

APPENDIX A - DEVELOPMENT REGULATIONS<sup>[1]</sup>

ARTICLE 1. - GENERAL

Sec. 101. - Short title.

This document is entitled the Development Ordinance of Lamar County, Georgia. It may also be known by and cited by the short title of Lamar County Development Ordinance.

Sec. 102. - Authority.

The power of a local government to enact an ordinance such as this, which is intended to protect the public health, safety, and welfare, is provided by the 1983 Constitution of the State of Georgia, article 9, section 2, paragraph 4.

Within the territorial limits of the county, no person shall divide or rearrange a lot line of any lot or parcel of land or grade, install streets, utilities, or make any improvements to a parcel(s) of land without complying with the provisions of this Appendix. The Lamar County Board of Commissioners and the Administrative officer acting within the scope of these regulations is the platting authority of Lamar County. No plat may be recorded in the office of the Clerk of Superior Court of Lamar County unless it follows the procedures as required in this Appendix. Developments that do not involve the division of land but are large in scope will also follow these procedures.

- A. *Subdivision plats*: Any subdivider proposing to subdivide land within unincorporated Lamar County must submit to the county plats of the proposed subdivision which conform to all regulations set forth in these regulations. Application for approval of the plats must be made to the county under procedures contained in this Appendix.
- B. *Development plans*: Any developer proposing Planned Developments, whether Residential or Mixed Use, or any Large scale commercial, industrial, or manufacturing; any construction of a new road, whether proposed to the private or public must make application to Lamar County under procedures contained in this Appendix.
- C. *Utility Placement*: Any utility proposing to extend service on right of way maintained by Lamar County must make application to Lamar County under procedures contained in this Appendix.

Sec. 103. - Jurisdiction.

This ordinance applies to all land within unincorporated Lamar County, Georgia.

Sec. 104. - Purposes.

The Development Ordinance of Lamar County, Georgia, seeks to encourage the development of desirable land use patterns within Lamar County in accordance with the Lamar

County Land Use Plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions which can threaten the general health, safety, and welfare of the residents of Lamar County. This ordinance should serve the following purposes:

- A. Encourage the development of economically sound and stable communities.
- B. Assure the provisions of required streets, utilities, facilities, and services to new land development.
- C. Assure the desired development is located on suitable land
- D. Assure the adequate protection of safe and convenient traffic access and circulations — both vehicular and pedestrian — in new land development.
- E. Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- F. Assure in general the wise development of new areas in harmony with the Lamar County Land Use Plan.

Sec. 105. - Content.

This ordinance provides for the following:

- A. Defines certain terms used in this ordinance.
- B. Establishes minimum standards for lots, streets, and other facilities associated with land development.
- C. Provides procedures for administering and amending the ordinance.
- D. Provides penalties for violation of this ordinance.
- E. Repeals conflicting ordinances.

ARTICLE 2. - INTERPRETATION

Sec. 201. - Interpretation of certain common terms.

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

parcel. The word building includes the word structure. The words used or occupied as applied to any land or building include the words intended, arranged, or designed, to be used or occupied.

Sec. 202. - General definitions.

*Administrative officer:* The person, officer, or official and his authorized representative, whom the Board of Commissioners has designated as its agent for the administration of this ordinance.

*As-built plans:* Detailed construction plans showing completed improvements as constructed.

*Block:* A piece or parcel of land entirely surrounded by public roads or streets, other than alleys.

*Board of Commissioners:* The Board of Commissioners of Lamar County, Georgia.

*Buffer:* That portion of a lot established for open space purposes and intended to separate properties with different and possible incompatible types of uses. A buffer must not be otherwise occupied with structures. A buffer must be at least twenty (20) wide and provide reasonable visual screening of the property through the provision of one of the following:

1. Planted vegetative screen at least twenty (20) feet wide and ten (10) feet high.
2. Fence or wall at least six (6) feet high, which provides visual screening.

*Building line:* The line which represents the distance a building must be set back from the boundary line of a lot, measured at the foundation of the building.

*Building setback line:* A line parallel to a specified minimum distance from the front, side, or rear property lines beyond which no foundation wall or part of the structure of any building projects with the exception of roof overhang, steps, and the subsurface projection of footings.

*Center line, street:* That line surveyed and monumented by the governing authority as the centerline of the street, or if such a centerline has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.

*Construction plan:* A plan based on the approved preliminary plat, which shows all street design and profiles, topographic information, utility construction plans, sediment and erosion control plans, and other information which may be required by the administrative officer. It is submitted to the administrative officer for approval.

*Crosswalk:* A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.

*County:* Lamar County, Georgia.

*Curb cut:* The point at which vehicular access is provided to an adjoining street from a lot.

*Design standards:* The specifications to land owners or subdividers for the preparation of plats — both preliminary and final — indicating among other things the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

*Developer:* Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under this ordinance.

*Easement:* The right or privilege of using another's property for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, and other purposes.

*Elevation, front:* The view of a building or group of buildings as seen from directly in front of structure.

*Engineer:* A professional engineer licensed in the State of Georgia and registered through the state board of professional engineers who is competent in the field of civil design.

*Flood boundary:* The area threatened by periodic flooding as determined by data maps provided by the Federal Emergency Management Administration (FEMA), U.S. Department of Housing and Urban Development (HUD), U.S. Soil Conservation Service, U.S. Army Corps of Engineers or hydrological studies utilizing generally accepted engineering practices. All lands within the limits of a one (1) percent annual-chance flood.

*Hearing:* Any regular or specially called meeting of the building and zoning department, the planning commission, or the Board of Commissioners.

*Landscape architect:* A person licensed by the State of Georgia pursuant to O.C.G.A. § 43-23-1 et seq. to practice or teach landscape architecture.

*Land use plan:* Any part or element of the overall plan for development adopted by the Board of Commissioners, as amended.

*Large scale commercial, industrial, or manufacturing:* Any development of over 5 acres of land for the purposes of commercial, industrial, or manufacturing uses.

*Lot:* A parcel of land occupied or capable of being occupied by one (1) or more buildings and customarily incidental accessory buildings or uses, including such open spaces as are required by this ordinance.

*Lot, corner:* A lot located at the intersection of two (2) or more streets.

*Lot, double frontage:* A lot, other than a corner lot, which has frontage on more than one (1) street.

*Lot of record:* A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of superior court of Lamar County, Georgia; or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion of the lot or parcel will be considered a lot of record.

*Lot remnant:* Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of the lot to adjoining lots.

*Lot width:* The distance between side lot lines measured at the front building line. If a corner lot, the distance between lot lines measured along the front building line which parallels or more nearly parallels the rear lot line.

*Owner(s) of record:* The owner(s) of property as specified on the deed of the lot of record.

*Parks and playgrounds:* Public or community land, open spaces, or recreation areas represented on a subdivision plat as dedicated, reserved, or intended to be reserved, for recreational purposes.

*Pedestrian way:* Crosswalk or other areas designed and marked specifically for pedestrian traffic.

*Percentage of grade:* Measured down the street center line, the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

*Planned development:* A coordinated large-scale or comprehensive group development, either residential or mixed use, designed and constructed according to a development plan.

*Planning commission:* The Lamar County Planning Commission.

*Plat/plan:* A map or plan representing a subdivided parcel of land or combination of lands, prepared for the purpose of installing and/or finalizing existing and proposed elements of a site to be developed; this would include preliminary and final plat/plans.

1. *Preliminary plat/plans:* A plan showing the detailed design and layout of a subdivision of land, prepared for the purpose of development, and which includes all improvements and meets all requirements specified in this ordinance.
2. *Final plat/plan:* A plat of a subdivision unit, or phase of development, with legal descriptions of all lots, easements, open space and right-of-way sufficient to reproduce the plat in the field, and which meets the requirements of the Georgia Plat Act of 1978, as amended. The final plat is intended for legal recording in the official deed book records of Lamar County for lots, right-of-way, easements, and restrictive covenants.
3. *Dedicated plat:* A plat required for the dedication to the county or other public utility or authority of right-of-way for streets, public easements, sewer or water easements and facilities, or other public improvement that is accompanied by a deed of dedication.

*Pre-application review:* An initial and informal stage of subdivision review at which the developer may make known preliminary plat proposals and the building and zoning department may respond and/or advise the developer concerning the subdivision regulations.

*Private drive:* A non-public, privately owned access way.

*Private street:* Any street within a planned development which meets appropriate public street design standards, but, for purposes of controlled access and privacy, is not dedicated to Lamar County and is not public.

*Protective covenants:* Contracts made between private parties, or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of a given area.

*Public hearing:* An official session of the planning commission or the Board of Commissioners, advertised according to law and called for purposes specified in the public notice.

*Recessed (flag) lots:* A parcel of land with a narrow strip providing access to a public road with the bulk of the property containing no frontage.

No minor or major subdivision shall contain any recessed lots unless the developer has applied for and received a variance from the Board of Commissioners as provided in section 410 and section 703 of this appendix.

Recessed lots, where allowed, shall meet the following requirements:

1. The access area of the lot must have frontage of at least fifty (50) feet on a public road, and it must maintain a minimum width of fifty (50) feet the entire width of the access area from said road to its intersection with the main body of the lot.
2. The main body of the lot standing alone must meet all minimum code requirements of the county, including minimum lot size, easements, setbacks, etc., as well as satisfy the requirements of the underlying zoning classification. No portion of the access area may be used in calculating the satisfaction of these requirements.
3. No two (2) access areas can adjoin. No more than one access area allowed per 300' of road frontage

*Reserve strip:* A strip or parcel of land along, around, or between properties for the purpose of restricting access.

*Review agency:* Any so designated agency other than the planning commission or the Board of Commissioners which may review appropriate parts of plat submissions by reason of technical capability, authority, or interest.

*Right-of-way:* A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian access, vehicular access, or utility line installation.

