

# **LAND DEVELOPMENT ORDINANCE**

## CHAPTER 1-INTRODUCTION--6

- S1.100 PURPOSE--6
- S1.101 AUTHORITY--6
- S1.102 JURISDICTION--6

## CHAPTER 11-DEFINITIONS--6

- ARTICLE 1-SCOPE--6
- ARTICLE 11-DEFINITIONS--6

## CHAPTER 111-SUBDIVISION STANDARDS--19

- ARTICLE 1-SUBDIVISION APPROVAL PROCESS--19
  - S3.100 MINOR SUBDIVISIONS--19
  - S3.101 MAJOR SUBDIVISIONS--19
  - S3.102 TRACTS THREE (3) ACRES OR LARGER--20
  - S3.103 PENALTIES FOR NOT FOLLOWING PLATTING PROCESS--20

### ARTICLE 11--20

- S3.200 SOIL EROSION PLAT--20
- S3.201 ITEMS REQUIRED ON SOIL EROSION PLAT--20
- S3.202 NARRATIVE, NOTES AND OTHER INFORMATION--21
- S3.203 SOIL EROSION REVIEW PROCESS--22
- S3.204 SOIL EROSION PLAT CERTIFICATES--22

### ARTICLE 111--23

- S3.300 PRELIMINARY PLAT STANDARDS AND REVIEW--23
- S3.301 INFORMATION REQUIRED ON PRE-PLAT--23
- S3.302 PRELIMINARY PLAT REVIEW PROCESS--24
- S3.303 PRELIMINARY PLAT CERTIFICATES--24

### ARTICLE 1V--25

- S3.400 FINAL PLAT STANDARDS AND REVIEW--25
- S3.401 INFORMATION REQUIRED ON FINAL PLAT--25
- S3.402 FINAL PLAT REVIEW PROCESS--26
- S3.403 FINAL PLAT CERTIFICATES--26

### ARTICLE V--28

- S3.500 SUITABILITY OF THE PROPOSED AREA FOR SUBDIVIDING--28
- S3.501 CONFORMANCE OF OTHER RULES AND REGULATIONS--29
- S3.502 RESTRICTIVE COVENANTS--29
- S3.503 NAME OF SUBDIVISION--29
- S3.504 STREETS--29
- S3.505 LOTS--29
- S3.506 EASEMENTS--31

### ARTICLE V1-STREETS--31

- S3.600 CONTINUATION OF EXISTING STREET PATTERNS--31
- S3.601 CUL-DE-SACS--31
- S3.602 ACCESS TO ARTERIAL AND COLLECTORS--31
- S3.603 ACCESS FOR STATE HIGHWAY--31
- S3.604 RESERVE STRIPS--32
- S3.605 ARRANGEMENTS FOR CONTINUING AND DEAD-END STREETS--32
- S3.606 INTERSECTIONS--32
- S3.607 ADDITIONAL RIGHT OF WAY ON PROPOSED STREETS--33

S3.608 ADDITIONAL WIDTH ON EXISTING STREETS--33  
S3.609 STREET NAMES--33  
S3.610 RAILROADS AND LIMITED ACCESS TO HIGHWAYS--33  
S3.611 BRIDGES--33  
S3.612 HALF STREETS--33  
S3.613 SPLIT LEVEL STREETS--33  
S3.615 ALLEYS--33  
S3.616 GEOMETRIC DESIGN STANDARDS FOR STREETS--34  
S3.617 RIGHT OF WAY, SURFACE WIDTH AND TYPE, AND SHOULDER  
REQUIREMENTS FOR ALL STREETS AND ROADS--34.  
S3.618 INSPECTION--34  
S3.619 MINIMUM SURFACE TYPE--34  
S3.620 DRAINAGE--34  
S3.621 STABILIZING OF RIGHT OF WAY--35  
S3.622 SIGNS--35  
S3.623 MONUMENTS--35  
S3.624 ROAD ACCEPTANCE BY COUNTY--35

ARTICLE V11-UTILITIES--35

S3.700 WATER--35  
S3.701 ELECTRIC AND TELEPHONE SYSTEM--36  
S3.702 SLOPPING OF DRIVEWAY--36  
S3.703 NOTIFICATION OF THE LAND DEVELOPMENT OFFICE--36  
S3.704 PERIOD FOR INSPECTION--36  
S3.705 NOTIFICATION OF NON-ACCEPTABLE DRIVEWAY--36  
S3.706 RESPONSIBLE PARTY FOR MODIFICATIONS--36

