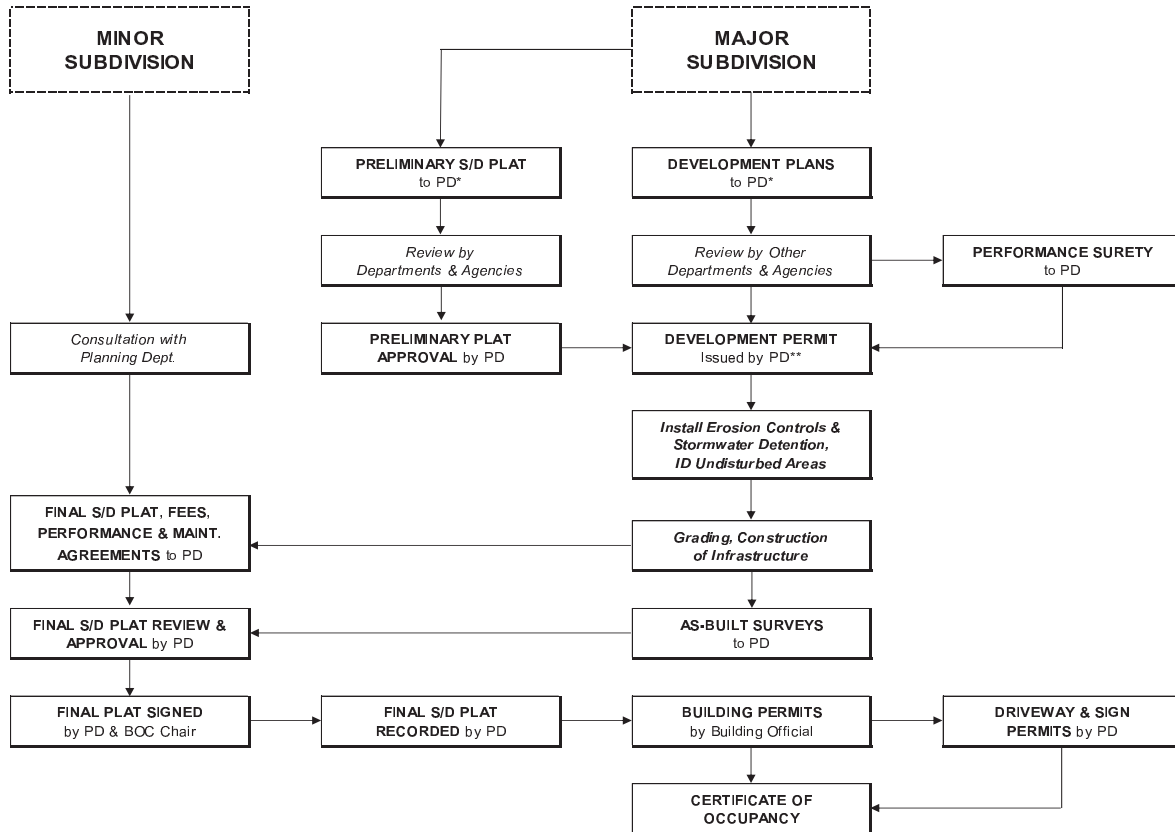
- (1) Project Approval is granted by the Planning Department upon review and approval of a Preliminary Subdivision Plat.
- (2) A Development Permit is issued by the Planning Department based on review and approval of development plans for construction of the subdivision.
- (3) Receipt and approval by the Planning Department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a Final Plat.

- (4) Approval of a Final Subdivision Plat by the Planning Department will authorize recordation of the plat with the Clerk of Superior Court.
 - (5) After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.
 - (6) No sooner than 1 year after recordation, all public improvements will be inspected by the Public Works Department. After the developer has made any required repairs, public acceptance of the improvements shall be issued by the County Administrator.
- (c) Subdivisions not requiring public improvements (minor subdivisions).

The division of land into 2 or more lots, each of which will be adequately served by existing public streets, water, and other public facilities, shall be conducted as follows:

 - (1) Approval of a Final Subdivision Plat by the Planning Department will authorize recordation of the plat with the Clerk of Superior Court.
 - (2) After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.
- (d) Multi-family and nonresidential projects.
 - (1) Project Approval is granted by the Planning Department upon review and approval of a Site Plan for the project.
 - (2) A Development Permit is issued by the Planning Department based on review and approval of development plans for construction of the project.
 - (3) A Building Permit is issued by the Planning Director based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Department prior to issuance of the building permit.
 - (4) Receipt by the Planning Department of accurate surveys of the as-built condition of all public improvements is required in order to authorize permanent water and sewer service.
 - (5) Permanent electric power and occupancy of the building is authorized by the Building Inspector based on final inspection and issuance of a Certificate of Occupancy.

Subdivision Development Approval Process

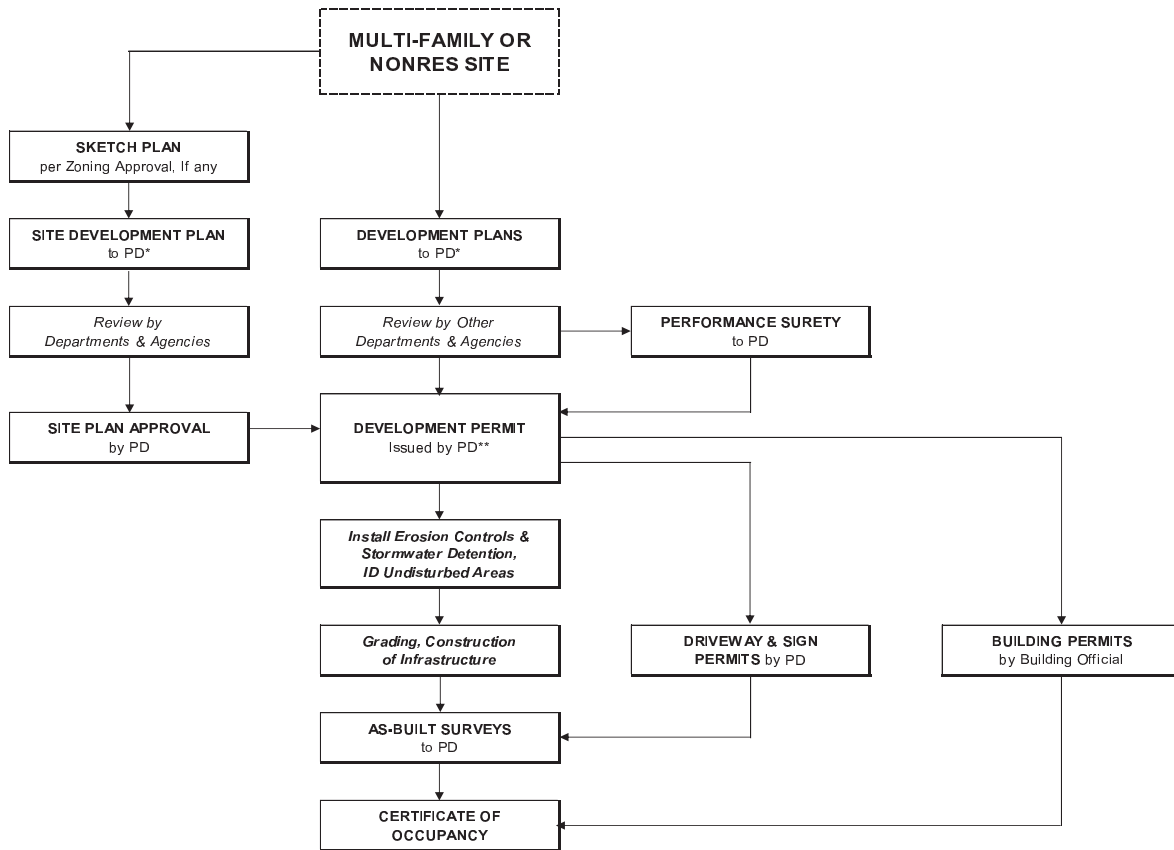


PD -- Planning Director / Planning Department
BOC -- Board of Commissioners

* Incomplete applications will be returned within 5 days.
** Including Flood Area Permit, if applicable.

This flow chart is **ILLUSTRATIVE ONLY**. See the Development Code text for details and application requirements.

Site Development Approval Process



PD -- Planning Director / Planning Department

* Incomplete applications will be returned within 5 days.

** Including Flood Area Permit, if applicable.

This flow chart is **ILLUSTRATIVE ONLY**. See the Development Code text for details and application requirements.

Sec. 2-4 Application intake.

An application for any permit or approval under this Chapter will first be considered as follows:

- (a) If the application is for a project that qualifies as a Development of Regional Impact (DRI), and is the first request for County action or is a revision to a previous DRI, refer to ARTICLE XIV of this Chapter for details and procedures.
- (b) If the application is for approval of a minor subdivision plat, refer to Sec. 2-45 (b).
- (c) If the application is for any other type of approval or permit, refer to the appropriate sections of this Chapter for procedures pertinent to the request.

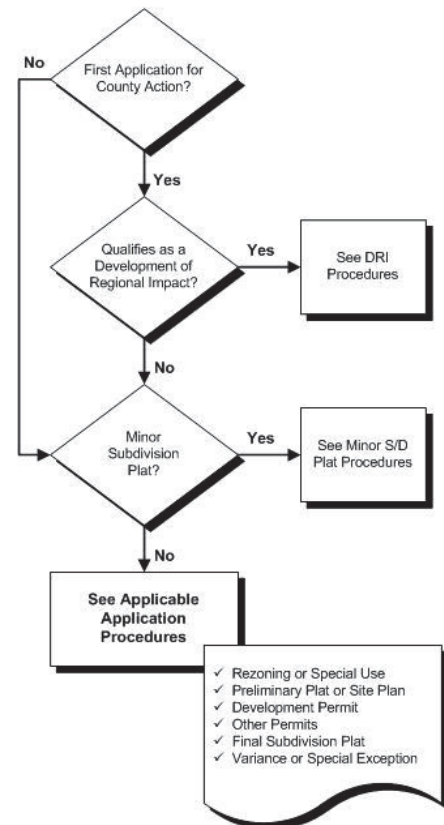
ARTICLE II. REZONING APPROVAL.

The Official Zoning Map may be amended from time to time by the County Commission under the procedures in this Section. In addition, changes in the conditions of approval pertaining to a specific rezoning approval may also be approved by the County Commission following the procedures in this Section.

Sec. 2-5 Initiation of rezoning proposal.

- (a) A proposed rezoning for any property or properties may be initiated by the County Commission, or by the owner of the property. Unless initiated by the County Commission, any such proposed rezoning shall be initiated by the owner of a majority interest in the property affected, or their authorized representative.
- (b) Applications.
 - (1) All applications by an owner or initiated by the County Commission on behalf of the owner of all of the property to be considered for rezoning shall be submitted to the Planning Department on the Department's application forms by the owner of the property or the owner's representative. All applications shall be accompanied by a non-refundable fee, if any, as set by the County Commission from time to time. Completed forms, plus any information the applicant feels to be pertinent will be filed with the Planning Department.
 - (2) In addition, any special exception variance proposed by the applicant that is related to the rezoning may be submitted along with the rezoning application and become part of the application.

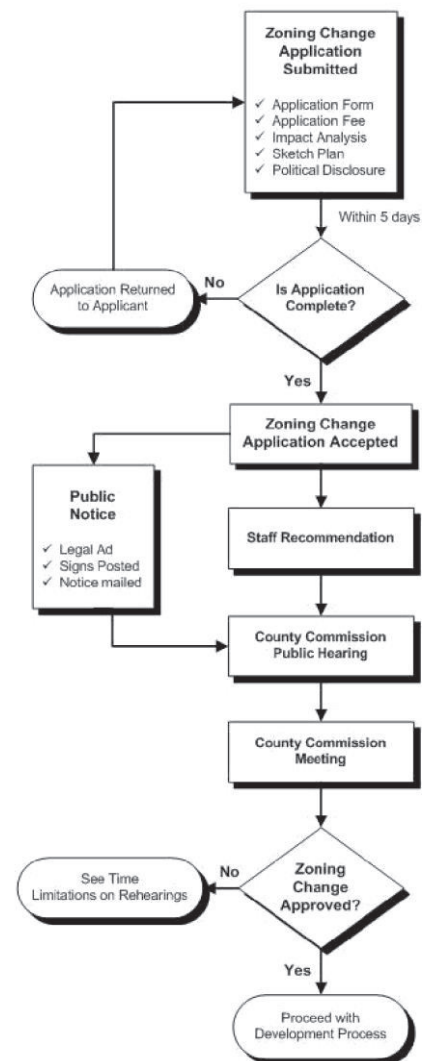
Application Intake Process



- (3) Any communication relative to an application for a zoning change submitted by the owner of the property or the owner's representative will be regarded as informational only until a proper and complete application is accepted by the Planning Director. The Planning Department shall review the application for completeness within 5 days following the submission deadline. Incomplete or improper applications will be returned to the applicant, who shall have 3 work days in which to resubmit the application complete and proper in all respects.
- (4) No application shall be required for a rezoning initiated by the County Commission on its own motion and not on behalf of the owner of all of the property proposed to be rezoned. In this situation, the County Commission is the "applicant".
- (c) Time limitations on re-hearings.
- (1) An application for a rezoning affecting the same property shall not be considered by the County Commission more often than once every 12 months from the date of action by the County Commission either approving or denying the rezoning; provided, however, that the County Commission may approve a reduction in the waiting period to no less than 6 months.
- (2) The County Commission may consider a property for rezoning without regard to the time limitations of Sec. 2-5 (c)(1) above only in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the County Commission, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.
- (d) Fees shall be forwarded by the Planning Department to the Finance Department which shall supervise the application of same to the cost of advertising and other administrative expenses.