*Road:* A public or private right-of-way affording primary access by pedestrians and vehicles to and between properties and designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

1. *Alley or service drive:* A minor access way used for service access or property access under specified circumstances to the back or side of properties otherwise abutting a street.

2. *Marginal access street:* A residential street parallel and adjacent to a major street which provides access to abutting properties with protection from through-traffic.
3. *Cul-de-sac:* A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
4. *Half street:* A street or road adjacent to a subdivision tract boundary where only half of the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner. Where it is determined to be practical to require the dedication of the additional half when adjoining property is subdivided, the other half of the street shall be platted to create a full width of right-of-way serving the adjoining tracts of land.
5. *Road width:* The shortest distance between lines of lots delineating the road right-of-way.
6. *Local street/road:* Street used primarily for access to the abutting properties and serves travel demands in the immediate area, and designated as such in the street classification system map of the Lamar County Land Use Plan.
7. *Collector street/road:* Street which usually serves to either provide direct access to lots or distribute traffic from individual lots to major streets. It may also connect neighborhoods with one another. It should be designed to discourage excessive speeds and through-traffic. It is designated as such in the Street Classification System Map of the Lamar County Land Use Plan.
8. *Arterial street:* Street used primarily to move traffic through the county. Connecting roads and access to adjacent property should be kept to a minimum on an arterial street, as these interfere with traffic flow, adversely affecting the capacity and safety of the arterial street. It is designated as such in the Street Classification System Map of the Lamar County Land Use Plan (where one exists).
9. *Tangent:* A straight line that is perpendicular to the radius of a curve where the tangent meets the curve.

*Sight distance, intersection:* The distance measured from a vehicle's eye-height, measured from ground level to the eye-height of a motorist to a specific object to a specific distance based on the speed of oncoming vehicles.

*Sight distance, stopping:* The unobstructed vision of a motorist on a horizontal plane along a street centerline as measured from the motorist's eye-height.

*Soil erosion and sediment control plan:* A plan for temporary and permanent facilities to control soil erosion and sedimentation on a construction site. (See Lamar County Soil Erosion and Sedimentation Control Ordinance.)

*Subdivider:* Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

*Subdivision:* Lamar County recognizes the division of land in three categories: Exempt Subdivision, Minor Subdivision, and Major Subdivision.

Exempt Subdivisions:

- All lots are 5 acres or more and all lots are served by an existing public road; or
- Divisions of an existing parcel into 4 lots or less, which does not create a non conforming lot for zoning purposes and all lots are served by an existing public road; or
- The combination or restructuring of portions of previously platted and approved lots in a major or minor subdivision where the total number of lots does not increase and the size of the lots still meets the standards set forth within the approved subdivision; or
- The division of land among heirs by judicial decree.

Exempt subdivisions are handled administratively through the Administrative officer and do not require public hearings or board approval. Exempt Subdivisions require a Final Plat

Minor Subdivisions

- Divisions of an existing parcel into 5 lots or more with each lot served by an existing public road, and may or may not create non conforming lots for zoning purposes; or
- The division of a parcel that is part of a previously approved and platted exempt, minor, or major subdivision.

Minor Subdivisions require Final Plat review and approval by the Planning Board and the Board of Commissioners. Minor Subdivisions may require rezoning if non conforming lots are proposed. Minor Subdivision may also require Land Disturbing Permits.

Major Subdivisions

- Any division of an existing parcel with access to any newly created lot dependent on the construction of a new road; or a change in an existing road

Major Subdivisions require Preliminary review and approval, Construction Plans, Land Disturbance Permits, and Final Plat review and approval by the Planning Board and the Board of Commissioners. They also may require an approved map amendment to the Official Zoning Map of Lamar County.

*Surveyor, land:* One who is qualified to engage in the practice of land surveying and who possesses a current certificate of registration as a land surveyor issued by the state board of registration for professional engineers and land surveyors.

*Water Authority:* The current governing body having authority over public water and sewer systems.

*Water ordinance:* The regulations enacted by the authority of the local water and sewer system.



*Zoning:* The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

*Zoning administrator:* The person designated or appointed by the Board of Commissioners to oversee the duties and responsibilities of the building and zoning department.

*Zoning district:* The various zoning districts as defined in the county zoning ordinance.

*Zoning map:* The official geographically defined document that is part of the zoning ordinance and delineates the boundaries of zoning and overlay districts.

*Zoning ordinance:* The Lamar County Zoning Ordinance.

Sec. 203. - Minimum requirements.

The provisions contained in this ordinance shall be considered as minimum requirements. When the Board of Commissioners impose greater restrictions on a development that protect the health, safety, and welfare of the general public then those restrictions shall prevail.

ARTICLE 3. - RESERVED

ARTICLE 4. - GENERAL PROCEDURES

Sec. 401. - Generally.

It is in the best interest of Lamar County, its citizens, and its developers to have written procedures that are clear and efficient. To further that goal, the procedures for various types of developments follow the same rules for applications and public hearings. Proposed projects that also require zoning actions may make application to both to run concurrently. If a regulation found herein is in conflict with a regulation found elsewhere in a Lamar County ordinance, the most restrictive of the regulation shall be followed.

Sec. 402. - General overview of subdivision plat review and development approval procedures.

The procedure for the formal review and approval of a subdivision plat consists of stages depending on the type of division or development proposed.

- Exempt Subdivisions are approved administratively with a Final Plat. Please refer to section 408.1 for final plat requirements.
- Minor Subdivisions require Planning Board review and Board of Commissioners approval. They are exempt from the preliminary and construction plan procedures and can be submitted as a Final Plat. Please refer to section 408.2 for final plat requirements.

- Major Subdivisions; construction of new roads with new utilities; Planned Developments, Residential and Mixed Use; Large scale commercial, industrial, or manufacturing uses are required to adhere to Preliminary, Construction, and Final Plat procedures. Please refer to section 408.3 for final plat requirements.

#### Sec. 403—Pre-application review stage:

Whenever a development requires a preliminary plat and/or construction plans, the developer is urged to consult early and informally with the administrative officer. The developer may submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed layout of the development. The purpose of the pre-application review stage is to facilitate the subsequent preparation of plans and plats by clarifying matters relating to the proposed development, and the development ordinance. The Administrative officer will also determine which zoning designation meets the needs of the proposed project. If the parcel requires a zoning map amendment, the applications for rezoning and the proposed project can run concurrently. Also at this stage, other entities should be consulted such as the Water Authority, Health Department, and Georgia Department of Transportation and any other agencies that regulate land use.

#### Sec 404- Preliminary Plats

When required: Preliminary Plats are required for Major Subdivisions (see section 202 for definitions); for construction of any new road; for any Planned Development: Residential or Mixed Use as set forth in the Zoning Ordinance; for any Large scale commercial, industrial, or manufacturing use.

#### Sec. 404. – Submission, review and approval of preliminary plat

- A. *Preliminary plat submission:* At least thirty-five (35) days before the regularly scheduled monthly meeting of the planning commission at which the developer desires planning commission action, the developer must submit the following:
1. An application as provided by the Administrative officer
  2. Five (5) paper copies of the preliminary plat and supporting data. Plat size should be no smaller than 11" by 17", no larger than 24" by 36". At this time, the administrative officer may direct the developer to furnish additional copies to the review agencies having appropriate technical expertise or proper authority for review and comment.
  3. If the development will be served by a public or private water system, a letter of approval from the water system administrator. If the development will be serviced by a public sewer system, a letter of approval from the sewer system administrator. If the development will be served by a well and a septic system, a preliminary report from the Lamar County Health Department is required.

4. If the proposed subdivision abuts a state highway, a certificate of approval of the proposed subdivision by the Georgia Department of Transportation.
- B. *Official date of submission:* The official date of submission of the preliminary plat will be the date of the next regularly scheduled monthly meeting of the planning commission.
- C. *Public hearing:* Before acting on the preliminary plat, the administration officer will schedule a two (2) public hearing(s) on the preliminary plat. Notice of the hearing will follow the guidelines as set in section 606.
- D. *Preliminary plat review:* The planning commission will review the preliminary plat for conformance to these regulations and other relevant regulations and will consider the comments or suggestions of the appropriate review agencies requested to review the preliminary plat. The planning commission will indicate on the preliminary plat, or by a written memorandum attached to the preliminary plat any comments or suggested changes that are necessary to meet the intent of these regulations or to serve the best interests of Lamar County.
- F. *Action of the planning commission:* No more than forty-five (45) days after the official date of submission of the preliminary plat, the planning commission will either recommend approval of the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire preliminary plat or any portion of it. If the planning commission fails to act within forty-five (45) days of the official date of submission of the preliminary plat, the preliminary plat will be automatically approved by the planning commission.
- G. *Action of the Board of Commissioners:* Once a decision is made by the Planning Commission, the preliminary plat will be forwarded to the Board of Commissioners to be placed on their agenda. The Board of Commissioners will either recommend approval of the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire preliminary plat or any portion of it. If the preliminary plat is not approved, no application for the same or similar developments may be accepted for the parcel named in the original application for a period of 1 year.
- H. *Approval of preliminary plat:* Approval of a preliminary plat is only tentative, pending submission of the final plat, and is effective and binding upon the Board of Commissioners for a period of no more than two (2) years. However, if no work has begun on the subdivision or development after 1 year from preliminary approval, the preliminary plat is null and void. If work has begun but will not be completed before the two (2) year period expires, the developer may submit to the administrative officer a request in writing for an extension of time. If the administrative officer grants such an extension, work on the remainder of the development may continue within the limits of the extension.

Sec. 405. - Preliminary plat/plan, required information.