ARTICLE V111-MAINTENANCE SECURITY--36

S3.800 SECURITY REQUIRED--36

ARTICLE 1X-PERFORMANCE OF SECURITY--37

S3.900 PURPOSE--37  
S3.901 LETTER OF CREDIT REQUIREMENTS--37  
S3.902 TIME LIMITS--37  
S3.903 RELEASE OF GUARANTEE--37  
LETTER OF CREDIT DEVELOPERS FORM  
LETTER OF CREDIT CREDITORS FORM

ARTICLE X-VARIANCES--39

S3.100 VARIANCES--39

ARTICLE X1--39

S3.1100 PROPERTY OWNERS ASSOCIATION--39  
FANNIN COUNTY LAND DISTURBING PERMIT--40  
PERMIT CONDITIONS--41  
APPLICATION FOR LAND DISTURBING PERMIT--42

CHAPTER IV-ACCESS CONTROL--42

ARTICLE 1--42

S4.100 PURPOSE--42  
S4.101 ACCESS PLANS REQUIRED--42  
S4.102 ACCESS PLANS REQUIREMENTS--43  
S4.103 GENERAL ACCESS REGULATIONS--43  
S4.104 SPECIFIC ACCESS POINTS--44

CHAPTER V-LAND USE RESOLUTION ADMINISTRATION--44  
ARTICLE 1-DEVELOPMENT OFFICER CREATION, DUTIES, REQUIRED PERMITS,  
POWER--44  
S5.100 CREATION OF DEVELOPMENT OFFICER--44  
S5.101 DUTIES OF DEVELOPMENT OFFICER--44  
S5.102 DEVELOPMENT PERMITS REQUIRED--45  
S5.103 POWERS OF DEVELOPMENT OFFICER--45  
S5.104 FINES--45  
S5.105 ADMINISTRATIVE APPEALS--46  
S5.106 LEGAL APPEALS--46

CHAPTER VI-LEGAL--47  
ARTICLE 1-VARIANCES--47  
ARTICLE 11-VALIDITY--47  
ARTICLE 111-LIABILITY--47  
ARTICLE 1V-PUBLIC NOTIC--47  
ARTICLE V-LEGAL PENALTIES--47  
1. INSPECTIONS--47  
2. WITHHOLDING PERMITS--48  
3. ENFORCEMENT--48  
4. PENALTIES AND FINES--49

CHAPTER V11-COMMERCIAL PROPERTIES--50  
S7.100 COMMERCIAL--50

CHAPTER V111-MOUNTAIN PROTECTION--51  
ARTICLE 1-PURPOSE--51  
ARTICLE 11-ESTABLISHMENT OF A PROTECTED MOUNTAIN DISTRICT--51  
ARTICLE III-PROTECTION CRITERIA--52  
ARTICLE IV-EXEMPTIONS--53  
ARTICLE V-ADMINISTRATION AND ENFORCEMENT PROCEDURES--53

CHAPTER 1X-WATER SUPPLY WATERSHED PROTECTION--56  
ARTICLE 1-PURPOSE--56  
ARTICLE 11-ESTABLISHMENT OF A WATER SUPPLY WATERSHED DISTRICT--57  
ARTICLE 11I-PROTECTION CRITERIA--57  
ARTICLE IV-ADMINISTRATION AND ENFORCEMENT PROCEDURES--58

CHAPTER X-WETLANDS PROTECTION--60  
ARTICLE 1-PURPOSE--60  
ARTICLE 11-ESTABLISHMENT OF THE WETLANDS PROTECTION DISTRICT--60  
ARTICLE III-PROTECTION CRITERIA--60  
ARTICLE IV-PERMITTED USES--61  
ARTICLE V-PROHIBITED USES--61  
ARTICLE V1-ADMINISTRATION AND ENFORCEMENT PROCEDURES--61

CHAPTER XI-TOCCOA RIVER CORRIDOR PROTECTION--62  
ARTICLE 1-PURPOSE--62  
ARTICLE 11-ESTABLISHMENT OF THE TOCCOA RIVER CORRIDOR PROTECTION  
DISTRICT--62  
ARTICLE III-PROTECTION CRITERIA--62  
ARTICLE IV-EXEMPTIONS--63  
ARTICLE V-ADMINISTRATION AND ENFORCEMENT PROCEDURES--64