Zoning Change Approval Process

Application Submitted by Property Owner



Sec. 2-6 Elements of the rezoning process.

- (a) For consideration of a proposed rezoning initiated by the property owner or by the County Commission on behalf of the owner of the property, the following shall apply:
 - (1) The owner or the owner's representative shall comply with the requirements for a rezoning sketch plan under Sec. 2-7 and the requirements under Sec. 2-8 for submission of an impact analysis.
 - (2) The standards for rezoning under Sec. 2-9 shall be considered by the County Commission, and the proposed rezoning shall be afforded an advertised public hearing in accordance with Sec. 2-10 below.
 - (3) Approval of such a rezoning may be subject to conditions of approval provided under Sec. 2-11 and the provisions of Sec. 2-12 regarding the effect of the approval shall apply.
- (b) For consideration of a proposed rezoning initiated by the County Commission on its own motion and not on behalf of the owner of the property, the following shall apply:
 - (1) The requirements for a rezoning sketch plan under Sec. 2-7 and the requirements under Sec. 2-8 for submission of an impact analysis shall not apply.
 - (2) The standards for rezoning under Sec. 2-9 shall be considered by the County Commission, and the proposed rezoning shall be afforded an advertised public hearing in accordance with Sec. 2-10 below.
 - (3) Approval of such a rezoning may be subject to conditions of approval provided under Sec. 2-11 and the provisions of Sec. 2-12 regarding the effect of the approval shall apply.

Sec. 2-7 Rezoning sketch plan.

- (a) An application for a PUD Planned Unit Development, or a multifamily or nonresidential use or project, shall be accompanied by a sketch plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.
- (b) A sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person familiar with land development activities.
- (c) The sketch plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (d) The sketch plan shall show the following:
 - (1) Current zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.

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- (2) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - (3) Proposed use of the property.
 - (4) The proposed project layout including:
 - a. For PUD Planned Unit Developments, the sketch plan must conform to the sketch plan requirements under the special provisions for PUDs contained in Chapter 4 of this Development Code.
 - b. For office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - c. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- (e) The sketch plan shall also indicate:
- (1) Name and address of the property owner.
 - (2) Name, address, and telephone number of the applicant (if different than the owner).
 - (3) If drawn on a boundary survey: date of survey and source of datum.
 - (4) Date of plan drawing, and revision dates, as appropriate.
 - (5) North point and approximate scale of the drawing
 - (6) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - (7) Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
 - (8) A statement as to the source of domestic water supply.
 - (9) A statement as to the provision for sanitary sewage disposal.
 - (10) The approximate location of proposed storm water detention facilities.
 - (11) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Sec. 2-8 Impact analyses.

- (a) If the rezoning has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed rezoning with regard to each of the standards for rezoning enumerated under Sec. 2-9 below.
- (b) An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia. Anticipated vehicle trips may be based upon the latest edition of Trip Generation published by the Institute of Transportation Engineers. The Planning Director may waive this requirement when conditions warrant.
- (c) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved rezoning if the average daily vehicle trips will increase by 10% or more than calculated for the original rezoning approval, or average daily vehicle trips will exceed 1,000 for the first time. The Planning Director may waive this requirement when conditions warrant.
- (d) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study, prepared by a professional engineer registered in Georgia, may be required by the Planning Director if traffic impact appears to be of concern relative to the standards for rezoning consideration contained in Sec. 2-9 below. Determination of such requirements will be made within 5 working days of receipt of the application for rezoning and must be submitted to the Planning Director at least 5 working days prior to the first public hearing.
- (e) A traffic study or other studies of the impact of the proposed development may be required by the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for rezoning consideration contained in Sec. 2-9 below.

Sec. 2-9 Standards for rezoning consideration.

- (a) Map amendments (rezoning).

The County Commission shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (1) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?
- (2) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (3) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
- (4) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

- (5) Are their substantial reasons why the property cannot or should not be used as currently zoned?
 - (6) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water, or sewer utilities, and police or fire protection?
 - (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
 - (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare, and the right to unrestricted use of property?
- (b) Related special exception variance requests.
- The County Commission shall be guided by the standards included under Sec. 2-84 relating to special exception variances for any such variances accompanying the rezoning application.
- (c) Change in conditions of rezoning approval.
- Any application that proposes a change in the conditions of approval previously established by the County Commission through action on a zoning change shall be reviewed in light of the standards set forth in this Section, above.

Sec. 2-10 Process for rezoning.

Before the County Commission may take final action on a proposed rezoning, it shall hold an advertised public hearing on the proposal along with any accompanying special exception variances. See ARTICLE IV of this Chapter for the procedures for advertising and holding the public hearing, as well as the provisions for withdrawal of an application.

Sec. 2-11 Conditional approval of rezoning.

In approving the rezoning of a property, the Board of Commissioners may impose conditions of approval that it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a rezoning and any accompanying special exception variances under Sec. 2-9 , or to further the goals and objectives of any County adopted plan.

- (a) Types of conditions.

Such conditions of approval may consist of any or all of the following:

- (1) Dedication of required rights-of-way to the County where insufficient amounts or none exist;
- (2) Setback requirements from any lot line;

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- (3) Specified or prohibited locations for buildings, parking, loading, or storage areas, or other land uses;
 - (4) Driveway curb cut restrictions;
 - (5) Restrictions as to what land uses or activities shall be allowed;
 - (6) Maximum building heights or other dimensions;
 - (7) Special drainage or erosion provisions;
 - (8) Landscaping or planted area which may include the location, type, and maintenance of plant materials;
 - (9) Fences, walls, berms, or other landscaping or buffering provisions or protective measures;
 - (10) Preservation of existing trees or planting of new trees or other vegetation;
 - (11) Special measures to alleviate undesirable views, light, glare, noise, dust, or odor;
 - (12) Permitted hours of operation;
 - (13) Architectural style or materials;
 - (14) A requirement that developers must build according to the rezoning sketch plan as adopted or modified by the conditions of approval;
 - (15) A limitation on exterior modifications of existing buildings; or
 - (16) Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning approval.
- (b) Such conditions of approval:
- (1) Shall only be valid if they are included in the motion approving the rezoning;
 - (2) Shall be in effect as long as the zoning is in effect;
 - (3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
 - (4) Shall be interpreted and continuously enforced by the Planning Director in the same manner as any other provision of this Development Code.
 - (5) Project approval of a preliminary plat or site plan under ARTICLE VI, a development permit under ARTICLE VII or a building permit under ARTICLE XI of this Chapter, shall not be issued for a conditionally approved property until the Planning Director determines that such plans or permits are in compliance with all applicable conditions of zoning approval.
- (c) Change in conditions of conditional zoning approval.
- Any application that proposes a change in the conditions of approval previously established by the Board of Commissioners through action on a rezoning shall be considered a new

application and therefore subject to all procedures and provisions regarding the approval of a rezoning under this Article.

Sec. 2-12 Effect of rezoning approval.

- (a) Approval of a rezoning and any accompanying special exception variance shall be in full force and effect upon their approval by the County Commission.
- (b) For a property on which a use, building, structure, or other improvements existed in conformity with this Development Code prior to the effective date of a rezoning affecting the property, any such use, building, structure, or other improvements no longer in conformance shall be governed under the provisions for Nonconformities in Chapter 11 of this Development Code.
- (c) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a rezoning affecting the property may continue to completion in accordance with the provisions for Exemptions of Previously Issued Permits in Chapter 1 and, upon completion, shall be governed under the provisions of the Grandfathered Development Chapter 11 of this Development Code, as applicable.

ARTICLE III. SPECIAL USE APPROVAL.

A special use permit may be approved by the County Commission under the procedures in this Article. In addition, changes in the conditions of approval pertaining to a specific special use approval may also be approved by the County Commission following the procedures in this Article.

Sec. 2-13 Initiation of special use request.

- (a) An application for a special use for any property or properties may be initiated by the owner of a majority interest in the property affected, or their authorized representative. In addition, any special exception variances proposed by the applicant that are related to the special use may be submitted along with the special use application and will become part of the application.
- (b) All applications shall be submitted to the Planning Department on the Department's application forms. All applications shall be accompanied by a non-refundable fee, if any, as set by the County Commission from time to time. Completed forms, plus any information the applicant feels to be pertinent will be filed with the Planning Department.
- (c) The Planning Department shall review the application for completeness within 5 days of submission. Incomplete or improper applications will be returned to the applicant.
- (d) Time limitations on re-hearings.
 - (1) An application for a special use affecting the same property shall not be considered by the County Commission more often than once every 12 months from the date of action by the County Commission either approving or denying the special use;

provided, however, that the County Commission may approve a reduction in the waiting period to no less than 6 months.

- (2) The County Commission may consider a property for a special use without regard to the time limitations of Sec. 2-13 (d)(1) only in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the County Commission, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.
- (e) Fees shall be forwarded by the Planning Department to the Finance Department who shall supervise the application of same to the cost of advertising and other administrative expenses.

Sec. 2-14 Special use sketch plan.

- (a) An application for a special use shall be accompanied by a sketch plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.
- (b) A sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person familiar with land development activities.
- (c) The sketch plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (d) The sketch plan shall show the following:
 - (1) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.
 - (2) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - (3) Proposed use of the property.
 - (4) The proposed project layout including:
 - a. For office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - b. For event facilities, multi-family, and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- (e) The Sketch Plan shall also indicate:
 - (1) Name and address of the property owner.

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- (2) Name, address, and telephone number of the applicant (if different than the owner).
 - (3) If drawn on a boundary survey: date of survey and source of datum,
 - (4) Date of plan drawing, and revision dates, as appropriate.
 - (5) North point and approximate scale of the drawing
 - (6) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - (7) Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
 - (8) A statement as to the source of domestic water supply.
 - (9) A statement as to the provision for sanitary sewage disposal.
 - (10) The approximate location of proposed storm water detention facilities.
 - (11) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Sec. 2-15 Impact analyses.

- (a) If the special use request has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed use with regard to each of the standards for special use approval enumerated under Sec. 2-16 below.
- (b) An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia. Anticipated vehicle trips may be based upon the latest edition of Trip Generation published by the Institute of Transportation Engineers. The Planning Director may waive this requirement when conditions warrant.
- (c) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved special use if the average daily vehicle trips will increase by 10% or more than calculated for the original special use approval, or average daily vehicle trips will exceed 1,000 for the first time. The Planning Director may waive this requirement when conditions warrant.
- (d) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study, prepared by a professional engineer registered in Georgia, may be required by the Planning Director if traffic impact appears to be of concern relative to the standards for consideration contained in Sec. 2-16 , below. Determination of such requirements will be made within 5 working days of receipt of the

application for special use approval and must be submitted to the Planning Director at least 5 working days prior to the first public hearing.

- (e) A traffic study or other studies of the impact of the proposed development may be required by the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for special use consideration contained in Sec. 2-16 , below.

Sec. 2-16 Standards for special use consideration.

- (a) Approval of special use.

A special use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

- (1) Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?
- (2) Will the proposed special use increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties?
- (3) Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?
- (4) Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?
- (5) Is or will the type of street providing access to the use be adequate to serve the proposed special use?
- (6) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (7) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?
- (8) Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
- (9) Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?
- (10) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

- (b) Related special exception variance requests.

The County Commission shall be guided by the standards included under Sec. 2-84 relating to special exception variances for any such variances accompanying the special use application.

(c) Change in conditions of special use approval.

Any application that proposes a change in the conditions of approval previously established by the County Commission through action on a special use shall be reviewed in light of the standards set forth in this Section for a special use, as appropriate.

Sec. 2-17 Process for special use approval.

Before the County Commission may take final action on a proposed special use, along with any accompanying special exception variances, it shall hold an advertised public hearing on the proposal. See ARTICLE IV of this Chapter for the procedures for advertising and holding the public hearing, as well as the provisions for withdrawal of an application.

Sec. 2-18 Conditional approval of special uses.

In approving a special use, the Board of Commissioners may impose conditions of approval that it deems necessary in order to make the requested action acceptable and consistent with the purposes of this Development Code and of the zoning district(s) involved, to ameliorate negative issues identified through evaluation of the standards governing consideration of a special use and any accompanying special exception variances under Sec. 2-16 , or to further the goals and objectives of any County adopted plan.