The preliminary plat/plan shall meet the minimum standards of design and requirements for the construction of public improvements as provided in article 5, Required Development Standards, of this ordinance, and shall have the following information:

A. *Description:*

1. Proposed name of development, including its units and/or phases of development. All phases or units of a development must be delineated on the submitted plan.
2. A plan layout of the proposed development and potential phases/units of development must be submitted for a development that has or may have more than two (2) phases/units to it.
3. Names, addresses, telephone numbers, and email of the developer, engineer, landscape architect, surveyor, and project manager.
4. Graphic scale north arrow, identified as magnetic, true, or grid north.
5. Date and revision schedule.
6. Location map showing the relationship of the development to the surrounding area, including identification of landmarks or distances to landmarks, within the area of the project.
7. Acreage to be divided and the total number of lots/parcels.
8. Lineal (linear) feet of proposed roads (per phase and total in project).
9. Zoning of property and all of that district's space standards, any special conditions of zoning, minimum house size, and minimum lot sizes.
10. Impervious surface calculations as required by the Lamar County Zoning Ordinance

B. *Existing conditions:*

1. Topographic contours and vertical intervals of not more than two (2) feet where new roads are involved.
2. Location and delineation of wooded/tree areas, vegetation, lakes, streams, creeks, or other natural elements of the land.
3. Topographic data shall be based on field surveys or aerial photos.
4. Soil conditions according to the U.S. Soil Conservation Service Classifications Manual.
5. Current name and address of adjacent property owners, names of subdivisions, businesses, and/or non-residential projects, including zoning of adjacent properties.

6. In the case of a submittal of a replatted development, a copy of the existing plat shall also be submitted. The words "replat" or "revised plat" shall be included on such document.
7. Location/delineation and calculations of the acreage of wetlands, floodplains, reservoirs, recharge areas, other bodies/sources of water and land subject to a one-percent annual chance flood hazard, including contour elevations. The plat shall state if elevations are taken from a surveyed stream on a FEMA map or if the elevations are from an independent study (HEC-2, QUICK-2, etc.). Wetland areas shall be field located.
8. Delineation of such natural resources shall be indicated in a report from a registered soil scientist in the State of Georgia.
9. State whether or not a project lies within a Lamar County watershed protection district and if so, which one.
10. Location of existing and proposed property lines; location, width, and names of all platted public roads, utility rights-of-way, public areas, and existing structures and/or landmarks.
11. Existing utility, sewer, water mains and lines, easements, drains, culverts, and/or other underground or above ground facilities adjacent to or within the boundaries and right-of-ways of the proposed project. Included shall be the sizes, grades, and invert elevations from field surveys or other sources. All sizes and data on all utilities shall be provided.

C. *Proposed conditions and facilities:*

1. Layout of all streets and other access ways with right-of-way and pavement widths, as well as proposed street names.
2. Such street profiles, cross-sections, and details as may be necessary to illustrate proposed street construction standards.
3. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; block number; and lot numbers.
4. Provisions for sewage disposal systems (individual, community, or public), with approval by the Lamar County Health Department shown by type of system proposed.
5. Provisions for water supply systems (individual, community, or public), with approval by the Lamar County Health Department shown by type of system proposed.
6. Provisions for proper drainage.
7. Designation of lands to be reserved or dedicated to public use.
8. All land uses, including areas to be occupied by uses other than single-family dwellings, including the following non-residential uses:

- a. Multi-family residential.
  - b. Commercial.
  - c. Industrial.
  - d. Recreation, open space, and areas for other such uses.
9. Easements for drainage and proposed or existing water and sewer lines and utilities along the side and rear lot lines, or wherever else they may be placed, and watercourses as required in section 504(a).
- D. *Certificate of tentative approval:* A certificate of tentative approval of the preliminary plat by the planning commission and the Board of Commissioners will be inscribed on the plat.

Sec. 406. - Submission and approval of construction plans.

- A. *Construction plan submission:* After the preliminary plat of the proposed subdivision or development has been given approval by the Board of Commissioners, the subdivider/developer may, within 6 months of that approval, submit construction plans to the administrative officer. The administrative officer will schedule a pre-construction meeting with the developer, contractors, and any local or state agency with regulatory enforcement authority for any part or phase of the project.
- B. *Format:* Five (5) copies of the construction plans must be submitted to the administrative officer. Erosion and Sedimentation plans (when required) can be combined into the construction plans. The scale on the construction plans must be at least two hundred (200) feet to the inch.
- C. *Approval of construction plans:* Approval of construction plans constitutes authorization to proceed with the installation of any improvements, subject to the approval of agencies having the proper authority over such individual improvements

Sec. 407. - Specifications for construction plans.

The construction plans must conform to all specifications required for the preliminary plat, and include the following:

- A. Layout and names of proposed public roads, alleys, and public walkways (bike trails, sidewalks, paths, etc.), with width of pavement and right-of-way, including the capability of the tract to be subdivided to connect to existing and future development of adjacent tracts.
- B. Layout of all lots, including building setback lines, lot dimensions, and area/square footage of lots, showing all existing and proposed easements (drainage, water, sewer, storm pipes, etc.), and their location on all lots. It shall also include the proximity (distance and location) of all adjacent easements and utilities.

- C. Lots with detention ponds on them must meet the minimum zoning area requirements exclusive of the area of the pond. Lots with detention ponds must meet the setback requirements of the applicable zoning district to be declared a buildable lot. Homes or buildings may not be set closer than twenty-five (25) feet to a detention/retention pond, regardless of the home's/building's compliance with the setback requirements.
- D. Flood elevations on any lots within a one (1) percent annual chance flood area, in addition, the foundation elevation that is a minimum of two (2) feet above the established one (1) percent annual chance flood elevation shall be shown. This data may be shown either on the lot layout or in tabular form. The flood hazard area shall include both studied and unstudied streams, including drainage ways as designated on the preliminary plat.
- E. Construction plans of roads, including typical cross section and grade profiles, shall show the percent of each grade and length of each vertical curve. The minimum sight distance for intersecting roads is two hundred fifty (250) feet.
- F. Construction plans of sanitary sewers with grades, service, pipe, size, and points of discharge and connection to other trunk or lateral sewers.
- G. Show the centerline stopping distance for all points of access onto state and county public roads, showing posted speed limits of such public roads.
- H. Construction plans of storm drainage systems with grade, pipe sizes, lengths, location of outlets, runoff and velocity calculations, and other drainage structures. All storm drainage systems carrying off-site runoff shall be designed for the one (1) percent annual chance flood event. All storm pipes within the public road right-of-way shall be asphalt coated corrugated metal pipe or concrete.
- I. Improvement construction plans of water supply systems with pipe sizes and location of hydrants, valves, and all other appurtenances.
- J. Draft of proposed deed restrictions/covenants to be imposed on any/or all parcels within the development.
- K. Easements for drainage and proposed and existing water and sewer lines and utilities along the side and rear lot lines or wherever else they may be placed, and watercourses as required in section 504(A).
- L. Proposed soil erosion and sedimentation control plan.
- M. Projected final contours: In some cases, the street profiles will suffice in showing the amount of cut and fill; however, in all cases, final contours need to be shown on the plans.
- N. Show a five-foot high fence surrounding all detention ponds with a 100-year pond elevation over four (4) feet, and a ten-foot wide gate to be located as to provide the best vehicular access. Vegetation shall be planted around all fences in order to

minimize the visual impact the fencing has on a development, except at the designated gate area.

- O. Detail drawings: Any structural practice used should be explained and illustrated with detail drawings and must meet minimum county standards.
- P. Show the following notes on all plans:
  - 1. That all storm sewer, sanitary sewer, water, etc. easements exist where such utilities are placed. If placed on or along property lines, such utilities or infrastructure shall be centered on lot lines. All easements shall include an indication of their width.
  - 2. All storm drains shall be extended a minimum of thirty (30) feet behind any home(s) or building(s).
  - 3. Grade stakes shall be set on all streets prior to any street grading. An as-built subgrade centerline profile shall be submitted and approved by the county prior to the installation of curb and gutter or other infrastructure and utility improvements.
  - 4. All undisturbed buffers shall be field located, staked and flagged, or marked with tenzar, and shall be submitted to the county for approval prior to grading.
  - 5. Total amount of impervious surface of the entire site. Must meet the standards as regulated in the Lamar County Zoning Ordinance.
- Q. A bond or letter of credit must be secured by the developer of one and one-half (1½) times the estimated cost of the improvements, in favor of the Lamar County Board of Commissioners, prior to undertaking any site improvements.
- R. Certifications:
  - 1. The following certifications inscribed directly on the construction plans:
    - a. Construction plans must bear the seal of a registered professional engineer.
    - b. Certificates or statements of approval of the sewage disposal system in the proposed subdivision obtained from the appropriate water and sewer authority, the Lamar County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.
    - c. Certificates or statements of approval of the water system in the proposed subdivision obtained from Lamar County, the Lamar County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.