CHAPTER XII-SOIL EROSION AND SEDIMENTATION CONTROL--64  
ARTICLE I-TITLE--64

ARTICLE II-EXEMPTIONS--64  
ARTICLE III-MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION  
CONTROL USING BEST MANAGEMENT PRACTICES.--66  
ARTICLE IV-APPLICATION/PERMIT PROCESS--68  
ARTICLE V-INSPECTION AND ENFORCEMENT--71  
ARTICLE VI-PENALTIES AND INCENTIVES—72  
ARTICLE VII-EDUCATION AND CERTIFICATION  
ARTICLE VIII-ADMINISTRATIVE APPEAL-JUDICIAL REVIEW--73  
ARTICLE XI- EFFECTIVITY, VALIDITY AND LIABILITY EFFECTIVITY--73

CHAPTER XIII-FLOOD DAMAGE PREVENTION--74  
ARTICLE I. - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND  
OBJECTIVES--74  
ARTICLE II – GENERAL PROVISIONS--74  
ARTICLE III- ADMINISTRATION--75  
ARTICLE IV – PROVISIONS FOR FLOOD HAZARD REDUCTION--77  
ARTICLE V – VARIANCE PROCEDURES—80

SUBDIVISION REVIEW SEQUENCE

**THE FOLOWING MUST BE COMPLETED BEFORE ANY LAND DISTURBING ACTIVITY BEGINS.**

STEP 1. (REFER TO CHAPTER 3, ARTICLE III)

A **soil and land disturbing plat/plan** must be submitted to and approved by the Fannin County Land Development Officer. After the approval is obtained, a land-disturbing permit will be issued and the land disturbing improvements can begin.

STEP 2. (REFER TO CHAPTER 3, ARTICLE IV)

Construction of the improvements (lot stakes, roads, utilities, water lines, etc) and selling can begin if the individual lots are three (3) acres or larger and **meet the criteria established in Chapter 3 Article IV.**

\*\*\*\*BEFORE ANY LOTS UNDER THREE (3) ACRES CAN BE SOLD THE FOLLOWING MUST BE COMPLETED.

Step 3. (REFER TO CHAPTER 3, ARTICLE III, S3.300)

There must be approval of a preliminary plat (Erosion and Sedimentation Control) by the Fannin County Land Development Officer and the Health Department Sanitarian or their representatives.

Step 4. (REFER TO CHAPTER 3, ARTICLE IV, S3.400)

A final plat must be completed having all of the appropriate information and signatures. This must be done within one (1) year from the approval date of the preliminary plat and must be recorded in the office of the Clerk of the Superior Court.

**IT IS OF THE UPMOST IMPORTANCE THAT THE STEPS BE FOLLOWED IN THE MANNER SET FORTH WITHIN THIS ORDINANCE. ANY SUBDIVISION, LOT, DEVELOPMENT, CONSTRUCTION SITE, OR OTHER FORM OF DIVIDING AND SELLING OF REAL ESTATE TAKING PLACE WITHIN THE CONFINES OF FANNIN COUNTY, WILL NOT BE APPROVED UNLESS THE ABOVE STEPS ARE FOLLOWED.**

In determining lot sizes, developers and surveyors must work closely with the table in Chapter 3, Article V, S3.505, Table I with identification of slopes, soils, lot sizes and the type of water system.

The development in areas with possible wetlands can only be done after receiving the Corps of Engineers' and Department of Natural Resources' approval. (See Chapter X) If wetlands are damaged, severe penalties can occur.

The Phases or subdivision name changes do not change the total amount of acreage to be subdivided or the necessity to perform hydrology studies on tracts larger than five (5) acres adjacent to a stream.

**PERMITS REQUIRED:**

1. **SOIL EROSION PLAT/PLAN (LAND DISTURBING PERMIT)**
2. PRELIMINARY PLAT
3. FINAL PLAT
4. ACCESS (DRIVEWAY) PERMIT
5. BUILDING PERMIT
6. SEPTIC TANK PERMIT
7. MOBILE HOME PARK CERTIFICATE (ADDITIONAL)

# CHAPTER I

## INTRODUCTION

### ARTICLE I PURPOSE, AUTHORITY, JURISDICTION

**S1.100 Purpose:** The purpose of this Ordinance is to protect the public health, safety and general welfare by establishing minimum development standards and administrative procedures for insuring compliance with these standards.

**S1.102 Authority:** This ordinance is enacted pursuant to the authority contained in Article XI, Section IV of The Georgia Constitution. (Ga. Code Annotated, 12-7-1)

**S1.103 Jurisdiction:** This ordinance shall apply to the unincorporated areas of Fannin County and to any incorporated area electing to adopt the Ordinance.

# CHAPTER II

## DEFINITIONS

### ARTICLE 1 SCOPE

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied".