(a) Types of conditions.

Such conditions of approval may consist of any or all of the following:

- (1) Dedication of required rights-of-way to the County where insufficient amounts or none exist;
- (2) Setback requirements from any lot line;
- (3) Specified or prohibited locations for buildings, parking, loading, or storage areas or other land uses;
- (4) Driveway curb cut restrictions;
- (5) Restrictions as to what land uses or activities shall be allowed;
- (6) Maximum building heights or other dimensions;
- (7) Special drainage or erosion provisions;
- (8) Landscaping or planted area which may include the location, type and maintenance of plant materials;
- (9) Fences, walls, berms, or other landscaping or buffering provisions or protective measures;
- (10) Preservation of existing trees or planting of new trees or other vegetation;

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- (11) Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
 - (12) Permitted hours of operation;
 - (13) Architectural style or materials;
 - (14) A requirement that developers must build according to the special use sketch plan as adopted or modified by the conditions of approval;
 - (15) A limitation on exterior modifications of existing buildings;
 - (16) A time limit after which the use shall terminate or a new special use approval is required; or
 - (17) Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning or approval of a special use.
- (b) Such conditions of approval:
- (1) Shall only be valid if they are included in the motion approving the special use;
 - (2) Shall be in effect as long as the special use approval is in effect, or for the period of time as may be specified in the motion for approval of the special use;
 - (3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
 - (4) Shall be interpreted and continuously enforced by the Planning Director in the same manner as any other provision of this Development Code.
 - (5) Project approval of a preliminary plat or site plan under ARTICLE V, a development permit or a building permit shall not be issued for a conditionally approved property until the Planning Director determines that such plans or permits are in compliance with all applicable conditions of approval.
- (c) Change in conditions of conditional special use approval.
- Any application that proposes a change in the conditions of approval previously established by the Board of Commissioners through action on a special use shall be considered a new application and therefore subject to all procedures and provisions of this Chapter regarding the approval of a special use under ARTICLE III.

Sec. 2-19 Effect of special use approval.

- (a) Approval of a special use and any accompanying special exception variance shall be in full force and effect upon approval by the County Commission.
- (b) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a special use approval affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for Nonconformities in Chapter 1 of this Development Code.

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- (c) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a special use permit affecting the property may continue to completion in accordance with the provisions for Exemptions of Previously Issued Permits in Chapter 1 and, upon completion, shall be governed under the provisions of the Grandfathered Development Chapter of this Development Code, as applicable.

ARTICLE IV. TAKING ACTION: REZONING AND SPECIAL USE APPLICATIONS.

Before the County Commission may take final action on a proposed rezoning or special use, it shall hold a public hearing on the proposal.

Sec. 2-20 Public notice.

- (a) Notification to the general public.

- (1) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The notice, shall state the time, place and purpose of the hearing.
- (2) A rezoning or special use initiated by an owner or their representative shall be heard at a public hearing only upon:
 - a. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the zoning classification or special use proposed for the property requested; and
 - b. At least 15 days prior to the public hearing, the Planning Department shall post a sign or signs of not less than 6 square feet stating the date, time and place for the public hearing, the present zoning classification, and the nature of the proposed zoning change or special use. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

- (b) Notice to surrounding property owners.

If the proposed rezoning was initiated by an owner or their representative, notice may also be given to surrounding property owners as a convenience, as follows:

- (1) Prior to the County Commission public hearing, the Planning Department may mail a notice to all persons owning property located adjacent to or across the street from the property that is the subject matter of the rezoning or special use. The written notice will be mailed to the property owners as such names and addresses appear on the County's ad valorem tax records.
- (2) The notice is to state the time, place, and purpose of the hearings.

Sec. 2-21 County commission public hearing; drug dependency facility.

When a proposed rezoning or special use relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the following shall apply:

- (a) A preliminary public hearing shall be held by the County Commission 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.
- (b) The hearing required by this Section shall be in addition to the public hearing required under Sec. 2-22 , below, for rezoning or special use of the property. Notice of the preliminary public hearing shall be given in accordance with the provisions of Sec. 2-20 , above.

Sec. 2-22 County commission public hearing; rezoning or special use.

The public hearing held by the County Commission for action on a rezoning or special use and any accompanying special exception variances will be conducted in the following manner:

- (a) Opening the hearing.
 - (1) The public hearing will be convened at the scheduled and advertised time and place by the Chair, the Vice-Chair or the County Commission's designee, who will act as the Presiding Official.
 - (2) The Presiding Official will call for each proposed zoning change or special use to be presented to the County Commission.
 - (3) The Presiding Official shall open the public hearing by stating the matter being considered at the hearing. At this time, the presiding official may summarize the public hearing procedures.
- (b) Procedural rules.
 - (1) The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.
 - (2) The Presiding Official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required.
 - (3) All parties participating in the public hearing shall introduce only relevant evidence.
 - (4) All parties participating shall have the right to present witnesses and to cross-examine witnesses.
 - (5) No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.
 - a. The Presiding Official may encourage reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each

speaker, and on the total time allowed for presentation of the proposed zoning change.

- b. Such reasonable time limitations, however, shall not deny any member of the general public to speak at the public hearing
 - c. No less than 10 minutes is to be provided for all of those speaking in support of the zoning change or special use and no less than 10 minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - d. Altogether, the total amount of time afforded the proponents of the application and the opponents, including rebuttal and cross-examination, shall be equal. Neither side, however, is required to use the total time available.
- (6) During the public hearing, the County Commission members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(c) Proceedings.

(1) Proponents of the application.

- a. Persons who support the application will be asked to comment first. The applicant or their designated agent may, upon recognition and upon statement of name, address, and relationship to the matter, present and explain the application. The applicant may appear in person or may be represented by an agent or counsel.
- b. The applicant or the applicant's representative shall be required to attend the public hearing unless written notice of hardship is received prior to the hearing. Failure of the applicant or the applicant's representative to attend the public hearing, except in cases of hardship, may be due cause for the tabling of the application.
- c. The applicant shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion of each factor necessary to receive the approval of the request.
- d. After completion of the presentation of the applicant, other persons who support the request will be asked to comment, and will be allowed to speak in support of the request upon recognition and upon identification of the person's name, address, and relationship to the matter.

(2) Persons opposing the application.

Persons who oppose the application will next be asked to comment. Each interested person, after being recognized, and providing their name, address and relationship to the matter, shall be afforded an opportunity to speak.

(3) Rebuttal.

The applicant shall have an opportunity for rebuttal concerning the request. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

(4) Cross-examination.

Upon the request of any participant in the public hearing speaking in favor of or opposing the application, the Presiding Official shall allow such participant to ask a question or questions of any other participant. The question or questions shall be posed through the Presiding Official, who may determine the relevancy of the question or questions to the subject of the public hearing. Relevant questions shall be addressed by the participant to whom the question or questions are directed.

(5) Discussion.

All public comments having been heard, the members of the County Commission may discuss the matter among themselves. During this discussion period, the members may call on the Planning Director, any proponent or opponent, or other persons in attendance to clarify points made previously, to answer questions or to provide additional information. Such persons may respond upon recognition.

(6) Delay, rescheduling or continuation of hearing.

A public hearing on an application may be delayed, rescheduled or continued to another time and date, provided the announcement of the new time, place and date is given at the time and place of the advertised hearing, which announcement shall constitute public notice for the delayed, rescheduled or continued hearing.

(7) Transcription.

- a. All proceedings of the public hearing shall be recorded on tape or other media. The recording of the proceedings shall be retained until any further appeals on a request have been exhausted.
- b. The appellant or any person in opposition to the request, at their expense, is allowed to have the public hearing transcribed by a court reporter.

(d) Decisions.

(1) At the next meeting of the County Commission following the public hearing on a rezoning or special use, action shall be considered by vote of the County Commission.

(2) Findings of fact.

- a. The County Commission shall first adopt findings of fact supporting their decision and may adopt any additional report it deems appropriate.
- b. In order to approve an application, the County Commission shall further make a finding that the reasons set forth in the application justify the granting of the application and that approval would be the minimum needed to make possible the reasonable use of the land, building or structure.

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- c. In preparing its findings of fact, the County Commission must consider the standards for approval set forth under Sec. 2-9 for a rezoning, or under Sec. 2-16 for a special use, and for any accompanying special exception variances, as applicable.
- (3) Action on a proposed rezoning or special use.
- a. A motion to approve or deny an application must be approved by an affirmative vote of at least 3 of the members in order for the motion to be approved.
 - b. If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.
 - c. A tie vote on a motion for approval of an application shall be deemed a denial of the application. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 - d. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting of the County Commission.
- (4) In taking action on a rezoning application, the County Commission may:
- a. Approve, approve with conditions, or deny the proposal; or,
 - b. Approve or approve with conditions any portion of the area proposed for rezoning, thus reducing the boundaries of the area rezoned; or
 - c. Rezone the area or any portion of the area proposed for rezoning to a zoning district different than that requested by the applicant; or,
 - d. Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another zoning change on the property may not be considered); or,
 - e. Table the proposal for consideration at its next scheduled meeting.
- (5) In taking action on a special use application, the County Commission may:
- a. Approve, approve with conditions, or deny the proposal; or,
 - b. Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another special use on the property may not be considered); or,
 - c. Table the proposal for consideration at its next scheduled meeting.
- (6) In taking action on any special exception variance accompanying a rezoning or special use application, the County Commission may:
- a. Consider only those variances that accompanied the rezoning or special use application, and only for such rezoning or special use application that has been approved by the County Commission.

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- b. Variances that accompanied a rezoning or special use application that is denied by the County Commission shall be considered automatically denied by the County Commission.
 - c. Action on an accompanying special exception variance shall be taken in accordance with the requirements specified under subparagraph (3) of this Section 2-22 (d).
 - d. In taking action on a special exception variance accompanying a rezoning application, the provisions specified under subparagraph (4) of this Section 2-22 (d) shall apply.

Sec. 2-23 Withdrawal of rezoning or special use request.

Any applicant wishing to withdraw a proposed rezoning or special use prior to final action by the County Commission shall file a written request for withdrawal with the Planning Director.

- (a) If the request for withdrawal is received prior to the publication of notice for the public hearing, the application shall be withdrawn administratively by the Planning Director without restriction on the re-filing of a proposed rezoning or special use on the property in the future.
- (b) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the County Commission, the application shall be withdrawn administratively by the Planning Director, and an application for a rezoning on the property may not be resubmitted for 6 months from the date of withdrawal. In addition, the Planning Director shall mail written notice of the withdrawal to the property owners previously notified. The cost of mailing shall be borne by the applicant.
- (c) Should any request for withdrawal be made by the applicant at the County Commission hearing, the application shall remain on the County Commission's public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the County Commission.

Sec. 2-24 Appeal to court.

A final decision regarding a rezoning or special use by the County Commission shall be appealed only by *a certiorari* to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the County Commission.

ARTICLE V. PROJECT APPROVAL.

The Planning Department must first approve a preliminary plat for a major subdivision, a condominium plan, or a site plan for development of a multi-family or nonresidential project prior to the issuance of a development permit or initiation of any land disturbing or construction activities.

Sec. 2-25 Responsibility for project approval.

- (a) The Director of Planning is responsible for administering the review and approval process for preliminary subdivision plats, condominium plans, and site plans. The Director of Planning shall forward a copy of the project approval application to other appropriate County Departments, the Georgia Department of Transportation, or others as appropriate, for their review and comment. The Director of Planning shall provide all comments to the applicant for resolution, who shall work directly with each department as necessary to resolve all issues.
- (b) A preliminary plat, condominium plan, or site plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, or any registered design professional familiar with land development and project construction activities.

Sec. 2-26 Procedure for project approval.

- (a) A pre-application review with a preliminary sketch is suggested.
- (b) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.
- (c) An application for project approval shall be submitted to the Planning Department. The application shall include:
 - (1) The name and address of the person requesting review.
 - (2) A properly completed application form, as furnished by the Planning Department, requesting review for project approval.
 - (3) The preliminary subdivision plat, condominium plan, or site plan showing the entire ownership proposed to be included in the subdivision, condominium, or development project, drawn to the specifications of this Article and submitted in the number of copies established by the Planning Department.
 - (4) Payment of the applicable application and review fees as established by the County Commission from time to time.
- (d) The Planning Department will review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- (e) Following receipt of a complete application, the Planning Department will indicate on the drawing or in writing all comments related to compliance with this Development Code.
- (f) For subdivisions or condominium projects abutting a State highway:
 - (1) If a proposed subdivision or condominium includes or abuts on any part of the State Highway System, two copies of the preliminary subdivision plat or condominium plan 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.