Sec. 408. – Final Plat Submission, Forms and Required Information, Approval Process, and after approval or denial

- 1. Submission of Final Plats for Exempt Subdivisions



- A. Final Plats for Exempt Subdivisions can be submitted electronically by email to the Administrative officer or by hard copy.
- B. Forms and Information Required
  - 1. If submission is by hard copy, at least two originals are required for submission.
  - 2. Full name of the owner of record
  - 3. Survey must bear the seal of a professional licensed surveyor.
  - 4. Date and revision schedule.
  - 5. Graphic scale north arrow, identified as magnetic, true, or grid north.
  - 6. Legal description of the property, including reference to land lots and districts, and tax identification numbers.
  - 7. All lot lines measured to the hundredth (0.01) of a foot. The bearings shall be indicated for all lot lines to the nearest second. The error of closure should not be less than one (1) foot in ten thousand (10,000) feet. Also, the length of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.
  - 8. Acreage to be divided and total number of lots, with the acreage of the proposed lots measured in square feet and acres.
  - 9. All existing structures on the property must be identified.
  - 10. Zoning of property and all of that district's space standards, any special conditions of zoning, minimum house size and minimum lot sizes, and impervious surface calculations. Also include any buffer requirements and building setback lines.
  - 11. Location of all natural water features, wetlands, floodplains, reservoirs, recharge areas and a statement whether or not the property lies within a watershed protection area.
  - 12. Existing utility, sewer, water mains and lines, easements, drains, culverts, and/or other underground or above ground facilities within the boundaries of the parent and proposed parcels.
  - 13. If the newly proposed lots are to be served by a water and/or sewer system, a letter from the system administrator certifying approval. If the newly proposed lots are to be served by a private well and septic system, a soil study indicating the property is suitable for a septic system is required.
  - 14. If on a state highway, a letter from the Georgia Department of Transportation certifying the proposed lots will be given access to the highway. If on a county maintained road, approval from the Road Superintendent that all lots will have safe access to the county road.
  - 15. Name of all adjoining property owners
  - 16. must provide a signature line for the Administrative officer as follows:  
THIS PROPERTY AS REPRESENTED ON THIS PLAT COMPLIES WITH APPLICABLE LAMAR COUNTY CODES AND ORDINANCES AS OF THIS DATE.

---

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT    DATE

ZONING DESIGNATION:

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C. Approval Process: The administrative officer will review the plat for conformance with these and other county regulations.

D. If approved or denied:

If all standards are met, the administrative officer will sign the plat and return a signed original or an electronic copy to the applicant for recording. If the plat does not meet regulations, the plat will be returned to the applicant with a statement as to why the plat was denied.

2. Final Plat Submission for Minor Subdivisions:

A. *Forms and information required:*

1. An application as provided by the Administrative officer
2. Five (5) paper copies of the final plat and supporting data. Plat size should be no smaller than 11" by 17", no larger than 24" by 36". At this time, the administrative officer may direct the developer to furnish additional copies to the review agencies having appropriate technical expertise or proper authority for review and comment.
3. Survey must bear the seal of a professional licensed surveyor.
4. Date and revision schedule. The official date of submission of the final plat will be the date of the next regularly scheduled monthly meeting of the planning commission for which the application can be legally noticed.
5. Graphic scale north arrow, identified as magnetic, true, or grid north.
6. Legal description of the property, including reference to land lots and districts, and tax identification numbers.
7. All lot lines measured to the hundredth (0.01) of a foot. The bearings shall be indicated for all lot lines to the nearest second. The error of closure should not be less than one (1) foot in ten thousand (10,000) feet. Also, the length of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.
8. Acreage to be divided and total number of lots, with the acreage of the proposed lots measured in square feet and acres.
9. All existing structures on the property must be identified.
10. Zoning of property and all of that district's space standards, any special conditions of zoning, minimum house size and minimum lot sizes, and impervious surface calculations. Also include any buffer requirements and building setback lines.
11. Location of all natural water features, wetlands, floodplains, reservoirs, recharge areas and a statement whether or not the property lies within a watershed protection area.

12. Existing utility, sewer, water mains and lines, easements, drains, culverts, and/or other underground or above ground facilities within the boundaries of the parent and proposed parcels.
13. If the newly proposed lots are to be served by a water and/or sewer system, a letter from the system administrator certifying approval. If the newly proposed lots are to be served by a private well and septic system, a soil study indicating the property is suitable for a septic system is required.
14. If on a state highway, a letter from the Georgia Department of Transportation certifying the proposed lots will be given access to the highway. If on a county maintained road, approval from the Road Superintendent that all lots will have safe access to the county road.
15. Name of all adjoining property owners
16. A signature line for the Chairman of the Board of Commissioners as follows:  
"This plat is hereby approved for recording by Lamar County, Georgia"

\_\_\_\_\_  
Chairman, Lamar County Board of Commissioners

\_\_\_\_\_  
Date

#### C. Approval Process

Once a final plat that meets all the technical requirements is received, the administrative officer will schedule two (2) public hearing(s) on the final plat. Notice of the hearings will follow the guidelines as set in section 606.

1. Planning Commission Review plat review: The planning commission will review the final plat for conformance to these regulations and other relevant regulations and will consider the comments or suggestions of the appropriate review agencies requested to review the final plat. The planning commission will indicate on the final plat, or by a written memorandum attached to the final plat any comments or suggested changes that are necessary to meet the intent of these regulations or to serve the best interests of Lamar County.
  2. Action of the planning commission: No more than forty-five (45) days after the official date of submission of the final plat, the planning commission will either recommend approval the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire final plat or any portion of it. If the planning commission fails to act within forty-five (45) days of the official date of submission of the final plat, the final plat will be automatically approved by the planning commission.
  3. Action of the Board of Commissioners: Once a decision is made by the Planning Commission, the final plat will be forwarded to the Board of Commissioners to be placed on their agenda. The Board of Commissioners will either approve the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire final plat or any portion of it.
- D. If approved or denied

1. Approval of the final plat by the Board of Commissioners authorizes the applicant to proceed with the recording of the final plat. Once recorded, the applicant must submit 5 copies of the recorded plat to the administrative officer.
  2. If the final plat is not approved, no application for the same or similar developments may be accepted for the parcel named in the original application for a period of 1 year.
3. Final Plat Submission for Major Subdivisions; new road construction; Planned Developments; Large scale commercial, industrial, or manufacturing
- A. Final plat submission for divisions of property that require preliminary plats and/or construction plans: After the preliminary plat of the proposed subdivision/development has been given tentative approval by the Board of Commissioners, construction plans have been approved by the administrative officer, and required improvements have been completed 100%, the subdivider/developer may, within two (2) years from the date of the preliminary plat approval, apply for final plat approval.
- B. Forms and required information:
1. An application as provided by the Administrative officer
  2. Five (5) paper copies of the final plat and supporting data. Plat size should be no smaller than 11" by 17", no larger than 24" by 36". At this time, the administrative officer may direct the developer to furnish additional copies to the review agencies having appropriate technical expertise or proper authority for review and comment.
  3. Survey must bear the seal of a professional licensed surveyor.
  4. Date and revision schedule. The official date of submission of the final plat will be the date of the next regularly scheduled monthly meeting of the planning commission for which the application can be legally noticed.
  5. Graphic scale north arrow, identified as magnetic, true, or grid north.
  6. Legal description of the property, including reference to land lots and districts, and tax identification numbers.
  7. All lot lines measured to the hundredth (0.01) of a foot. The bearings shall be indicated for all lot lines to the nearest second. The error of closure should not be less than one (1) foot in ten thousand (10,000) feet. Also, the length of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.
  8. Acreage to be divided and total number of lots, with the acreage of the proposed lots measured in square feet and acres.
  9. All existing structures on the property must be identified.
  10. Zoning of property and all of that district's space standards, any special conditions of zoning, minimum house size and minimum lot sizes, and impervious surface calculations. Also include any buffer requirements and building setback lines.
  11. Location of all natural water features, wetlands, floodplains, reservoirs, recharge areas and a statement whether or not the property lies within a watershed protection area.
  12. Existing utility, sewer, water mains and lines, easements, drains, culverts, and/or other underground or above ground facilities within the boundaries of the parent and proposed parcels.

13. If on a state highway, a letter from the Georgia Department of Transportation certifying all access points were constructed to their standards. If on a county maintained road, approval from the Road Superintendent that all lots will have safe access to the county road.
14. Name of all adjoining property owners
15. Copy of all materials test results for base and paving (core test). Results of density tests of all areas of fill and/or compaction.
16. Verification from the appropriate county departments and other authorities that all required inspections have been made and approved and that improvements to the subdivision/development, including street construction, sidewalks, drainage systems, erosion control and right of way seeding/sod are in compliance with the approved plans. This would include the installation of all utilities (above or below ground), street and traffic signs, and any other appropriate and necessary improvements as required by the county and any other authority.
17. Soil study for developments not using public sewerage, including recommendations or comments provided by the health department.
18. Two year maintenance bonds for all improvements including roads, buffers, common areas, drainage infrastructure, and water and/or sewer lines.
19. As-built plans of streets, sidewalks, storm drainage systems, and stormwater detention. The minimum required as-built information to be submitted with the final plat application shall include the following:
  - A. The existing centerline profile of all newly constructed streets.
  - B. The size, material, length, slope, invert elevations, and accurate location of all storm drain pipes.
  - C. The top and invert elevations of all drainage structures.
  - D. An as-built topographical survey of all detention basins and details of existing outlet structures, including calculations showing volumes and outflow rates. A registered professional engineer shall prepare the as-built plans at a minimum scale of one hundred (100) feet to the inch.
20. The outline of all property to be dedicated or reserved for public use or to be reserved for common use of all property owners in the subdivision/development with the purpose of the dedication or reservation indicated.
21. A statement to read as follows: "All street rights-of-way, sidewalks, and designated easements and properties shown herein are specifically dedicated to Lamar County for public use and, upon recording, are accepted by the County." The final plat should be accompanied by a deed for the same.
22. A signature line for the Chairman of the Board of Commissioners as follows:

"This plat is hereby approved for recording by Lamar County, Georgia"

\_\_\_\_\_  
Chairman, Lamar County Board of Commissioners

\_\_\_\_\_  
Date

C. Approval Process

Once a final plat that meets all the technical requirements is received, the administrative officer will schedule one (1) public hearing in front of the Board of Commissioners on the final plat. Notice of the hearing will follow the guidelines as set in section 606. The purpose of this public hearing is to allow any person who feels there are unresolved issues with the construction of the development to inform the Commissioners. After the public hearing, the commissioners will vote to either approve the plat and accept any dedications, or vote to table the plat until any issues are resolved.

D. If approved or tabled

1. Approval of the final plat by the Board of Commissioners authorizes the applicant to proceed with the recording of the final plat. Once recorded, the applicant must submit 5 copies of the recorded plat to the administrative officer.
2. If the final plat is tabled, the applicant will address the unresolved issues and resubmit a final plat to the administrative officer to be placed on the next agenda of the Board of Commissioners.