### ARTICLE II DEFINITIONS

**ACCESS:** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

**ADDITION (TO AN EXISTING BUILDING):** Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction".

**ALTERATION OF A BUILDING:** Any change in the support members of a building except such change as may be required for its safety; an addition to a building; or of a building from one location to another.

**APPEAL:** Means a request for a review of the Land Development Officer's interpretation of any provision of this ordinance.

**AREA OF SHALLOW FLOODING:** Means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plane within a community subject to a one percent (1%) or greater chance of flooding in any given year. In the absence of official designation by the Federal emergency Management Agency, areas of Special Flood Hazard shall be those designated by the local community and referenced in Article II, Section B.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BASEMENT:** Means that portion of a building having its floor subgrade (below ground level) on all sides.

**BEST MANAGEMENT PRACTICES (BMP'S):** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term properly designed means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection b. These are illustrated in the "Erosion and Sedimentation Control Manual for Georgia".

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

**BOARD:** The Board of Natural Resources.

**BOND:** A legal instrument with a clause, which established a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of penalty may be avoided by the performance by the parties of certain acts.

**BREAKAWAY WALL:** Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundations systems.

**BUFFER:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**BUFFER STRIP:** A land area of appropriate design providing a visual and noise separation between incompatible land uses.

**BUILDING:** Any structure having a roof supported by columns or by wall, including tents, lunch wagons, dining cars, mobile homes, manufactured homes and similar structures whether stationary or moveable.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or non-moveable landscaping shall be placed except as otherwise provided.

**CAMPGROUND:** A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by camping trailers, tents or movable or temporary dwelling, rooms or sleeping quarters of any kind.

COMMISSION: The State Soil and Water Conservation Commission.

COMMITTEE: The State Soil and Water Conservation Committee.

CORRIDOR: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas.

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 ROAD/STREET: Any road or street that is officially accepted by the Fannin County Board of Commissioners into the Fannin County Road System.

CUT: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also know as excavation.

DEPARTMENT: The Department of Natural Resources.

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 ways, blocks, easements, and lots.

DEVELOPER: A person, firm, corporation, or legal entity submitting an application for the development of a subdivision, planned unit development, industrial park, or mobile home park and with whom final responsibility for ensuring compliance with the terms and conditions of this ordinance rest.

DEVELOPMENT: Any man made change to improved, or un-improved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTOR: The director of the Environmental Protection Division of the Department of Natural Resources.

DISTRICT: The Blue Ridge Mountain Soil and Water Conservation District.

DIVISION: The Environmental Protection Division of the Department of Natural Resources.

DRAINAGE STRUCTURE: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control or flood control purposes.

DRIVEWAY: A private way, beginning at the property line of a lot which abuts a public road, a private road, easement or private right of way, which gives access from said public road, recorded easement, recorded private road or private right of way and leading to a building, residence, use or structure on said lot. A DRIVEWAY CAN SERVE NO MORE THAN TWO (2) RESIDENCES.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

DWELLING MULTIPLE: An attached building designed for occupancy by two or more families living independently of each other.

DWELLING, SINGLE FAMILY: A detached building designed to be occupied exclusively by one family.

DWELLING UNIT: One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.



**EASEMENTS:** A grant by a property owner for the use of a strip of land for the specific purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

**ELEVATED BUILDING:** Means a non basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood.

**EROSION:** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A plan, good for year from the date of issue, on all sites of one and one tenth (1 1/10) acres or greater which presents a complete understanding of the proposed land disturbing activity and measures to prevent soil erosion and water pollution.

**ESCROW:** A legal agreement between a developer and Fannin County or the appropriate agency or utility in lieu of actual performance and intended to assure performance.

**EXISTING CONSTRUCTION:** Any structure for which the “start of construction” commenced before 1993.

**EXISTING GRADE:** The vertical location of the existing ground surface prior to cutting or filling.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 1993.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**FILL:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**FILLING:** The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.

**FINISHED GRADE:** The final grade or elevation of the ground surface forming the proposed design.

**FINAL PLAT:** A finished drawing or map of a subdivision, meeting all of the requirements of these regulations in such form as required by the local jurisdiction and showing, completely and accurately, all legal design and engineering information, and certificates necessary for recording.

**FLOOD:** An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard and/or risk premium zones applicable to the community.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map issued by the Federal Emergency Management agency where the Areas of Special Flood Hazard have been designated as Zone A.

**FLOOD INSURANCE STUDY:** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**FLOODPLAIN:** Any land area susceptible to flooding.