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- (2) Failure of the Department of Transportation to act within 30 days from submission shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given in writing. Compliance with the requirements of the Georgia Department of Transportation is expected of the owner to the satisfaction of the Planning Director.
 - (g) The owner is responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments.
 - (h) The Planning Department may not approve any preliminary subdivision plat, condominium plan, or site plan that shows a lot or situation that would clearly require a variance to order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
 - (i) When the Planning Department has determined that the preliminary subdivision plat, condominium plan, or site plan is in compliance with the requirements, purpose, and intent of this Development Code, it will be approved. The Director of Planning will sign and date the CERTIFICATE OF PROJECT APPROVAL stamped or printed on a reproducible copy of the preliminary subdivision plat, condominium plan, or site plan. One copy of the approved drawing will be transmitted to the applicant and 1 copy will be retained by the Planning Department.
 - (j) The Certificate of Project Approval will remain in effect for a period of 1 consecutive year after which time it will become null and void and a new Certificate may be required if no permit has been issued or no development activity has begun.

Sec. 2-27 General standards for project approval.

- (a) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the County. If shown to the contrary, the Planning Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
- (b) The preliminary plat, condominium plan, or site plan shall be prepared on a boundary survey of the tract proposed to be subdivided or developed, showing the location of the boundaries and dimensions of the tract. If the tract proposed to be developed is a portion of a larger tract, a map must be submitted showing the boundaries of the larger tract and the location of the portion proposed to be developed within it. Such map may be included on, or otherwise be drawn to the same standards as, the location map required under Sec. 2-28 .
- (c) The preliminary subdivision plat, condominium plan, or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director of Planning may approve other sheet sizes and graphic scales as appropriate.

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- (d) For property of over 100 acres, a smaller scale may be used where, in the judgment of the Director of Planning, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.
 - (e) The preliminary plat, condominium plan, or site plan shall be approved, disapproved or requested to be modified by the Planning Director within 60 days after the plat or site plan has been submitted complete in all details and as required under this Development Code. If action is not taken within the said stated time, then the plat, condominium plan, or site plan shall be considered approved.
 - (f) Approval of a preliminary plat, condominium plan, or site plan shall not constitute approval of a final subdivision plat, final condominium plan, or development plans, or approval of a development permit or any other permit authorizing construction or development activities. Rather it shall be deemed an expression of approval to the general layout submitted on the preliminary plat, condominium plan, or site plan as a guide to the preparation of the development plans and/or the final subdivision plat or condominium plan required by this Development Code.

Sec. 2-28 Preliminary plat, condominium plan, or site plan requirements.

- (a) Proposed name of development and its acreage.
- (b) Name and address of the property owner and subdivider or developer.
- (c) Name, address, and telephone number of the applicant.
- (d) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (e) Proposed use of the property.
- (f) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- (g) Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, waterways or lakes, or other landmarks. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- (h) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- (i) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (j) Rezoning or special use application number, date of approval, and conditions of approval, as applicable.

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- (k) Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
 - (l) Recorded deed names of adjoining property owners or subdivisions.
 - (m) Natural 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 water courses entering or leaving the property, the direction of flow shall be indicated, the 100-year flood plain, and wetland areas
 - (n) Protected groundwater recharge areas.
 - (o) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features.
 - (p) The proposed project layout including:
 - (1) For subdivisions, lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the dimension of its length on each lot (i.e., the lot width), utility and other easements, and land to be reserved for public uses.
 - (2) For condominium plans and multi-family and nonresidential development site plans, the outline and location of all buildings, the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and garages, driveways, curb cuts, utility and other easements, and designated fire lanes.
 - (q) The proposed phasing of the development if it is proposed to be built in sections.
 - (r) A statement as to the source of domestic water supply.
 - (s) A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of percolation tests as required and approved by the Crisp County Health Department are to be shown.
 - (t) The approximate location of proposed storm water detention facilities.
 - (u) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

Sec. 2-29 Design professional and owner certifications.

Each preliminary plat, condominium plan, or multi-family or nonresidential development site plan, is to include a certification by the design professional and by the owner that read as shown on Figure 2.1 and are signed in blue ink on the original drawing.

Sec. 2-30 Evidence of project approval.

- (a) For any subdivision of 5 lots or more, at least one of which is less than 3 acres in size, a predevelopment review letter or other approval from the Health Department as required by their regulations shall be filed with the Planning Director.
- (b) Each preliminary subdivision plat or site plan shall carry the Certificate of Project Approval as shown on Figure 2.2 printed or stamped on the plat.

Figure 2.1

DESIGN PROFESSIONAL CERTIFICATION

It is hereby certified that this [preliminary plat][preliminary condominium plan][site development plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][condominium][development] meets all requirements of the Crisp County Land Development Code, as applicable to the property.

By (name): _____

Signed: _____

Registered Design Professional No. _____

Address: _____

Telephone Number: _____

Date: _____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat][preliminary condominium plan][site development plan], or his 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.

Date: _____

[Owner][Agent] (name): _____

Signed: _____

Figure 2.2

CERTIFICATE OF PROJECT APPROVAL

All applicable requirements of the Crisp County Land Development Code relative to Project Approval having been fulfilled, approval is hereby granted by the Planning Director, subject to further compliance with all provisions of said Development Code.

Director (or designee)

Date: _____

This approval does not constitute approval of a development permit, a Condominium Plan or a Final Subdivision Plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING

ARTICLE VI. DEVELOPMENT PLANS.

Sec. 2-31 General requirements.

- (a) Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until development plans are approved and a development permit is issued by the Planning Department. The process for approval of a development permit is presented in the Development Permit Section, below.
- (b) The development plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this Section as appropriate to the project. These include:
 - (1) Erosion and sedimentation control plan;
 - (2) Grading Plan;
 - (3) Stormwater Management Plan;
 - (4) Street Improvement Plan;
 - (5) Landscaping, Buffer and Tree Conservation Plans; and,
 - (6) Public Utility Plans.
- (c) All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the State, except that the Landscaping, Buffer and Tree Conservation plans are to be prepared by or under the supervision of a landscape architect registered in the State.

Sec. 2-32 Erosion and sedimentation control plan.

- (a) Plans must be prepared to meet the erosion and sedimentation control requirements of the County's Soil Erosion, Sedimentation and Pollution Control Ordinance.

Sec. 2-33 Grading plan.

- (a) Existing and proposed topography.

Grading plans shall identify existing and proposed topographic contour lines at the interval required for erosion and sedimentation control plans, above.

- (b) Areas to remain undisturbed.

Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer, tree protection area or greenway (see the Landscaping, Buffers and Tree Conservation Chapter and the Land Development Activities Chapter of this Code) and shall identify and describe the protective fencing or staking to be placed surrounding such area.

- (c) Wetlands certification.

Grading plans shall include a Wetlands Certification indicating whether or not wetlands are located on the property. The design professional that prepared the grading plans shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box. The Wetlands Certification shall read as shown in Figure 2.3.

Figure 2.3: Wetlands Certification

The design professional whose seal appears herein certifies the following: (1) the Crisp County Generalized Wetlands Map has been consulted; (2) the appropriate plan sheet

☐ DOES ☐ DOES NOT

indicate wetlands as shown on the map or as determined by a certified wetlands delineator; and (3) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained from the U.S. Corps of Engineers for jurisdictional wetlands, or approval has been obtained from Crisp County to disturb other (nonjurisdictional) wetlands.

- (d) Flood plain.

If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under the Land Development Activities Chapter of this Development Code.

Sec. 2-34 Stormwater management plan.

- (a) The Stormwater Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing storm-water runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

- (b) The minimum information submitted for support of a Stormwater Management Plan shall be as follows:

- (1) Site plan.

Provide a site plan drawn to a scale of not less than one inch equals 50 feet with the following characteristics and information:

-
- a. Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
 - b. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams.
 - c. Topography showing existing and proposed elevations in accordance with the following:
 - 1. For sites smaller than 1 acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
 - 2. For sites of 1 acre and larger, show channels or scales at selected points not more than 100 feet apart.
 - 3. For sites of 1 acre and larger with slopes of more than 2 percent, show contours with an interval of not more than five feet.
 - 4. Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.
 - d. Delineation of property lines and deed record names of adjacent property owners.
 - e. Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
 - f. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
 - g. Location of existing buildings and other improvements.
 - h. Proposed conditions:
 - 1. Layout of proposed streets, roads, alleys, drives, paved areas and public crosswalks, with widths and road names or designations.
 - 2. Preliminary plans of storm sewer system with grade, pipe size and location of outlet.
 - 3. Location of proposed buildings and other improvements.
 - 4. Certification by a registered land surveyor or professional engineer attesting that the site plan has been prepared in conformity with the minimum standards of this Section.
- (2) The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to Storm-water Drainage under

Chapter 9 of this Development Code. The Storm-water Management Plan shall include:

- a. Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.
 - b. Stormwater detention facility design and construction details.
 - c. Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.
 - d. The 100-year ponding limits above each street cross drain.
- (3) The Stormwater Management Plan must also include:
- a. The hydrologic and hydraulic analysis required for the system design under Chapter 9.
 - b. When required by the Director of Planning, provide a soils investigation for all sites proposed as ponds or impoundments or for stormwater detention
 - c. Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading and vegetation establishment.
 - d. Provide a plan for maintenance of the stormwater facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.
 - e. Provide a cost estimate for construction of the stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

Sec. 2-35 Street improvement plan.

- (a) Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
- (b) Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
- (c) Center line profiles covering streets that are extensions of existing streets shall include elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.

-
- (d) All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.
 - (e) A street striping plan, showing striping in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

Sec. 2-36 Landscaping, buffer and tree conservation plans.

All proposed landscaping as required by this Code in Landscape Strips or Parking Lots and in Buffers, and trees to be retained or planted as required by the Tree Conservation provisions of this Code, shall be illustrated. The plans may be consolidated on one sheet, and are to show:

- (a) Site landscaping plan.
 - (1) Scale at 1 inch = 20 feet to 50 feet.
 - (2) North reference.
 - (3) The location and size of all utilities on the site.
 - (4) The location of all existing and proposed parking areas, sidewalks and other paved surfaces.
 - (5) The location of all existing and proposed buildings and structures.
 - (6) The boundaries of each required landscape strip.
 - (7) A planting plan showing the location, size and common name of proposed plant materials.
 - (8) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips or parking lot landscaping.
- (b) Buffer plan.

A buffer plan shall be prepared for any structural buffer required in accordance with the specifications and standards contained in this Development Code. Plans shall not be required for natural buffers, which are to be shown on the grading plan. The buffer plan shall show:

- (1) The boundaries of each required buffer area.
- (2) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
- (3) A planting plan showing the location, size and type of proposed plant materials.
- (4) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for buffers.

- (5) Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.

(c) Tree conservation plan.

The site landscaping plan shall include a tree conservation plan for any multi-family or nonresidential development. Such plan shall be submitted to the Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage. A preliminary plan may be submitted for industrial lots, as provided below.

(1) The full tree protection plan shall show the following:

- a. The extent of the development site or disturbed area.
- b. All significant trees to be removed and all other trees 10 inches DBH or larger to be removed.
- c. All significant trees and all other trees 10 inches DBH or larger which will remain on the development site and be protected during construction; and trees less than 10 inches DBH which are submitted for credit as part of the tree conservation requirement.
- d. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees in each stand which are submitted for credit.
- e. Locations of proposed on-site underground utility lines.
- f. Locations of other on- and off-site utility lines. Indicate areas where trees cannot be planted because of interference with (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements and (2) existing utilities on adjoining properties.
- g. Limits of tree conservation areas, showing trees to be maintained and planted, specifying type and size.
- h. Grade changes or other work adjacent to a significant tree or any other tree 10 inches DBH or larger which would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
- i. Planting schedule, if applicable.

- (2) A preliminary tree conservation plan may be submitted for development of an industrial site that will be cleared and graded for purposes of marketing to prospects. Planting of new trees will not be required on an industrial lot until a use is proposed to be developed on that lot, and locations of new trees need not be shown on the preliminary plan. The preliminary tree conservation plan shall show the following:

-
- a. The extent of the development site or disturbed area.
 - b. All significant trees to be removed and all other trees 10 inches DBH or larger to be removed.
 - c. Grade changes or other work adjacent to a significant tree or any other tree 10 inches DBH or larger which would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.
 - d. Units of new trees that will be required on the lot when it is developed, calculated by subtracting trees to be retained.
 - e. Removal of significant trees and other trees 10 inches DBH or larger shall be permitted only in conjunction with an approved preliminary tree protection plan, an approved grading plan, and actual grading of building pads (i.e., not simply to clear the lot).

Sec. 2-37 Public utility plans.

- (a) Domestic water supply plan.

If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Crisp County Water Works and EPD (as applicable).

- (b) Sewage disposal plan.

- (1) If a connection to a public system is proposed, sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Director of Planning, the providing entity or other applicable regulatory agency.
- (2) For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the County Health Department.

ARTICLE VII. DEVELOPMENT PERMIT.

Sec. 2-38 Responsibility for development actions.