Section 409 *Bonds and/or letters of credit*: The developer/subdivider/developer of a Major Subdivision, a Planned Development, or a Commercial/Manufacturing project that is over 1 acre shall be required to post the following bonds and/or letters of credit:

- a. *Bond defined*: For the purposes of this section, the term "bond" shall mean a performance guaranty given in a form satisfactory to the administrative officer. A surety, to be acceptable, will be required to meet the following criteria:
  - i. A company holding a certificate of authority as an acceptable surety on federal bonds, as published in the latest such listing in the Federal Register; and an insurance company licensed to do business within the State of Georgia as a company writing policies of insurance and/or bonds, regulated as such by the Georgia Department of Insurance, and a participant in the State of Georgia Insurance and Solvency Pool, and meeting the following additional criteria:
    - (1) A company with a rating in the A.M. Best Company's most recent published rating of "A++ or A+: Class IV or Larger."
    - (2) A company with a rating in the A.M. Best Company's most recent published rating of "A: Class V or Larger."
    - (3) A company with a rating in the A.M. Best Company's most recent published rating of "A-: Class X or Larger."
    - (4) A company which can furnish an assumption certificate or cut through clause in a statement of coverage under which payment is guaranteed one hundred (100) percent to third-party claimants by a reinsurer with a rating in A.M. Best Company's most recent published rating of "A or A+: Class V or larger."

- (5) In lieu of the A.M. Best Company Rating, insurers rated AAA, AA+, AA, AA- by Standard and Poors Insurance Rating Services will also be acceptable.
- ii. *Letter of credit defined:* For the purposes of this section, the term "letter of credit" shall mean an irrevocable letter of credit given in a form satisfactory to the administrative officer and drawn upon a banking or other financial institution licensed to do business in the State of Georgia. At a minimum, the letter of credit shall provide for the immediate and unconditional drawing of any or all of the amount of the letter upon presentation and demand for payment.
- iii. *Maintenance bond/letter of credit:* The developer/subdivider/developer shall be required to post either a bond or, in the sole discretion of the administrative officer, a letter of credit in an amount at least equal to that necessary to cover the cost of infrastructure improvements upon neglect or abandonment of the project.
- iv. *Residential bond/letter of credit:* The amount of the maintenance bond/letter of credit for a residential development shall not be less than one hundred dollars (\$100.00) per lineal (linear) foot of road and ten dollars (\$10.00) per lineal (linear) foot of sidewalks within the development.
- v. *Non-residential bond/letter of credit:* The amount of the maintenance bond/letter of credit for a non-residential development shall not be less than one hundred dollars (\$100.00) per lineal (linear) foot of road within the development.
- vi. *Landscape bond/letter of credit:* The maintenance bond/letter of credit shall state, in addition to all other amounts listed in this section, sufficient funding available to cover the cost of required landscaping or vegetating a site of development. Tree replacement, ground cover replacement, or buffer replacement shall be the responsibility of the developer/subdivider/developer in addition to the required landscape plan provided for in the zoning ordinance. The additional amount of the bond/letter of credit shall be set by the administrative officer or, in his absence, by the county administrator. Additional costs to the county outside of the amount of the bond shall be charged to the developer/subdivider/developer and shall constitute a lien upon the property.
- vii. *Duration of bond/letter of credit:* The maintenance bond/letter of credit required by this section shall have an initial duration of two (2) years and shall be renewed, in the sole discretion of the Board of Commissioners, for additional terms of two (2) years. Except as otherwise provided in this section, upon final inspection and certification from the county that all infrastructure work covered under the bond is satisfactorily completed, in good condition, and in compliance with all applicable laws, ordinances, rules regulations, and

construction standards, the maintenance bond/letter of credit shall be released. For developments with multiple phases of construction, separate maintenance bonds/letters of credit may be accepted by the administrative officer for each phase. However, where improvements in one (1) phase of a development connect or are integrated into another phase, the maintenance bond(s)/letter(s) of credit given on one (1), multiple, or all phases of development may be renewed, when in the sole discretion of the administrative officer and/or the Board of Commissioners it is deemed necessary, until certification from the county that all infrastructure work within the development as a whole is satisfactorily completed, in good condition, and in compliance with all applicable laws, ordinances, rules, regulations, and construction standards.

Sec. 410. - Administrative variances.

The administrative officer may grant the following types of variances, without jeopardizing the intent and integrity of this ordinance and all applicable or related ordinances to a development. The administrative officer shall have the authority to approve a ten (10) percent variance in regards to front, side, and rear setbacks. A ten (10) percent variance on dimensions of a lot or lots may also be granted on no more than twenty (20) percent of all the lots of a development, exclusive of any amenity area dimensions. Variances on open space or other dedicated space shall require approval of the Board of Commissioners. Variances shall be granted upon the following principles:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- B. A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties within the county or within a similar zoning or overlay district.
- C. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties within the county or within a similar zoning or overlay district.
- D. The requested variance will be in harmony with the purpose and intent of this article, the specific zoning of the property, and the land use plan, and will not be injurious to the general welfare of the community.
- E. The special circumstances or justifications for the variance are not the result or cause of the self imposed actions or misfortunes of the applicant.
- F. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the overlaying zoning district or scheme of the land use plan.



- G. The variance requested is the minimum reasonable variance that will make possible the legal use of the land, building, or structure.

Minor variances may be authorized by the administrative officer, county administrator, or designated civil engineer of the county concerning the layout of streets, lots, road frontage and blocks in situations where physical characteristics of the property create practical difficulty of hardship by strict compliance of the regulations of this article. A consultation with at least two (2) of these individuals, the developer, and appropriate inspectors shall be required as part of the review process of granting a deviation in street, lot, and block standards. A written report shall be followed detailing the reasons why the variance was needed and why it was or was not granted. Such report shall be filed with the preliminary and final plat of the development.

All other variance requests above and beyond those mentioned in this section shall require approval from the planning board and the Board of Commissioners at a public hearing, in accordance with the public hearing procedures as listed in Section 606.

## ARTICLE 5. - REQUIRED DEVELOPMENT STANDARDS

### Sec. 501. - Development standards in general.

- A. *Suitability of land:* Land on which there is a danger to health, safety, environment, or property must not be platted for development that will continue or increase such danger, unless such hazards can be and are corrected, and a plan to correct such hazard is submitted by the developer and approved by the administrative officer. Examples of such conditions are as follows:
1. Land subject to flooding, improper drainage, erosion, or located in a watershed district or recharge area.
  2. Land that does not allow for safe ingress and egress onto a county or state road system.
  3. Land that is a habitat for endangered or protected species.
  4. Land that holds historical value.
  5. Land that acts as a buffer between residential and other uses.
  6. Land with excessive slope or other physical constraints which make it unsuitable for development.
  7. Soil conditions that are not suitable for conventional septic systems. For purposes of this section, conventional septic system means a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom or side soil areas, but does not include alternative or experimental systems as defined in chapter 290-5-26 of the rules of the department of human resources, on-site sewage management systems. Non-conventional septic systems may be allowed in such a case where feasible, where lot

size permits, and only when approved by the county health department and the administrative officer.

- a. A suitable lot must contain enough useable soil for a primary conventional septic system and a replacement conventional septic system.
  - b. Septic systems shall not cross platted lot lines.
- B. *Name of subdivision:* The name of the subdivision must have the approval of the building and zoning department. The name must not duplicate or closely approximate the name of an existing subdivision.
- C. *Access:* Access to every subdivision must be provided over a public street, and every lot within a subdivision must be served by a publicly dedicated street or a private street meeting the standards as provided in these regulations.
- D. *Conformance with adopted land use plan:* Proposed subdivisions must conform with the adopted Lamar County Land Use Plan and development policies in effect at the time of submission to the administrative officer. When features of the Lamar County Land Use Plan such as sites for schools, public buildings, parks, major streets, or other public uses are located in whole or in part in a proposed subdivision, such features must be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- E. *Community assets:* In all subdivisions, due regard must be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which will add attractiveness and value to the property, if preserved. In subdivisions of ten (10) or more lots, a community common area or areas with a cumulative total of at least one (1) acre must be provided for use by all residents of the subdivision. No subdivision subject to this section shall contain any less community common area unless the developer has applied for and received a variance from the Board of Commissioners, as provided in section 410 and/or 703 of this appendix. Subdivisions zoned AR or R1 are exempt from this requirement.
- F. *Minimum house sizes:* In subdivisions of ten (10) or more lots, at least twenty-five (25) percent of the lots must be reserved for homes of at least two thousand (2,000) square feet of conditioned air space, an additional twenty-five (25) percent (accumulative total of fifty (50) or more percent) must be reserved for homes of at least one thousand eight hundred (1,800) square feet. The third twenty-five (25) percent must be at least one thousand six hundred (1,600) square feet. The remainder must be at least equal to or greater than the minimum allowed in that applicable zoning district. No subdivision subject to this section shall vary from this calculation unless the developer has applied for and received a variance from the Board of Commissioners as provided in section 410 and/or section 703 of this appendix. Properties zoned R3 and R4 are exempt from this requirement.

- G. *Street lights* : street lights are required in subdivisions zoned R3 and R4 that involve the construction of new streets. If street lights are installed, maintenance and other costs will be the responsibility of the developer and/or a home owners association. Subdivisions zoned AR, R1, and R2 are exempt from this requirement.
- H. *Curb and Gutter*: curb and gutter is required on all subdivisions with over 25 lots or any subdivision/development with lots sizes of 1.9 acres or less.

Sec. 502. - Development standards for streets.