- (a) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Planning Department to perform such activity.
- (b) Any person proposing development shall first submit to the Planning Department an application for a development permit, including all civil design and construction drawings

required by this Development Code. The application must be authorized by the property owner.

- (c) The Planning Department is responsible for administering the review and approval process for issuance of development permits.
 - (1) The Planning Department shall forward a copy of the development permit application, including the civil design and constructions drawings for the project, to other departments, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Planning Department shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of this Development Code are met.
 - (2) The applicant or the applicant's design professional shall submit the erosion and sedimentation control plan to the Georgia Soil and Water Conservation Commission in accordance with the Commission's rules and requirements. A development permit will not be issued by the County until approval of the Georgia Soil & Water Conservation Commission is received by the Planning Director.
- (d) Approval of plans by the Planning Department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (e) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (f) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- (g) Liability.
 - (1) The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County Commission or the Soil and Water Conservation District for damage to any person or property.
 - (2) The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this Development Code or the terms of the development permit.

Sec. 2-39 Development activities authorized.

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

Sec. 2-40 Process for approval of development permit.

An application for a development permit may proceed simultaneously with an application for a preliminary subdivision plat or site plan, but may not be issued prior to project approval of such plat or plan by the Planning Department.

- (a) The application for a development permit shall be submitted to the Planning Department and must include the following:
 - (1) Application on the form furnished by the Planning Department, requesting review for issuance of a development permit.
 - (2) Submission of the following in a number of copies as established by the Planning Department:
 - a. The preliminary plat or site plan requesting or reflecting project approval by the Planning Department.
 - b. The civil design and construction drawings prepared in conformance with the specifications and standards in this Development Code.
 - c. A copy of the transmittal letter forwarding the erosion and sedimentation control plan to the Georgia Soil & Water Conservation Commission.
 - (3) Payment of any development permit fee, as established from time to time by the County Commission.
 - (4) Soil erosion bond, if required, under the Land Development Activities Chapter of this Development Code.
- (b) The application will be checked for completeness within 5 days of its submission. Incomplete applications will be returned to the applicant.
- (c) Prior to acceptance of a development permit application, the applicant or the applicant's design professional shall forward the erosion and sedimentation control plan to the Georgia Soil & Water Conservation Commission for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the plan has been approved by said Commission and ratified by the Middle South Georgia Soil & Water Conservation District, and any variances and bonding, if required, have been obtained.

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- (d) The applicant may be required by the Planning Department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
 - (1) Fire Department
 - (2) County Health Department
 - (3) Soil and Water Conservation District
 - (4) Georgia Department of Transportation
 - (5) Georgia Department of Natural Resources
 - (6) US Army Corps of Engineers
 - (7) US Environmental Protection Agency
 - (e) Upon receipt of comments from other departments and agencies, the Planning Department will indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
 - (f) The Planning Department will forward its comments to the applicant.
 - (g) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
 - (h) No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

Sec. 2-41 Issuance of development permit.

- (a) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the Planning Department shall issue a development permit authorizing development activity to begin based on the approved civil design and construction drawings.
- (b) No development permit shall be issued unless the erosion and sedimentation control plan has been approved by the Soil and Water Conservation District, project approval has been granted by the Planning Department, and the Planning Department has affirmatively determined that the plan is in compliance with all requirements of this Development Code. If the development permit is denied, the reason for denial shall be furnished to the applicant.
- (c) If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
- (d) The development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder

or his successor in title is in violation of this Development Code. A holder of a development permit shall notify any successor in title as to all or any portion of the land affected by the approved plan or the conditions contained in the development permit.

Sec. 2-42 Expiration of development permit.

- (a) A development permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance.
- (b) Any development permit that has expired may be renewed by the Planning Department within 6 months of expiration. If a development permit has expired for more than 6 months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code.

ARTICLE VIII. FLOOD AREA PERMIT.

Sec. 2-43 Flood area permit required.

If development or construction is proposed within or affecting an area of special flood hazard, approval of a flood area permit application shall be required. An application for a flood area permit may be included with and reviewed along with a development permit application.

Sec. 2-44 Application process for a flood area permit.

- (a) Application for a flood area permit shall be made to the Planning Department on forms furnished by them prior to any development activities.
- (b) The application for a flood area permit shall conform to the requirements of the County's Flood Damage Prevention Ordinance.

ARTICLE IX. DRIVEWAY PERMIT.

- (a) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the Public Works Department. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to County approval.
- (b) Applications may be made to the Public Works Department.
- (c) A permit shall expire for work not started within 90 days or completed within 6 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

ARTICLE X. FINAL SUBDIVISION PLAT.

Sec. 2-45 Final subdivision plat required.

- (a) Final plat for major subdivision.

Approval and recording of a final plat for a major subdivision (as defined in this Development Code) is subject to the following requirements:

- (1) Before a plat of a major subdivision is recorded with the Clerk of the Superior Court of Crisp County and title to the lots thereon can be conveyed, a final plat showing the final design of the major subdivision shall be submitted to the Planning Department for review in a number of copies as required by the Planning Director. Until a final plat of a major subdivision has been submitted to and reviewed and approved by the Planning Director, the Clerk of the Superior Court shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision transfer title to any lot within the subdivision by reference to the final subdivision plat or any other map of the subdivision, by deed or by metes and bounds description.
- (2) Major subdivisions shall comply with all requirements and provisions of this Sec. 2-45 .

(b) Final plat for minor subdivision.

Unless Planning Department, approval is not required under Sec. 2-45 (b)(3)b, approval and recording of a final plat for a minor subdivision (as defined in this Development Code) is subject to the following requirements:

- (1) Before a plat of a minor subdivision is recorded with the Clerk of the Superior Court of Crisp County and title to the lots thereon can be conveyed, a final plat showing the final design of the minor subdivision shall be submitted to the Planning Department for review. Until a final plat of a minor subdivision has been submitted to and reviewed and approved by the Planning Director, the Clerk of the Superior Court shall not record the plat of such subdivision nor shall the owner or agent of such a subdivision transfer title to any lot within the subdivision by reference to the final subdivision plat or any other map of the subdivision, or by deed or by metes and bounds description.
- (2) Minor subdivisions shall comply with all requirements and provisions of this Sec. 2-45 (b) to the extent applicable to such subdivisions or as otherwise indicated within this Section.
- (3) Minor plat exceptions.
 - a. In the division of a property into two or more properties that qualifies as a minor subdivision, all of the properties so created (including the remainder of the original property) must be shown on the final plat, unless the remainder of the original property is larger than 10 acres, in which case only the newly created lots must be surveyed and shown on the final plat along with a location sketch showing the outline of the entire original property and the outline of the newly created lots relative to existing streets and other landmarks or natural features.
 - b. Non-development land sales.

The division of a tract of land into two or more properties that qualifies as a minor subdivision for which no sanitary sewer connection or approval of a septic tank is required may be filed for recordation by the Clerk of the Superior Court without the approval of the Planning Department otherwise required by this Sec. 2-45 .

1. Such a plat must contain a certification signed and sealed by a licensed surveyor that approval of the plat by the Planning Department is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned as follows in bold, clearly legible type:

The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for on-site sewage disposal (septic tank) approval.

2. Such a plat must comply with the requirements of Sec. 2-48 (a), Sec. 2-49 and Sec. 2-50 of this Development Code.

Sec. 2-46 Responsibility.

- (a) The Director of Planning shall be responsible for coordination of the approval process for all final subdivision plats.
- (b) The final subdivision plat shall be certified and sealed by a registered land surveyor.
- (c) The owner is responsible for compliance with all requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

Sec. 2-47 Procedures for final plat approval.

- (a) Prior to submission of an application for final subdivision plat approval, all public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code and as-built surveys of the improvements shall have been approved by the Planning Director as required in the Land Development Activities Chapter of this Code. An application for a final subdivision plat approval shall be made to the Planning Department. The application shall include:
 - (1) The name and address of the person to whom the notice of approval shall be sent.
 - (2) A properly completed application form, as furnished by the Planning Department, requesting final subdivision plat review.
 - (3) Five copies of the final subdivision plat drawing prepared in conformance with the specifications in this Section, the original of which shall be drawn in permanent ink on cloth or film.
 - (4) Payment of all applicable final subdivision plat filing and recording fees, as established by the County Commission from time to time.

- (5) The application shall include either: (a) a copy of a properly executed and binding contract for the installation of traffic signalization if required under this Development Code; or (b) an agreement approved by the Georgia Department of Transportation for installation of the required traffic signalization.
- (b) The Planning Department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- (c) Within 2 weeks following receipt of the application, the Planning Department shall indicate on the drawing or in writing all comments related to compliance with this Development Code. The Director of Planning shall have sole authority to determine the applicability of any provisions of this Development Code to the final plat.
- (d) The owner shall be responsible for compliance with all codes, regulations and zoning requirements, and for the satisfaction of all the noted and written comments of the Planning Department. Resubmission of all revised drawings shall be made to the Planning Department.
- (e) When all of the requirements of this Development Code, and any conditions of zoning approval, have been met, the Director of Planning and the Chair of the County Commission shall sign and date the CERTIFICATE OF FINAL PLAT APPROVAL stamped or printed on a reproducible copy of the final subdivision plat.
- (f) Once the final subdivision plat has been so certified, it shall be recorded by the Planning Department, or by the applicant with the Planning Director's approval, with the Clerk of Superior Court.
- (g) Subsequent to the recording of the final plat, one copy on cloth or film and one additional copy with all certificates endorsed thereon shall be filed with the records of the Planning Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

Sec. 2-48 General standards for final plats.

- (a) a. The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the Clerk of Superior Court.
- (b) b. The final subdivision plat shall substantially conform to the preliminary subdivision plat and may constitute only that portion of the approved preliminary subdivision plat that the owner proposes to record at any one time, provided that such portion conforms to the requirements of this Development Code.

Sec. 2-49 Final plat requirements.

The final subdivision plat shall contain all caption information and plat data required by Georgia law pertaining to the recordation of maps and plats (O.C.G.A. § 15-6-67, as amended), as well as the additional information required in this Subsection.

(a) Caption.

The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:

- (1) The county, tax map and parcel number, and subdivision, if the property lies within a particular subdivision;
- (2) The date of plat preparation;
- (3) The scale, stated and shown graphically;
- (4) The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
- (5) All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

(b) Plat data.

Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:

- (1) All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;
- (2) All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
- (3) All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;
- (4) All maps or plats shall show easements and apparent encroachments, if pertinent;
- (5) In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;
- (6) All land lot lines, land district lines, land section lines, and city and county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;
- (7) All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent

material such as iron, steel, concrete, or stone, as required for survey monuments under the Project Design Standards Chapter of this Code;

- (8) An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
- (9) All linear distances shown on maps or plats shall be horizontal;
- (10) All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and
- (11) All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.

(c) Additional data.

The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:

- (1) Street names including both the name and the suffix, such as "street," "avenue," etc.
- (2) Name of the former subdivision if any or all of the property has been previously subdivided.
- (3) If the plat covers an area that is a portion of a larger area included within an approved preliminary plat, location sketch of the area being final platted within the preliminary plat boundary and any areas previously recorded within the subdivision.
- (4) Lot lines with dimensions to the 1/100 (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners.
- (5) Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- (6) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (7) Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use.
- (8) A listing of the private covenants recorded with each lot or a statement of the location of such covenants, if applicable.
- (9) The extent of any area of special flood hazard, as defined in this Development Code.
- (10) Curve data shall be required for all curves of greater than ten degrees on new roads. Pertinent data including street centerlines, radius, central angle, and tangent distance must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting roads.

- (11) If private streets are provided, a notation consistent with the requirements of Sec. 2-52 .
- (12) If the subdivision is within, partially within, or adjacent to any property zoned RR, or is otherwise adjacent to an existing agricultural use or operation, a notation that reads as follows: "The lots or properties shown on this plat are subject to the requirements of State law and Chapter 4 of the Crisp County Land Development Code regarding notification to purchasers of the proximity of agricultural zoning or uses."

Sec. 2-50 Surveyor and owner certificates.

Each Final Subdivision Plat shall carry the following certificates printed or stamped on the plat. The original certificates on the reproducible copy of the final plat shall be signed and dated in blue ink.

- (a) Surveyor's Certificate, to read and be completed as follows:

Figure 2.4

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown

The field data upon which this plat is based has a closure precision of one foot in _____ feet, and an angular error of _____ per angle point, and was adjusted using _____ rule.

This plat has been calculated for closure and is found to be accurate within one foot in _____ feet.
By (name): _____

Registered Georgia Land Surveyor No. _____

Address: _____

Telephone Number: _____

Date: _____

- (b) Surveyor's Seal. The reproducible final subdivision plat drawing shall bear the original signature, in blue ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
- (c) Owner's Certificate, to read and be completed as follows, and signed in blue ink on the original drawing:

Figure 2.5

OWNER'S CERTIFICATE

State of Georgia
County of Crisp

The undersigned certifies that he or she is the owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Crisp County Unified Land Development Code. The owner further acknowledges this plat and allotment to be his free act and deed, and dedicates to the public forever all areas shown or indicated on this plat as streets, easements or other public use areas, and all water system and other public improvements as depicted on the as-built surveys for this subdivision, approved on _ (date) _ .