All streets established in the county after the effective date of this ordinance must comply with the following development standards:

- A. *Continuation of existing streets*: Wherever slope will permit, the arrangement of streets in a subdivision must provide for the alignment and continuation or projection of existing streets into adjoining areas. Existing streets must be continued at the same or greater width, but in no case less than the required width.
- B. *Street names*: Streets or roads that are extensions of or obviously in alignment with existing streets should have the same name as the existing street. The names of new streets and roads are subject to the approval of the building and zoning department and must not duplicate or be similar in sound to existing names — even if the suffix street, avenue, drive, etc. is different.
- C. *Development along arterial streets*: Where a subdivision abuts or contains an arterial street (See Lamar County Land Use Plan for street-classification plan), the building and zoning department may require a street approximately parallel to and on either side of the right-of-way of the arterial street to provide access to lots along the arterial street, while avoiding direct driveway curb cuts on the arterial street. Such a street may either abut the arterial street or railroad right-of-way, or be located a suitable distance away to allow an appropriate use of the intervening land with a non-access reservation along the arterial street and a buffer. In such cases, lots must have access only from the access street. It is the intention of Lamar County, Georgia to limit the number of “strip subdivisions”. No more than five (5) parcels with less than five (5) acres each may have direct access to an existing county road or state highway. Any development with more than 5 lots of less than 5 acres each will require an interior road to be constructed to county standards.
- D. *Intersections*: The centerlines of no more than two (2) streets may intersect at any one (1) point. Streets must be laid out so as to intersect at right angles. No street may intersect at any other street at an angle of less than ninety (90) degrees. The angle of intersection is to be measured at the intersection of the street centerlines.
- E. *Offset intersections (street jogs)*: Offset intersections with centerline offsets of less than one hundred twenty-five (125) feet are not permitted.

- F. *Dead-end streets (cul-de-sacs)*: Local streets designed to have one end permanently closed and not connected with any existing street, proposed future street, or not intended to extend to the property line of an adjacent tract, shall be no longer than one thousand fifty (1,050) feet, unless necessary due to the topography or other physical conditions of the property.
1. *Permanent dead-end streets*: Permanent dead-end streets shall be joined by a cul-de-sac with a paved turn-around having an outside diameter of ninety (90) feet (40-foot radius), and a right-of-way of at least one hundred ten (110) feet diameter, or the current Life Safety standards as adopted. Dead-end streets designed to be permanent and that exceed more than eight hundred (800) feet in length may be required to have a cul-de-sac turn-around midway between the entrance intersection and the end of the street to provide maneuvering for emergency vehicles, when the dead-end street is the only street in a subdivision.
  2. *Temporary dead-end streets*: Stub streets which are intended to provide for future development within a tract of land or adjacent tracts shall be required to have a temporary turn-around area having a diameter of at least eighty (80) feet, consisting of six (6) inches graded aggregate base.

For developments with a temporary turn-around, it shall be required of the developer to provide a bond or letter of credit equal to the cost of permanent cul-de-sac construction, in accordance with standards of this section for a period of two (2) years. Failure of the developer to extend the street or to construct a permanent cul-de-sac shall result in the county using the bond or letter of credit funds to complete the cul-de-sac construction.

In his sole discretion, the zoning administrator may require streets within a development to connect.

- G. *Half streets*: Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way must be platted within the proposed subdivision.
- H. *Split-level streets*: Streets which are constructed so as to have two (2) traffic ways — each at a different level within the same right-of-way—must provide any additional right-of-way required by this ordinance when cut and fill techniques have been used in the construction of the street.
- I. *Alleys*: Alleys or service drives may be required at the rear of all lots used for multi-family, commercial, or industrial developments, but must not be provided in one- or two-family residential developments unless the alley or service drive is to provide secondary access to a lot whose natural grade is more than six (6) feet above the finished street grade, or unless the subdivider shows the need for an alley or service drive to the satisfaction of the building and zoning department.
- J. *Marginal access streets*: These are streets which are constructed so as to provide secondary access only. No more than six (6) lots may abut any such street, and no such

street may exceed one thousand (1,000) feet in length. Such streets may not be used as through-streets and should be permitted only when lots abut an arterial or collector street.

K. *Minimum required street right-of-way width:* The right-of-way is the perpendicular distance across a street from property line to property line. Minimum required street right-of-way is as follows:

1. Arterial street: \*One hundred (100) feet.
2. Collector street: \*Sixty (60) feet.
3. Local street: \*Sixty (60) feet.
4. Marginal access: \*Twenty-eight (28) feet.
5. Alley/service: \*Twenty-eight (28) feet.
6. Cul-de-sac: \*One hundred ten (110) feet diameter.

\*See Lamar County Land Use Plan for street classification system and map.

L. *Minimum required street pavement width:*

1. Arterial street: \*Twelve (12) feet per lane
2. Collector street: \*Twelve (12) feet per lane
3. Local street: \*Twelve (12) feet per lane
4. Marginal access: Twenty (20) feet.
5. Alley/service: Twenty (20) feet.
6. Cul-de-sac: Ninety-foot diameter.

\*See Lamar County Land Use Plan for street classification system and map.

M. *Additional right-of-way for cut and fill:* Where cut-and-fill techniques are to be used in the construction of a street, the right-of-way width must be increased above the required minimum two (2) feet for each one (1) foot of material removed for the cut or added for the fill. This additional right-of-way must be added to the side or sides where the cut or fill takes place. The maximum allowable degree of slope on a back slope is one and one-half to one (1.5:1), and on a fill slope the maximum allowable degree of slope is two to one (2:1).

N. *Additional right-of-way on existing streets:* In all developments that adjoin existing streets, the developer must dedicate additional right-of-way to meet stated minimum right-of-way requirements as follows:

1. Where any part of the subdivision is on both sides of the street, the entire right-of-way must be provided.

2. When the subdivision is located on one (1) side of an existing street, one-half ( $\frac{1}{2}$ ) of the required right-of-way measured from the centerline of the existing roadway must be provided.
- O. *Construction standards for streets:* All streets, alleys, and service drives must be prepared and paved according to current Georgia Department of Transportation standards or by equivalent methods that are acceptable to the public works department.
- P. *Reserve strips:* Reserve strips designed as non-access reservations to control access to streets or other areas must be dedicated to Lamar County.
- Q. *Buffers:* Buffers designed to separate incompatible land uses, as required in certain cases by the Lamar County Zoning Ordinance, must be maintained by the property owner to the specification of Lamar County.
- R. *Grades:* All street grades must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
  1. *Arterial streets :* Must conform to standards for class IV roads.
  2. *Collector streets:* Must conform to standards for class V roads.
  3. *Local streets and others:* Must conform to standards for class VI roads.
- S. *Horizontal curvature:* The minimum radii or centerline curvature must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
  1. *Arterial streets:* Must conform to standards for class IV roads.
  2. *Collector streets:* Must conform to standards for class V roads.
  3. *Local streets and others:* Must conform to standards for class VI roads.
- T. *Tangents:* All tangents between reverse curves must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
  1. *Arterial streets:* Must conform to standards for class IV roads.
  2. *Collector streets:* Must conform to standards for class V roads.
  3. *Local streets and others:* Must conform to standards for class VI roads.
- U. *Vertical alignment:* Vertical alignment (stopping sight distance), measured between points four and one-half ( $4\frac{1}{2}$ ) feet above the centerline of the street, must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
  1. *Arterial streets:* Must conform to standards for class IV roads.
  2. *Collector streets:* Must conform to standards for class V roads.
  3. *Local streets and others:* Must conform to standards for class VI roads.

- V. *Curb-line radii*: At street intersections, property lines must be rounded with a curb radius of twenty (20) feet. However, in situations where the angle of intersection of two (2) streets is less than ninety (90) degrees, the building and zoning department may permit comparable cut-offs or chords in place of rounded corners.
- W. *Right-of-way radius*: The right-of-way radius at street intersections must parallel the curb line radius.
- X. *Steep slope development*: Street design and construction in areas of steep slopes are subject to variance from the development standards contained in this ordinance if deemed by the building and zoning department to be necessary to carry out the intent and purpose of this ordinance and if so ordered by the building and zoning department. If such a variance is ordered, the administrative officer will establish appropriate design and construction standards on an individual basis.
- Y. *Grading*: All streets, roads, and alleys must be graded by the developer in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the required cross section. The minimum width of grading must be the pavement width as specified in this ordinance, plus six (6) feet on each side measured from the back of curb or pavement edge: Deviation from the above will be allowed only when due to special topographical (slope) conditions.
1. *Preparation*: Before grading is started, the entire right-of-way area must be first cleared of all stumps, roots, brush, other objectionable materials, and trees not intended for preservation.
  2. *Cuts*: All tree stumps, boulders, and other obstructions must be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, must be scarified (broken up and loosened) to a depth of twelve (12) inches below the subgrade.
  3. *Fill*: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clay, etc., must be removed from the road-way. The fill must be spread in layers no more than twelve (12) inches thick and compacted. The filling of utility trenches and other places not accessible to the roller must be mechanically tamped.
  4. *Subgrade*: The subgrade must be properly shaped, rolled, and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on required drawings and approved by the administrative officer. Unsuitable material must be excavated and replaced with acceptable compacted material.
  5. *Excess dirt*: Excess dirt, whether removed during construction of the road or otherwise, shall not be stored on any lot within the subdivision in such a way as to interfere with any easement, right-of-way, utility installation, road grade, or other existing or proposed improvements.