Owner's name: _____

Owner's address: _____

Date: _____

(Owner's signature)

Sec. 2-51 Approval by health department.

A final approval letter by the Health Department that the water supply and sewage disposal systems installed or proposed to be installed fully meet the requirements of the Health Department's regulations (except for those lots excluded from development by the Health Department and so marked on the final plat) shall be submitted on a separate form to the Planning Department. The Health Department certification statement shall include written notice that each lot not on public sewer must have a septic tank permit prior to the issuance of a building permit. For developments with public sewerage and public water systems, this certification may be omitted.

Sec. 2-52 Notification of private streets.

If private streets are provided, the final plat must include a notation that the purchaser of each lot must execute a release consistent with the requirements of Chapter 9 of this Development Code. Such notation shall read substantially as shown in Figure 2.6.

Figure 2.6

Notification of Private Streets

This subdivision is served by private streets. The transfer in title of any lot within this subdivision shall require execution of a release of all maintenance responsibility and liability for such streets on the part of Crisp County in accordance with Chapter 9 of the Crisp County Unified Land Development Code. Such release shall be required for issuance of a Building Permit.

Sec. 2-53 Certificate of final subdivision plat approval.

The following shall be stamped or printed on the final subdivision plat for execution upon its approval by the County.

Figure 2.7

CERTIFICATE OF FINAL PLAT APPROVAL

All requirements of the Crisp County Unified Land Development Code having been represented as being fulfilled by this plat and the related as-built surveys approved on (date) , Crisp County hereby approves this plat for recordation by the Clerk of Superior Court and recognizes the owner's offer of dedication of all areas and public improvements shown thereon and on said as-built surveys on behalf of the public, subject to maintenance and guarantee by the owner for one year from the date of this approval.

_____ Date _____

(Signature of Director of Planning)

Sec. 2-54 Acceptance of public improvements.

- (a) Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the appropriate entities (Public Works, Water and/or Public Safety).
- (b) The owner must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements.
- (c) Upon certification by the appropriate entities (Public Works, Water and/or Public Safety) that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the County Commission shall accept the public improvements into perpetual maintenance.

ARTICLE XI. BUILDING PERMITTING.

Sec. 2-55 Building permit required.

- (a) A building permit issued by the Planning Director is required in advance of the initiation of construction, erection, moving, or alteration of any building or structure in accordance the provisions of the building code. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with this Development Code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this Development Code, whether or not a building permit is required.
- (b) In all instances in this Article, reference to the Planning Director includes the Planning Director's designee, in accordance with Sections 1-15(b)(3) and 1-15(c)(1) of this Development Code.

Sec. 2-56 Application for a building permit.

The Planning Director is responsible for administering and enforcing the building codes of the County.

- (a) Prior to issuance of a building permit, the owner shall have received a development permit if required by this Development Code.
- (b) Zoning verification shall be obtained from the Planning Department. The following shall be attached to the Zoning Verification Application:
 - (1) For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.
 - (2) For a multi-family or nonresidential building, the site plan upon which was granted project approval by the Planning Department.
 - (3) A street address number as shown on the final plat or as assigned by the Planning Department.

-
- (c) Plumbing, electrical and mechanical permits shall be issued separately by the Planning Director or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.
 - (d) Standards for approval.
 - (1) Building permits shall be issued only on buildable lots of record, as defined in this Development Code.
 - (2) Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the County's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.
 - (e) Application for a building permit shall be made to the Planning Department. The application shall include:
 - (1) Application on the form furnished by the Planning Department, requesting issuance of a building permit.
 - (2) A copy of the zoning verification approved by the Planning Department.
 - (3) Building plans.
 - a. Single-family detached site built – One set of building plans and a plat of the property showing the actual dimensions and shape of the lot to be built upon.
 - b. Multi-family and nonresidential -- Two sets of the building plans drawn to scale, and a plat of the property showing the following:
 - 1. The actual dimensions and shape of the lot to be built upon;
 - 2. The exact sizes and locations on the lot of buildings already existing, if any; and
 - 3. The location and dimensions of the proposed building or alteration.
 - (4) The application shall include such other information as lawfully may be required by the Planning Director, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Code.
 - (5) For principal multi-family or principal nonresidential buildings, plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings, unless the building is exempted from this requirement by Georgia Law.
 - (6) County Health Department Approval if an on-site sewage disposal system or an on-site water supply has been allowed.
 - (7) County Fire Department/EMS approval of the driveway serving the proposed building as to its road bed, surface, width, topography, and accessibility to emergency

vehicles. Such approval may be waived in writing as determined by the Fire Department/EMS, but is mandatory for all construction in the RR zoning district.

- (8) Water meter receipt issued by the Public Utilities Department.
- (9) For applications to move a house, structure or building, the following additional information is required:
 - a. The name of the person performing the moving;
 - b. The origin and destination of the moving;
 - c. The names of the owners of the property from which the house is removed and of the property to which it is moved;
 - d. A detailed outline of the route to be followed and the equipment to be used;
 - e. An estimate of the time involved, including the time of the day when said operation shall be conducted; and
 - f. Details of the foundation upon which the structure will be placed, which must meet the requirements for a permanent foundation.
 - g. Any application for a permit must be made at least 48 hours prior to the proposed moving, unless this requirement is waived by the Planning Director, with the concurrence of the Sheriff's Department, under extenuating circumstances.
 - h. In addition to a fee charged for permits, the mover of any house, building or structure shall deposit with the Planning Director \$400.00 for each house, to be returned to the mover within 5 days after such moving if no damage is done to public property.
 - i. The Sheriff's Department shall furnish a police escort if he or she deems it necessary

Sec. 2-57 Building permit approval procedures

- (a) No later than five business days after receipt of any application for a building permit, the Planning Director shall either:
 - (1) Issue the permit; or,
 - (2) Notify the applicant as to whether the submitted documents meet the requirements of a complete application.
- (b) Except as otherwise provided in this Section, time spent by the Planning Director determining whether an application is complete shall count toward the total 30 days for plan review or inspection.
 - (1) If the Planning Director determines that the application is not complete, the applicant shall be provided written notice identifying the items that are not complete.

- (2) The 30-day time period is tolled when the application is rejected as incomplete. If within 30 days after the Planning Director has provided notice that the application is incomplete the applicant submits revisions to address the identified deficiencies, the Planning Director shall have an additional five business days to review the application for completeness.
- (c) Upon notification to the applicant that a complete application has been accepted, the Planning Director shall also notify the applicant as to whether the personnel employed or contracted by the County will be able to provide regulatory action within 30 days for plan review or provide inspection services within two business days of receiving a valid written request for inspection.
- (d) If the Planning Director determines that the personnel employed by the County cannot provide regulatory action or inspection services within the time frames required under paragraph (b) of this Section, the applicant shall have the option of retaining, at its own expense, a private professional provider to provide the required plan review or inspection in accordance with the provisions of this Section. If the applicant elects to utilize the services of a private professional provider, the regulatory fees associated with such regulatory action shall be reduced by 50 percent and such reduced amount shall be paid to the County in accordance with the County's policies.
- (e) If the Planning Director determines that the personnel employed by the County can provide regulatory action or inspection services within the time frames required under paragraph (b) of this Section, a convenience fee not to exceed the full amount of the regulatory fees associated with such regulatory action shall be paid to the County in accordance with the County's policies. Upon payment in full of the convenience fees associated with the complete application, the applicant may nevertheless choose to retain, at its own expense, a private professional provider to provide the required plan review or inspection, subject to the requirements set forth in this Section.
- (f) If the Planning Director states its intent to complete the required plan review within the time prescribed by paragraph (b) of this Section, or any extension thereof mutually agreed to by the applicant and the County, and the Planning Director fails to complete such plan review in the time prescribed by paragraph (b) of this Section, or any extension thereof mutually agreed to by the applicant and the governing authority, the Planning Director shall issue the applicant a project initiation permit.
 - (1) The Planning Director shall be allowed to limit the scope of a project initiation permit and limit the areas of the site to which the project initiation permit may apply but shall allow the applicant to begin work on the project, provided that portion of the initial phase of work is compliant with applicable codes, laws, and rules.
 - (2) If the plans submitted for permitting are denied for any deficiency, the time frames and process for resubmittal shall be governed by subparagraphs (1) through (3) of paragraph (b) of Sec. 2-59 .

- (3) Any delay in the processing of an application that is attributable to a cause outside the control of the County or through fault of the applicant shall not count toward days for the purposes of this Section.
- (g) Any plan review or inspection conducted by a private professional provider shall be no less extensive than plan reviews or inspections conducted by County personnel.
- (h) The person, firm, or corporation retaining a private professional provider to conduct a plan review or an inspection shall be required to pay to the County the same regulatory fees which are required by either paragraph (d) or (e) of this Section, as applicable.

Sec. 2-58 Private professional providers

- (a) A private professional provider performing plan reviews under this Article shall review plans to determine compliance with all applicable regulatory requirements. Upon determining that the plans reviewed comply with the applicable regulatory requirements, such private professional provider shall prepare an affidavit or affidavits on a form adopted by the Department of Community Affairs certifying under oath that the following is true and correct to the best of such private professional provider's knowledge and belief and in accordance with the applicable professional standard of care:
 - (1) The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to this Section and who holds the appropriate license or certifications and insurance coverage stipulated in this Section;
 - (2) The plans comply with all applicable regulatory requirements; and,
 - (3) The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the plan submittal process and do not make a change to the project reviewed for such approvals.
- (b) All private professional providers providing plan review or inspection services pursuant to this Section shall secure and maintain insurance coverage for professional liability (errors and omissions) insurance.
 - (1) The limits of such insurance shall be not less than \$1 million per claim and \$1 million in aggregate coverage for any project with a construction cost of \$5 million or less and \$2 million per claim and \$2 million in aggregate coverage for any project with a construction cost of more than \$5 million.
 - (2) Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the certificate of final completion for the project.
 - (3) The Planning Director or the County Commission may establish, for private professional providers working within the County, a system of registration listing the private professional providers within their stated areas of competency. The permit applicant shall verify compliance with the insurance requirements of this paragraph.

- (c) The private professional provider shall be empowered to perform any plan review or inspection required by the County, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required to determine compliance with all regulatory requirements and for the issuance of a building permit or certificate of occupancy by the County, provided that the plan review or inspection is within the scope of such private professional provider's area of competency.
- (d) Nothing in this Section shall authorize any private professional provider to issue a certificate of occupancy. Only the Planning Director or County Fire Marshal shall be authorized by the County Commission to issue a certificate of occupancy.

Sec. 2-59 Procedures for permit issuance

- (a) The permit applicant shall submit a copy of the private professional provider's plan review report to the Planning Director within five days of its completion. Such plan review report shall include at a minimum all of the following:
 - (1) The affidavit of the private professional provider required under Sec. 2-58 (a);
 - (2) The applicable fees; and
 - (3) Any documents required by the local official and any other documents necessary to determine that the permit applicant has secured all other governmental approvals required by law.
- (b) No more than 30 days after receipt of both a permit application and the affidavit from the private professional provider required pursuant to this Article, the Planning Director shall issue the requested permit or provide written notice to the permit applicant identifying the specific plan features that do not comply with the applicable regulatory requirements, as well as the specific code chapters and sections of such regulatory requirements. If the Planning Director does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law and the permit shall be issued by the local Planning Director on the next business day.
 - (1) If the Planning Director provides a written notice of plan deficiencies to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit revisions to correct the deficiencies.
 - (2) If the permit applicant submits revisions to address the plan deficiencies previously identified, the Planning Director shall have the remainder of the tolled 30 day period plus an additional five business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes regulatory requirements, with specific reference to the relevant code chapters and sections of such regulatory requirements.

- a. If the Planning Director does not provide the second written notice within the prescribed time period, the permit shall be issued by the Planning Director on the next business day.
 - b. In the event that the revisions required to address the plan deficiencies or any additional revisions submitted by the applicant require that new governmental approvals be obtained, the applicant shall be required to obtain such approvals before a new plan report can be submitted.
- (3) If the Planning Director provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to this subsection or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the Planning Director shall have an additional five business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable regulatory requirements, with specific reference to the relevant code chapters and sections.
- (c) Upon submission by the private professional provider of a copy of his or her inspection report to the Planning Director, the Planning Director shall be required to accept the inspection of the private professional provider without the necessity of further inspection or approval by the inspectors or other personnel employed by the County unless the Planning Director has notified the private professional provider, within two business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the private professional provider with a written description of the deficiencies and specific code regulatory requirements that have not been adequately addressed.