- Z. *Sidewalks*: Sidewalks may be required by the building and zoning department on one (1) side of the road in all subdivisions. In any subdivision where lots are less than one (1) acre, sidewalks are required on both sides of the road. Where required, sidewalks must meet the following development standards:
1. They must be at least three (3) feet wide.
  2. They must not be placed immediately adjacent to street curbs.
  3. They must otherwise be installed according to required construction plans as approved by the administrative officer.
- AA. *Street name signs*: Street name signs must be installed at intersections within a subdivision. The location and design of such signs must be approved by the public works director.
- BB. *Street trees*: The planting of street trees is desired. The subdivider should plant trees along the street to enhance the appearance of the subdivision. Such trees, if planted on a street right-of-way, must be planted in a manner to insure that there will be no conflict with utility lines, either above or below the ground surface. The type and placement of street trees must be approved by the building and zoning department.
- CC. *Sight distance*: In order to assure maintenance of adequate sight distances at intersections, no fence, wall shrubbery, or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet above the ground is permitted within twenty (20) feet of the intersection of the right-of-ways of streets or of streets and railroads.
- DD. *Relation to adjoining road system*: Where appropriate to the subdivision design, proposed roads shall be continuous and in alignment with existing, planned, or platted roads with which they are to connect.
1. Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, for the coordination of the layout of the subdivision with existing and future development of adjacent tracts.
  2. Whenever there exists, adjoining the tract to be subdivided, a dedicated or platted half-street or alley, the other half-street shall be platted.
- EE. *Mailboxes*: All mailboxes in a development shall comply with the following criteria:
1. The following definitions shall apply in the interpretation and enforcement of this paragraph:
    - a. Mailbox shall mean any free-standing or detached structure, container, or receptacle for the delivery of United States Postal Service mail.
    - b. Masonry shall mean brick, stone, concrete, and all other substances or materials having like properties of weight or immovability.
  2. This paragraph shall not apply to any mailbox pre-existing the year 2001.



3. Mailboxes shall be located so as to comply with the rules and regulations of the United States Postmaster General. Under no circumstances may the location of such a mailbox interfere with the safe use of a roadway by the traveling public. Any mailbox which fails to conform to the location requirements as provided herein shall be unlawful and deemed a public nuisance.
4.
  - a. It shall be unlawful to construct and/or maintain a mailbox which fails to meet the construction specifications enumerated in subsection b.
  - b. In order to safeguard the health, safety, and welfare of the traveling public and to ensure uniform standards of function and beautification of the county road system, mailboxes shall be constructed as follows:
    - i. The support structure or post of the mailbox shall not be constructed with masonry material or of any material which will not readily yield upon impact with a vehicle.
    - ii. The encasement or housing for the mailbox itself shall not be made of a masonry material or of any other material that will not readily yield upon impact with a vehicle.
    - iii. All posts shall have a maximum width of four (4) inches by four (4) inches or, if round, shall have a diameter no greater than four (4) inches. If a metal pole is used to support the mailbox, such pole shall be hollow and have a diameter no greater than three (3) inches.
  - c. Any violation of any provision of this paragraph shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment in the Lamar County jail for not more than sixty (60) days, or both.

FF. *Traffic control signs:* Traffic control signs must be installed at all appropriate locations within a development. The location and type of such signs shall be designated by the public works director.

GG. *Striping:* All roads within a development must be striped (including reflectors) in such location and in such a manner as may be designated by the public works director.

HH. *Driveways:* All lots within a subdivision shall have a driveway for ingress and egress, of sufficient width, and paved with either asphalt or cement covering, and otherwise satisfying the requirements and specifications of this appendix. For major subdivisions, the paved area shall run the entire length of the driveway from its intersection with the road. For exempt subdivisions and minor subdivisions, the paving or cement covering must run at least 25' from the intersection with the road. The paving of the driveway must be completed prior to the issuance of a certificate of occupancy.

Sec. 502.1. - Improvement to existing roads and rights-of-way.

Every minor and major subdivision, every planned development, and every commercial or industrial/manufacturing use over one acre shall have an entrance on a paved county public road.

- A. *Existing unpaved public road:* Any unpaved public road upon which a development has frontage and access shall be paved and widened according to the functional class of the public road (see section 502 Development standards for streets) along the frontage of the development to the nearest intersection with a paved county road. The minimum right-of-way required according to section 502 shall be dedicated along the entire frontage of the subdivision. The developer shall be responsible for all cost incurred in meeting the requirements of this section. The administrative officer may waive this requirement for developments that will have little to no impact on the existing unpaved road.
- B. *Existing paved public road:* Any existing paved county road upon which a development has frontage and access, and which is deficient relative to county specifications, shall be resurfaced and widened for the full length of the frontage of the subdivision as determined by the county's appointed engineer. The minimum right-of-way required according to section 502 shall be dedicated along the entire frontage of the subdivision. The developer shall be responsible for all costs incurred in meeting the requirements of this section.
- C. *Right-of-way acquisition:* In the event that the proposed development has frontage on a road with less than the required minimum right-of-way, the developer shall contact each property owner having road frontage along the county road where the paving is to be extended and determine whether or not they desire to participate in the paving of the road and obtain such right-of-way deeds as are required by the county. If the developer cannot acquire the required number of property owners to consent, the county will acquire the necessary right-of-way through any means necessary, including condemnation. The developer shall be required to pay to the county the estimated costs for acquisition including, but not limited to, appraisals, engineers, legal fees, expert witnesses, and any out-of-pocket expenses incurred. The county may, at any time during the development, require the payment of additional amounts if the county determines that there is insufficient money deposited to cover the costs of completion. At the conclusion of the project, the county will reimburse the developer any excess amounts it has deposited. Under no circumstances shall development of the proposed subdivision continue until all of the required funds have been tendered to the county.

Sec. 503. - Development standards for lots.

All lots established in Lamar County after the effective date of this ordinance must comply with the development standards contained in this paragraph. However, where provisions of the Lamar County Zoning Ordinance apply and are more strict, those provisions take precedence. Development standards for lots are as follows:

- A. *Lot lines:* As far as practical, side lot lines must be perpendicular or radial to street lines.

- B. *Jurisdictional limits and lot lines:* If a lot is divided by city or county boundary lines, the developer will follow the rules and regulations of the jurisdiction within which the majority of the lot lies.
- C. *Lot frontage arrangements:* Land must be subdivided in a manner that provides each lot in the subdivision with direct abutting access to an existing public street or to an approved street contained within the proposed development. Refer to the zoning ordinance for specifications on lot frontage widths for each zoning district.
- D. *Adequate building sites and setbacks:* Each lot must contain an adequate building site not subject to flooding and outside the limits of existing easements or building setback lines required by this ordinance or any existing ordinance as is appropriate. Refer to the zoning ordinance for specifications on setbacks for each zoning district.
- E. *Driveways:* All lots within a subdivision/development shall have a driveway for ingress and egress, of sufficient width, and paved with either asphalt or cement covering, and otherwise satisfying the requirements and specifications of this appendix. For major subdivisions, the paved area shall run the entire length of the driveway from its intersection with the road. For exempt subdivisions and minor subdivisions, the paving or cement covering must run at least 25' from the intersection with the road. For commercial/industrial developments, the ingress/egress plans and parking area will be approved by the administrative officer and the road superintendent. The paving of the driveway must be completed prior to the issuance of a certificate of occupancy.
- F. *Recessed (flag) lots:* Where a recessed lot is allowed, it must satisfy all of the requirements found in Section 202 of this ordinance. Any subdivision containing recessed lots that do not satisfy said requirements shall not be allowed.
- G. *Double or reverse frontage lots:* Double and reverse frontage, unless required by the building and zoning department, are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of slope, orientation, or property size. A reserve strip planted with a vegetative screen across which there is no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
- H. *Lot remnants:* Lot remnants are prohibited. Such remnant areas must be added to adjacent lots, rather than remain as unusable parcels.
- I. *Monuments:* Solid steel rods at least one-half ( $\frac{1}{2}$ ) inch in diameter or square and two (2) feet long, must be set at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points in streets, at points of curve in streets, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument must have an indented cross to identify the finished grade. All other lot corners must be marked with solid steel rods no less than one-half-inch in diameter, and at least two (2) feet long, driven so as to be flush with the finished grade.

J. *Lot size:* Lot size requirements are found in the zoning ordinance for each zoning district.

Sec. 504. - Development standards for utility installations.

A. *Easements and widths:*

1. *Generally:* All lots within a subdivision shall provide temporary and permanent easements for stormwater drainage and detention systems; for future sanitary sewer installations; for future water line installations; and for gas, electric, and telephone utilities and any other utilities.
2. *Rear lot line easements:*
  - a. A permanent easement of not less than twenty (20) feet in width shall be reserved for the uses described in this section along the length of all rear lot lines. Said easements shall be shown on the final plat together with a short and plain statement that the easements shown are reserved for utility and drainage purposes.
  - b. An additional easement of not less than twenty (20) feet in width adjacent to the permanent easement shall be reserved during the period of construction or as is reasonably necessary for the proper installation, maintenance, and repair of the improvements.
3. *Side lot line easements:*
  - a. A permanent easement of not less than ten (10) feet in width shall be reserved for the uses described in this section parallel to and along the length of all side lot lines. Said easements shall be shown on the final plat together with a short and plain statement that the easements shown are reserved to for utility and drainage purposes.
  - b. An additional easement of not less than twenty (20) feet in width adjacent to the permanent easement shall be reserved during the period of construction or as is reasonably necessary for the proper installation, maintenance, and repair of the improvements.
4. *Easements along streams and drainage ways:*
  - a. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, on each lot through which said watercourse, drainage way, channel, or stream traverses, there shall be provided an easement of undisturbed buffer, in addition to any other easement provided for in this section, of not less than twenty-five (25) feet measured from the outer most edge of the bank of the watercourse, drainage way, channel, or stream contained within the lot for which the easement is required. A wider easement may be required for large streams, drainage ways, and for future sanitary sewer installations as provided for in this section.

- b. In a subdivision lot in which a watercourse, drainage way, channel, or stream forms the rear or side lot line, the easement provided for in subsections 2 and 3 of this section shall be in addition to, and shall be measured from the termination of, the undisturbed buffer easement provided for in paragraph a. of this subsection.
5. *Stormwater detention facility easements:* All stormwater detention facilities shall be accessible from a public street by an easement of not less than twenty (20) feet in width, and there shall be an additional easement for each detention facility itself, including an area of not less than twenty (20) feet around the outside perimeter of the facility.
- B. *Installation of utilities:* After the road right-of-way is brought to finished grade and approved, and before any base is applied, all of the underground work within the street right-of-way — water mains, gas mains, etc. must be installed completely and approved throughout the length of the road and across the flat section. At the same time, all service connections (where applicable) must be stubbed out to each lot.
1. *Utility placement specifications (curb and gutter):* Utility placement along subdivision streets with curb and gutter shall meet the following location requirements:
    - Sewer:* If authority supplied sewer service is available at the time of the subdivision application, sanitary sewer line will be installed in the center of the street at a depth of six (6) feet. If authority supplied sewer service becomes available after the subdivision infrastructure has been completed, then the sanitary sewer line may be located in the easement area(s) defined in section 504(A) at the depth of four (4) feet. Allowed on left and right side of street, but on the opposite side of waterlines.
    - Waterlines:* Locate four (4) feet from edge of pavement at the depth of four (4) feet. Allowed on left and right side of street, but on the opposite side of gas line.
    - Water meter boxes:* Locate at the road/street right-of-way and property line boundary. Allowed on left or right side of street.
    - Gas:* Locate six (6) feet from edge of pavement at a depth of three (3) feet. Allowed on left side of street, only.
    - Power:* Locate ten (10) feet from edge of pavement at a minimum depth of thirty (30) inches. Allowed on left and right side of street.
    - Telephone, Cable for tv or internet:* Locate two (2) feet from edge of pavement at a depth of two (2) feet. Allowed on left and right side of street.
- Note:* The left and right sides of the street are determined at entrance. Placement of underground utilities across the proposed roadway shall be bored after acceptance of the subgrade and placement of the concrete curb and gutter. Should obstacles be encountered during the boring process, the building and zoning department and Lamar County Road Department shall be notified prior to open cutting the roadway.

*Note:* Where curb and gutter is installed, the location of utilities will be measured from back of curb. Where a sidewalk is installed, the location of utilities will be measured from the yard side of the sidewalk instead of the back of the curb or edge of pavement.

C. *Water supply systems:*

1. *Public water system:* Water mains, fire hydrants, and stub connections to each lot within the development must be provided as shown on approved construction plans and must meet the requirements and specifications of the authority.
  - a. This paragraph shall not be interpreted so as to require an individual owner who subsequently acquires a lot from the developer to subscribe to water service through the water authority.
2. *Community water supply system:* When a public water supply is not available through the water authority as set forth above, the developer may install a community water system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources and must comply with the rules and regulations of the authority and the water ordinance.
3. *Individual water supply:* When a public water supply is not available through the authority as set forth above, and a community water system is not proposed by the developer, the developer must carefully consider the capability and suitability of the general area of the development to support individual water supplies. Such proposed water supplies must be approved by the Lamar County Health Department and the water authority. The building and zoning department must consider the recommendation of the Lamar County Health Department and the water authority regarding any proposed private water supplies in considering approval of a plat.

D. *Sanitary sewer disposal systems:*

1. *Public sewage system:* Sewage mains, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans and must meet the requirements and specifications of the water authority.
2. *Community sewage system:* When a public sewage system is not available through the water authority as set forth above, the subdivider/developer may install a community sewage system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources and meeting the specifications of the water authority.
3. *Individual sewage system:* When a public sewage system is not available through the water authority as set forth above, and a community sewage system is not proposed by the subdivider, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual sewage systems (septic tanks). Such proposed sewage system must be approved by the Lamar County Health

Department and the water authority. The building and zoning department must consider the recommendation of the Lamar County Health Department and the water authority regarding any proposed private sewage systems in considering approval of a plat.

Sec. 505. - Development standards for drainage facilities.

- A. *Watercourse and drainage easements:* Where a proposed subdivision is traversed by a watercourse, drainage way, or stream, appropriate provisions must be made to accommodate storm water and drainage through and from the proposed subdivision. Such an easement must conform substantially with the lines of the watercourse and be wide enough and of adequate construction to be satisfactory for the purpose.
- B. *Storm drainage:* An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., must be provided for the proper drainage of all surface water. Cross-drains must be provided to accommodate all natural water flow and must be long enough to traverse the full width of the roadway and required slopes. All such facilities must be shown in plan and profile, including pipe sizes and invert elevations. Outfall ditching must follow property lines on a 20-foot easement to rear property line or natural drainage course.

#### ARTICLE 6. - ENFORCEMENT, PENALTIES, APPEALS, FEES, PUBLIC HEARINGS

Sec. 601. - Enforcement.

The zoning administrative officer shall administer the process for residential and non-residential preliminary, construction, and final plans, and shall be responsible for coordination of plans with all county agencies, departments, authorities, any affected city agencies/departments, and any state agencies. The administrative officer shall present to the Board of Commissioners all final plans as a matter of record that such plans comply with or exceed the standards of the ordinance. The administrative officer or his/her designee may authorize enforcement action if the developer/subdivider or any contractor/sub-contractor fails to comply with any of the provisions of this ordinance or other applicable ordinances dealing with land development.

(Ord. No. 2010-04, 3-9-10)

Sec. 602. - Penalties for violations.

Violation of the provisions of this article or failure to comply with any of its requirements including violation of conditions in connection with granted variances, rezoning, conditional uses or other specially permitted uses, shall be punished by a fine of one thousand dollars (\$1,000.00) per day of violation and/or by imprisonment of not more than sixty (60) days. A violation that goes unattended or fixed by the developer/subdivider within five (5) working days or less shall be grounds for stoppage of any and all work started or permitted to be started until such violations are corrected. The violator shall also be required to pay any court costs that are lawfully imposed. The imposition of one (1) penalty for any violation shall not excuse

the violation or permit it to continue but the county shall require that the violation be fixed, amended, or altered to meet the requirements of this article. Each day such violation continues, it shall be considered a separate violation. Nothing herein shall prevent the Board of Commissioners from taking other legal action as determined necessary to prevent or remedy any violation.

Sec. 603. - Appeals.

Any appeal of a decision by the zoning administrator, planning commission, or other county official regarding this ordinance shall be presented in writing to the Board of Commissioners within fifteen (15) days of the decision of said county official(s). The appeal shall set forth with particularity the specific violation(s) that occurred, reference a specific section of this ordinance, or a specific of any other county ordinance, state law, regulation, etc., and give the name of the alleged violator. The zoning administrator shall review the application for completeness and schedule the appeal at the next regularly scheduled board meeting, provided that said meeting is held not less than fifteen (15) days nor more than forty-five (45) days from the date of the appeal. Notice of the hearing of the appeal shall be provided in the same manner as hearings are noticed in the zoning ordinance. The board shall review the appeal on the basis of the written request complying with the intent of the applicable zoning district, land use plan, and the standards of the ordinance. The board shall consider a deviation from these standards under the procedures of the variance section of the county zoning ordinance.

If the Board of Commissioners execute an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed to the Lamar County Superior Court. Findings of fact, however, may not be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action of the Board of Commissioners was taken.

Sec. 604. - Remedies.

If any building or land is used or maintained in violation of these regulations, anyone, including Lamar County, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia Law.

Sec 605- Fees

The Board of Commissioners will set the application fees required and fees will be posted in the office of Planning and Community Development.

Sec. 606-Notifications for Public Hearings

When applications are received for a division of land that requires public hearings, notifications will follow the same standards as zoning actions: notification to the legal organ that is published no sooner than 15 days before the first hearing, written notification to every neighboring property owner within 300' of the applicant property, and a sign placed on the



property within site of the closest publicly traveled road with the dates and times of the public hearings.

#### ARTICLE 7. - POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS ORDINANCE

##### Sec. 701. - Purpose.

This article formalizes the powers and duties of the zoning administrator and the Board of Commissioners where this ordinance is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this ordinance.

##### Sec. 702. - Powers and duties of the administrative officer.

The zoning administrator has the power and duty to provide the following services related to this ordinance:

- A. Provide initial information about this ordinance upon request.
- B. Advise how to contact members of the planning commission, the Board of Commissioners, the water authority, the health department, the road department, and any other office for assistance with services provided by those offices.
- C. Offer practical suggestions on how to comply with the requirements of this ordinance and other ordinances, where applicable.
- D. Maintain complete records concerning this ordinance and related matters, and make such records available to the public upon request.
- E. Propose amendments to this ordinance.
- F. Prosecute violations of this ordinance and assess penalties for violations as provided in section 602.
- G. Consult with the county attorney regarding any issues that may arise involving the interpretation of any provision of this ordinance and, if necessary, request a written opinion on the interpretation. The decision of the county attorney on the interpretation of the legality or enforceability of any provision of this ordinance shall be final.
- H. Review and approve or deny exempt subdivisions
- I. Review and approve or deny administrative variances.

##### Sec. 703. - Powers and duties of the Board of Commissioners.

The Board of Commissioners has the following powers and duties related to this ordinance:

- A. Accept applications for appeal as provided in section 603.
- B. Authorize variances in excess of those provided for in section 410.
- C. Take any legal action it determines necessary to prevent and remedy any violation of this ordinance.

- D. Accept proposals for amendment to this ordinance and render official decisions on them.
- E. Propose amendments to this ordinance.
- F. Approve or deny subdivision/development applications.

Sec. 704.-Powers and duties of the Planning Board

The purpose of the planning commission is as follows:

- A. Advise the county commissioners on applications for subdivisions and other proposed developments.
- B. Advise the county commissioners on applications for amendments to this ordinance.
- C. Maintain and update the Lamar County Land Use Plan so that it may provide a current data base with which decisions on proposed amendments and projects may be made that utilize sound planning principles.

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