Sec. 2-60 Prequalification of private professional providers

- (a) The County may provide for the prequalification of private professional providers who may perform plan reviews or inspections pursuant to this Section.
 - (1) No ordinance implementing prequalification shall become effective until notice of the County's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published, and by any other methods the County ordinarily utilizes for notification of engineering, architecture, or construction related solicitations.
 - (2) The ordinance implementing prequalification shall provide for evaluation of the qualifications of a private professional provider only on the basis of the private professional provider's expertise with respect to the objectives of this Section, as demonstrated by the private professional provider's experience, education, and training.

- (3) Such ordinance may require a private professional provider to hold additional certifications, provided that such certifications are required by ordinance for plan review personnel currently directly employed by the County.
- (b) Nothing in this Section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Sec. 2-61 Enforcement

- (a) The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the Planning Director.
- (b) If the work authorized by a building permit has not begun within 6 months from the date of issuance the permit shall expire, unless it is renewed. The Planning Director may renew a building permit for a period of no more than 6 months if there have been no changes in the rules, regulations, codes or ordinances of the County that would materially affect construction of the building. A building permit may not be renewed more than once, and shall not be renewed more than 8 months after the initial approval of the building permit
- (c) If the Planning Director determines that the building construction or plans do not comply with the applicable building code requirements, the official may deny the permit or request for a certificate of occupancy, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, after giving notice to the owner, the architect of record, the engineer of record, or the contractor of record and by posting a copy of the order on the site of the project and opportunity to remedy the violation within the time limits set forth in the notice, if the official determines noncompliance with regulatory requirements, provided that:
 - (1) The Planning Director shall be available to meet with the private professional provider within two business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion; and
 - (2) If the Planning Director and the private professional provider are unable to resolve the dispute or meet within the time required by this Section, the matter shall be referred to the County Zoning Board of Appeals, which shall consider the matter not later than its next scheduled meeting.
- (d) Nothing in this Section shall limit the authority of the Planning Director to issue a stop-work order for a building project or any portion of such project, which may go into effect immediately, after giving notice and opportunity to remedy the violation, if the Planning Director determines that a condition on the building site constitutes an immediate threat to public safety and welfare. A stop-work order issued for reasons of immediate threat to public safety and welfare shall be appealable to the County Zoning Board of Appeals.

Sec. 2-62 Disciplinary guidelines for private professional providers

When performing building code plan reviews or inspection services, a private professional provider is subject to the disciplinary guidelines of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under State Law, as applicable.

- (a) Any complaint processing, investigation, and discipline that arise out of a private professional provider's performance of plan reviews or inspection services shall be conducted by the applicable professional licensing board.
- (b) Notwithstanding any disciplinary rules of the applicable professional licensing board with jurisdiction over such private professional provider's license or certification under State Law, the Planning Director may decline to accept plan reviews or inspection services submitted by any private professional provider who has submitted multiple reports which required revisions due to negligence, noncompliance, or deficiencies.

Sec. 2-63 Certificate of occupancy.

- (a) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.
- (b) A certificate of occupancy shall be required for any of the following:
 - (1) Occupancy and use of a building or structure constructed or enlarged.
 - (2) Change in use of existing buildings to uses of a different classification.
 - (3) Any change in use of a nonconforming use, lot or building.
- (c) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the Planning Director.
- (d) A record of all certificates of occupancy shall be maintained by the Planning Director and a copy shall be furnished upon request to any person.

Sec. 2-64 Exclusions

- (a) This Article shall not apply to hospitals, ambulatory health care centers, nursing homes, jails, penal institutions, airports, buildings or structures that impact national or state homeland security, or any building defined as a high-rise building in the State Minimum Standards Code; provided, however, that interior tenant build-out projects within high-rise buildings are not exempt from this Article.
- (b) The County, the Planning Director, and local building code enforcement personnel and agents of the County shall be immune from liability to any person or party for any action or inaction by an owner of a building or by a private professional provider or its duly

authorized representative in connection with plan review and inspection services by private professional providers as provided in this Article.

- (c) Nothing in this Article shall apply to inspections for compliance with a state or local fire safety standard or erosion control standard.
- (d) To the extent that a provision of this Article conflicts with requirements of federal laws or regulations or impairs the County's receipt of federal funds, such provision shall not apply.

ARTICLE XII. SIGN PERMITS.

Sec. 2-65 Sign permits; applications.

- (a) Applications for sign permit.

An application for a sign permit shall be made to the Planning Department and shall be accompanied by written approval of the property owner, site plans, and specifications as may be required by the Planning Director, along with any required fees.

- (b) Multi-Tenant Nonresidential Projects.

- (1) A uniform sign plan is required for any multi-tenant nonresidential development, such as a shopping center, before any signs for the development or the development's tenants may be erected on the property.
- (2) The uniform sign plan shall govern the placement and design of all signs within the development as to their location, number, materials, size, letter style, and color.
- (3) A uniform sign plan shall be submitted and approved as follows:
 - a. The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
 - b. The uniform sign plan is to be submitted to the Planning Department. The uniform sign plan shall be approved upon a finding by the Planning Director that:
 - 1. The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
 - 2. The signs proposed in the uniform sign plan shall comply with the requirements of the Sign Regulations Chapter in all respects.
- (4) The requirements of the approved uniform sign plan shall be recorded by the owner in the office of the Clerk to Superior Court prior to issuance of a Certificate of Occupancy or connection to permanent power for the development, and shall be

included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.

- (5) All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

Sec. 2-66 Modifications to sign restrictions.

- (a) Modifications to the restrictions on signage for a specific property or development may be requested for administrative approval.
- (b) Such requests shall be submitted to the Planning Department for review and handling.
- (c) A request for modification shall be supported by a uniform sign plan.
- (1) The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
- (2) The uniform sign plan shall establish design standards such that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.

- (d) Denial.

If the Planning Director denies the requested modification, the applicant may appeal the decision to the Board of Zoning Appeals.

- (e) Approval.

- (1) Following approval by the Planning Director or the Board of Zoning Appeals, the requirements of the approved uniform sign plan shall be recorded by the owner in the office of the Clerk to Superior Court prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
- (2) All tenants of the property or development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

ARTICLE XIII. CEMETERY DISTURBANCE PERMIT.

Sec. 2-67 Findings and intent.

In accordance with O.C.G.A. 36-72-1 *et seq.* and other State laws relating to abandoned cemeteries and burial grounds, the following findings and intent of the State of Georgia are incorporated herein:

- (a) The care accorded the remains of deceased persons reflects respect and regard for human dignity as well as cultural, spiritual, and religious values. The General Assembly declares

that human remains and burial objects are not property to be owned by the person or entity which owns the land or water where the human remains and burial objects are interred or discovered, but human remains and burial objects are a part of the finite, irreplaceable, and nonrenewable cultural heritage of the people of Georgia which should be protected.

- (b) It is the intent of the General Assembly that the provisions of this Section be construed to require respectful treatment of human remains in accord with the equal and innate dignity of every human being and consistent with the identifiable ethnic, cultural, and religious affiliation of the deceased individual as indicated by the method of burial or other historical evidence or reliable information.
- (c) Counties are authorized to preserve and protect any abandoned cemetery or any burial ground that the county determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep, whether or not that person is financially capable of doing so.

Sec. 2-68 Definitions related to cemetery disturbance.

The following definitions are used in this Section:

Abandoned Cemetery: A cemetery which shows signs of neglect including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

Archeologist: Any person who is:

- (1) A member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves; or
- (2) Employed on July 1, 1991, by the state or by any county or municipal governing authority as an archeologist.

Burial Ground: An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Burial Object: Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine that may have been added subsequent to interment. Such term also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Cemetery or Cemeteries: In relation to the disturbance of an abandoned cemetery, any land or structure in this state dedicated to and used for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Descendant: A person or group of persons related to a deceased human by blood or adoption in accordance with the meaning of the term as used in Title 19 of the Official Code of Georgia.

Genealogist: A person who traces or studies the descent of persons or families and prepares a probative record of such descent.

Human Remains: The bodies of deceased human beings in any stage of decomposition, including cremated remains.

Preserve and Protect a cemetery or burial ground: To keep safe from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

Sec. 2-69 Permit requirements.

- (a) Permit required for developing land on which cemetery located.

No known cemetery, burial ground, human remains, or burial object shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land unless a cemetery disturbance permit is first authorized by the Board of Commissioners.

- (b) Application for a cemetery disturbance permit.

An application for a permit shall include, at a minimum, the following information:

- (1) Evidence of ownership of the land on which the cemetery or burial ground is located in the form of a legal opinion based upon a title search;
- (2) A report prepared by an archeologist stating the number of graves believed to be present and their locations as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes, which activities shall not require a permit;
- (3) A survey prepared by or under the direction of a registered surveyor showing the location and boundaries of the cemetery or burial ground based on an archeologist's report;
- (4) A plan prepared by a genealogist for identifying and notifying the descendants of those buried or believed to be buried in such cemetery. If those buried or believed to be buried are of aboriginal or American Indian descent, the genealogist, in preparing the notification plan, shall consult with the Council on American Indian Concerns created pursuant to Georgia law under O.C.G.A. 44-12-280 and shall include in the notification plan not only any known descendants of those presumed buried but also any American Indian tribes as defined in paragraph (2) of O.C.G.A. 44-12-260 that are culturally affiliated; and

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- (5) A proposal for mitigation or avoidance of the effects of the planned activity on the cemetery or burial ground. If the proposal includes relocation of any human remains or burial objects, the proposal shall specify the method of disinterment, the location and method of disposition of the remains, the approximate cost of the process, and the approximate number of graves affected.
 - (c) Identification and notification of descendants of person in cemetery sought to be developed.

The applicant shall implement its plan for identifying and locating descendants no later than the date the application is submitted to the Planning Director. The Planning Director shall review the applicant's plan for identifying and notifying the descendants of the deceased persons and may require as a condition for issuing a permit that the applicant implement additional reasonable attempts to identify and locate descendants. Notice to possible descendants shall include information on how to contact the Planning Director and a summary of the rights of descendants under Georgia law. The Planning Director shall promptly inform any descendant who indicates an interest in the disposition of the human remains and burial objects regarding any proposals for mitigation, the terms of any permit issued, the time and place of any scheduled public hearings, and appeal procedures and events.

- (d) Application fee.

The Board of Commissioners may impose an application fee that shall reflect the cost to the County for processing and reviewing the application including, but not limited to, the cost of hiring an attorney, independent archeologist, and independent surveyor to assist in making recommendations regarding the applicant's plan. Such fee, if imposed, shall not exceed \$2,500.00.

Sec. 2-70 Procedure for permit approval.

- (a) Public hearing on development of abandoned cemetery; time for decision on application for permit.
 - (1) Within 15 days after the Planning Director is satisfied that all reasonable effort has been made to notify descendants, as provided in Sec. 2-69 (c), the Board of Commissioners shall schedule a public hearing at which any interested party or citizen may appear and be given an opportunity to be heard. In addition to the notice required in Sec. 2-69 (c), notice of the public hearing shall be advertised in the legal organ of the County once a week for the two consecutive weeks immediately preceding the week in which any such hearing is held.
 - (2) Within 30 days after the conclusion of the public hearing, the Planning Director shall notify the applicant in writing of the decision of the Board of Commissioners. The Board of Commissioners shall have the authority to deny the application with written reasons, to authorize issuance of a permit adopting the application in whole or in part, or to authorize issuance of a permit which may include additional requirements to mitigate the proposed activity's adverse effects on the cemetery

or burial ground, including but not limited to relocation of the proposed project, reservation of the cemetery or burial ground as an undeveloped area within the proposed development or use of land, and respectful disinterment and proper disposition of the human remains. The Board of Commissioners may adopt the applicant's proposal for mitigation.

(b) Issues considered in decision on application for permit.

The Board of Commissioners shall consider the following in making its determination:

- (1) The presumption in favor of leaving the cemetery or burial ground undisturbed;
- (2) The concerns and comments of any descendants of those buried in the burial ground or cemetery and any other interested parties;
- (3) The economic and other costs of mitigation;
- (4) The adequacy of the applicant's plans for disinterment and proper disposition of any human remains or burial objects;
- (5) The balancing of the applicant's interest in disinterment with the public's and any descendant's interest in the value of the undisturbed cultural and natural environment; and
- (6) Any other compelling factors that the governing authority deems relevant.

(c) Appeal of decision on application for permit.

- (1) Should any applicant or descendant be dissatisfied with a decision of the Board of Commissioners, he or she, within 30 days of such decision, may file an appeal in the Superior Court of Crisp County.
- (2) Until the expiration of the time for appeal as set forth in Sec. 2-70 (c)(1), the applicant shall not begin or resume activities that comply with the permit issued by the governing authority. If an appeal is filed, the applicant may begin or resume activities that comply with the permit only upon consent of the Board of Commissioners and the party seeking judicial review or upon order of the reviewing court for good cause shown.

Sec. 2-71 Inspections and supervision.

(a) Inspection to ensure applicant's compliance.

The Planning Department shall inspect as necessary to determine whether the applicant has complied with the provisions of this Section requiring cessation or limitation of activity and with the terms of the permit as authorized by the Board of Commissioners.

(b) Disinterment and disposition of human remains or burial objects.

Any disinterment and disposition of human remains or burial objects permitted under this Section shall be supervised, monitored, or carried out by the applicant's archeologist and shall be done at the expense of the person or entity to whom the permit is issued.

Sec. 2-72 Penalties

Any person who knowingly fails to comply with the provisions of this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall pay a fine of not more than \$5,000.00 for each grave site disturbed; provided, however, that any person who knowingly violates the provisions of Sec. 2-69 (a) shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be incarcerated for not more than six months and shall pay a fine not less than \$5,000.00 for each grave site disturbed.

ARTICLE XIV. DEVELOPMENTS OF REGIONAL IMPACT.

Sec. 2-73 Types of approvals covered.

The provisions of this Section apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or special use approval, special exception variance or hardship variance approval, project approval, issuance of a development or building permit, or hookup to a public utility.

Sec. 2-74 Thresholds for regional review.

Any development project for which any governmental action is requested that meets or exceeds development thresholds adopted by the Georgia Department of Community Affairs (DCA) shall be considered a Development of Regional Impact (DRI):

Sec. 2-75 Submission to the regional development center.

(a) First request for project approval.

- (1) Upon determination by the Planning Director that an application qualifies for DRI review, the applicant shall provide such information as necessary for the DRI review on forms available from DCA.
- (2) The DRI review forms prepared by the applicant shall be submitted by the Director of Planning to the River Valley Regional Commission (RVRC).
- (3) Once the RVRC has accepted the DRI forms as complete, the 30-day review period officially begins.
- (4) Throughout the DRI process, the applicant shall coordinate with the Planning Department and the RVRC and provide such additional information as may be needed to complete the DRI evaluation.

(b) Subsequent requests for project approval.

Once the development project has been reviewed by the RVRC and the first governmental action has been granted, no further reviews by the RVRC of subsequent governmental actions need to be reviewed by the RVRC unless the project is significantly or substantially revised (as established by DCA guidelines for DRI reviews).

Sec. 2-76 Final Action by the County.

Further consideration of the development project shall not be made by the County on a Development of Regional Impact until either:

- (a) A report has been received from the RVRC reflecting its findings and recommendations, if any; or,
- (b) Said report is not received within 30 days of official determination by the RVRC that the project is a DRI.

ARTICLE XV. TEXT AMENDMENTS.

This Development Code may be amended from time to time in whole or in part by the County Commission under the provisions of this Article.

Sec. 2-77 Initiation of text amendments.

A proposed change to the text of this Development Code may be proposed when public necessity, general welfare or good zoning practice justify such action by the County Commission or the County Administrator.

Sec. 2-78 Text amendment process.

Before the County Commission may take final action on a proposed text amendment, it shall hold an advertised public hearing on the proposal. The public hearing shall follow the same procedures for advertising and holding a public hearing as for a rezoning or special use as presented in ARTICLE IV of this Chapter, as well as the provisions for withdrawal of an application, except as otherwise provided by this Article.

Sec. 2-79 Standards for text amendments.

The County Commission shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed amendment consistent with the purpose and intent of this Land Development Code as stated under Chapter 1?
- (b) Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (c) Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (d) Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Sec. 2-80 Effect of text amendment approval.

- (a) Approval of a text amendment shall be in full force and effect upon its approval by the County Commission or upon the stated effective date thereof.
- (b) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for Nonconformities in Chapter 11 of this Development Code.
- (c) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for Nonconformities in Chapter 11 of this Development Code, as applicable.

ARTICLE XVI. APPEALS.

Sec. 2-81 Types of appeals.

Persons may appeal to the Zoning Board of Appeals for relief under the following circumstances:

- (a) When aggrieved by an action or an interpretation of the Planning Director of the County made under this Development Code.
- (b) When an exception is desired for a particular property from certain requirements of this Development Code, as specified in this Section.
- (c) When compliance with the requirements of this Development Code would create a particular and unique hardship.
- (d) When the requirements for flood protection affect an historic structure.

Sec. 2-82 Initiation of appeals.

- (a) All requests for relief shall be taken as an appeal to the Zoning Board of Appeals, as provided in this Section.
- (b) If denied, an application for a hardship variance or special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Zoning Board of Appeals may reduce the waiting period under extenuating circumstances or on its own motion.

Sec. 2-83 Appeals of an administrative decision.

- (a) Appeals of an administrative action or interpretation by the Planning Director to the Zoning Board of Appeals may be initiated by any person aggrieved by the decision. Such appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the

appeal in writing with the Planning Director. The Planning Director shall transmit a notice of said appeal to the Board of Appeals specifying the grounds thereof.

- (b) It is the intention of this Code that all questions arising in connection with the enforcement or interpretation of this code shall be presented first to the Planning Director and that such question shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Planning Director.
- (c) The holder of or applicant for a development permit or a building permit may appeal any of the following actions taken by an administrative official:
 - (1) The suspension, revocation, modification or grant with condition of a development permit by the Director of Planning upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.
 - (2) The determination that the holder is in violation of development permit or building permit conditions.
 - (3) The determination that the holder is in violation of any other provision of this Development Code.
- (d) Interpretations.

The Zoning Board of Appeals, upon appeal of an aggrieved party from a decision of the Planning Director, or at the request of the Planning Director, shall:

- (1) Interpret the use of words or phrases within the context of the intent of this Development Code.
 - (2) Determine the boundaries of the various zoning districts where uncertainty exists.
 - (3) Determine the validity of any order, determination, decision, or other interpretation by any person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged, following confirmation of such validity by the Planning Director.
 - (4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.
- (e) An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the officer or department head from whom the appeal is made certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which must be granted by a court of competent jurisdiction.

Sec. 2-84 Special exception variances.

- (a) General limitations on relief.

Special Exception Variances shall be limited to relief from the following requirements of this Development Code:

- (1) Minimum building setbacks.
- (2) Maximum building height.
- (3) Maximum height of a fence.
- (4) Minimum lot width.
- (5) Public street frontage.
- (6) Buffers and screening.
- (7) Signage, in accordance with a uniform sign plan.
- (8) Parking requirements, such as the number of spaces required or improvement standards for parking lots. Approval of any change in parking lot improvement standards shall have the concurrence of the Fire Chief.
- (9) Minimum lot area per dwelling unit, as required under Table 5-1, for the sole purpose of allowing an accessory family care dwelling and in strict accordance with the provisions applicable to such an accessory family care dwelling set out under Article VI of Chapter 4, Restrictions on Particular Uses.
- (10) Encroachment into a street-side utility easement.
- (11) Construction or placement of an accessory use to a dwelling prior to or in lieu of the placement of a principal residence on a property, provided that the following standards shall apply:
 - a. The accessory use or structure must otherwise be allowed only as one of the “customary accessory uses to a dwelling” listed in the applicable Section of Article VI of Chapter 4.
 - b. The square footage of all accessory buildings and the number and floor area of parking spaces in a stand-alone garage and/or an outdoor parking area approved on the vacant lot must not exceed the total floor area of accessory buildings and the number and square footage of parking spaces allowed as accessory uses for a dwelling in the applicable Section of Article VI of Chapter 4.
 - c. Within two years of approval of the Special Exception Variance, either a principal dwelling structure must be constructed on the property or a new Special Exception Variance must be applied for and approved for a period of no more than an additional two years.
- (12) AG telecommunications towers.
 - a. Approval of an AG telecommunications tower serving an active nonconforming agricultural operation in a zoning district where agricultural operations are not

an allowed use, and which otherwise meets all of the requirements for an AG tower in Chapter 4.

- b. Approval of the addition of a telecommunications antenna and equipment to an existing or proposed AG tower for the purpose of providing internet access to surrounding and nearby residents and other land uses.

(13) Such other requests for a Special Exception Variance as may be specifically required by other provisions of this Land Development Code not specified above.

(b) Standards for approval.

A Special Exception Variance may be granted upon a finding that the relief, if granted, would not cause substantial detriment to the public good or be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor diminish and impair property values within the surrounding neighborhood or impair the purpose and intent of the Development Code.

(c) Administrative approval.

(1) Special Exception Variances shall be considered by the Zoning Board of Appeals unless the variance is approved administratively. Only those variances listed in this Subsection, below, and within the parameters stated, may be considered for administrative approval.

(2) The Planning Director, upon a finding that a Special Exception Variance listed below meets the standards for approval contained in paragraph (b) of this Section may administratively approve such special exception variance within and not exceeding the following parameters:

a. Minimum building setbacks.

Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived for a multi-family or nonresidential use if the parking is located in the side or rear yards.

b. Maximum building height.

Not to exceed an additional 4 feet above the maximum allowed.

c. Maximum height of a fence.

Not to exceed an additional 2 feet above the maximum allowed.

d. Automobile parking requirements

Not to exceed a change by more than 10% in the number of spaces required, shared parking, or the proximity of spaces to the use served.

e. Encroachment into a street-side utility easement.

Any encroachment must be deemed necessary by the Planning Director for the reasonable development, use or enjoyment of the property, and shall be placed at the owner's liability for any damage resulting from the placement,

operation or maintenance of utilities located within the easement. An encroachment for the placement of an on-site sewage disposal system drain field or replacement field must be at the request of the Health Department due to a lack of a reasonable alternate location.

- f. AG telecommunications tower.

All pertinent requirements of Chapter 4 regarding telecommunications towers are met and the agreement for the AG tower to be removed within 1 year following the cease of all agricultural operations on the property or approval of a development permit for a residential subdivision on the property.

- (d) If denied by the Zoning Board of Appeals (or the County Commission, if applicable), an application for a special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that only the Board of Appeals may reduce the waiting period under extenuating circumstances or on its own motion.
- (e) In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the County Commission.

Sec. 2-85 Hardship variances.

- (a) General.

- (1) Relief from the application of the provisions of this Development Code may be granted by the Zoning Board of Appeals upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare, and the need for consistency among all properties similarly zoned.
- (2) Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

- (b) Standards for approval.

A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Zoning Board of Appeals that:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or
- (2) The application of the Development Code to this particular piece of property would create an unnecessary hardship; or
- (3) There are conditions that are peculiar to the property involved which adversely affect its reasonable use or usability as currently zoned; or
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Development Code, provided, however, that no

variance may be granted for a use of land or building or structure that is prohibited in a given district by this Code.

- (c) If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Zoning Board of Appeals may reduce the waiting period under extenuating circumstances or on its own motion.
- (d) In no case shall a hardship variance be granted for any of the following:
 - (1) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
 - (2) A change in the conditions of approval imposed through a rezoning granted by the County Commission.
 - (3) Reduction of a minimum lot size required by a zoning district.
 - (4) A use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
 - (5) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

Sec. 2-86 Flood protection variances.

- (a) Flood protection variances may be approved for the reconstruction, rehabilitation or restoration of buildings listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation or restoration will not result in the building losing its historical designation.
- (b) In passing upon a flood protection variance, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Development Code relating to flood damage prevention, and the:
 - (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger to life and property due to flooding or erosion damage;
 - (3) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) Importance of the services provided by the facility to the community;
 - (5) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) Compatibility of the use with existing and anticipated development;
 - (8) Relationship of the use to the comprehensive plan and flood plain management program for that area;

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- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (c) Upon consideration of the factors listed above, and the purposes of this Development Code, the Board of Appeals may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.
 - (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (e) Conditions for variances are as follows:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.
 - (2) Variances shall only be approved upon:
 - a. Showing of good and sufficient cause;
 - b. Determination that failure to grant the variance would result in exceptional hardship; and
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Development Codes.
 - (1) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (2) The Planning Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Sec. 2-87 Process for granting an appeal.

- (a) Upon receiving a notice of an appeal, the Planning Director shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.

- (b) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Planning Director may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- (c) Once the record has been assembled, the Planning Director shall schedule the appeal for consideration at the next meeting of the Board of Appeals for which adequate public notice can be given.
- (d) The public hearing shall follow the same procedures for advertising and holding a public hearing as for a rezoning or special use as presented in ARTICLE IV of this Chapter, as well as the provisions for withdrawal of an application. Provided, however, that the Zoning Board of Appeals may take action on any application at the same meeting following the required public hearing.

Sec. 2-88 Appeal to court.

A decision of the Zoning Board of Appeals shall be final and may be appealed only by *a certiorari* to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the Board of Appeals.

ARTICLE XVII. TEMPORARY SUSPENSION OF PERMITTING.

- (a) Upon submission of a valid application for a rezoning, special use permit or for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.
- (b) Upon the initiation of a rezoning, special use permit or text amendment, no permits shall be issued nor shall any actions be undertaken on any property that may be affected by the outcome of such rezoning, special use permit or text amendment.