**FLOODWAYS:** The natural channel and the portion of the flood plain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. Water travels at a high velocity in the floodway.

**FLOODWAY FRINGE AREAS:** Areas lying outside the Floodway District but within the area that would be flooded by the regional flood.

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended then all the property abutting on one side between an intersecting street and the dead end street.

**FUNCTIONAL DEPENDENT FACILITY:** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does **NOT** include long term storage, manufacture, sales or service facilities.

**GENERALIZED WETLANDS MAP:** The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for Fannin County, Georgia.

**GOVERNING AUTHORITY:** The Board of Commissioners of Fannin County, a political subdivision of the State of Georgia.

**GRADING:** Altering surfaces to special elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**GROUND ELEVATION:** The original elevation of the ground surface prior to cutting or filling.

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

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**HISTORIC STRUCTURE:** Any structure that is:

- a. Listed individually in the National Register of Historic places or preliminarily determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior.
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**HYDROLOGY STUDY:** A study to estimate the (B.F.E.) Base Flood Elevation of a flood having a one percent (1%) chance of being equal or exceeded in any given year.

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

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

**IMPERVIOUS SURFACE:** A man made structure or surface that prevents the infiltration of storm water into the ground below the structure of surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM:** A septic tank, seepage tile, sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the Fannin County Health Department.

**LAND DEVELOPMENT OFFICE (OFFICER):** A department within the governing authority, which is answerable to the Board of Commissioners. The staffing within said office to be in accordance with the staffing of any other department within the jurisdiction of the Chairman of the Fannin County Board of Commissioners, with the individual employees being under the direct supervision of the Chairman of the Fannin County Board of Commissioners.

**LAND DISTURBING ACTIVITY:** Any activity which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land.

**LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of the paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, per it application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

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

**LOCAL ISSUING AUTHORITY:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8

**LOCAL PLANING COMMISSION:** The Fannin County Board of Commissioners until otherwise designated by the Fannin County Board of Commissioners.

**LOT:** A piece, parcel, or plot of land in one ownership, which may include one or more lots of record.

**LOT AREA:** The total surface areas of land included within the lot lines.

**LOT CORNER:** A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two sides is less than one hundred thirty-five (135) degrees.

**LOT DEPTH:** The average distance from the street line of the lot to its rear line, measured in the general direction to the sidelines of the lot.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot abutting two streets.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley, or adjacent lots.

LOT OF RECORD: A lot which is a part of a subdivision recorded in the Superior Court Clerk's Office. Or a lot described by metes and bounds, the description of which has been recorded in the Superior Court Clerk's Office prior to the date of passage of this Ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to the centerline of its depth.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement area is not a building's lowest floor.

MANUFACTURED HOME/MOBILE HOME/TRAILER: A detached single dwelling unit with any or all of the following characteristics:

1. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. If the metal frame is completely removed from a unit and the unit meets the Building Codes, it shall be classified as a modular unit. If the entire metal frame cannot be removed, it shall be classified as a trailer (mobile home).
3. Arriving at the site where it is to be occupied as a complete dwelling unit including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.
4. Designed to be freestanding and does not require a foundation for occupancy.
5. By separate ordinance, Fannin County prohibits bringing manufactured homes that are more than ten (10) years old from the date of the original certificate of occupancy into the county.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum.

METROPOLITAN RIVER PROTECTION ACT (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

MOBILE HOME PARK: All mobile homes are subject to the Fannin County Mobile Home Park Ordinance.

MOBILE HOME SPACE: A plot of ground within a Mobile Home Park designated for the accommodation of not more than one (1) mobile home of single-family occupancy.

MODULAR HOME: A factory fabricated dwelling over thirty two (32) feet in length and at least twenty four (24) feet wide designed and constructed without carriage or hitch collar a stationary house construction for placement upon permanent foundation, to be permanently connected to utilities, for year round occupancy. It can consist of two or more components that can be separated when transported but designed

to be jointed into one integral unit. Modular homes shall meet the minimum standards for house construction as specified in the Southern Building Code, The FHA Minimum Property Standards, the State Factory Built Housing Rules, and have a roof with at least a 3/12 pitch.

**MULTI-FAMILY DWELLING:** A structure that contains multiple dwelling units.

**NATIONAL GEODETIC VERTICAL DATUM:** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

**NATURAL GROUND SURFACE:** The ground surface in its original state before any grading, excavating or filling.

**NATURAL VEGETATIVE BUFFER:** A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "the Natural Environments of Georgia". Habitats for endangered species may be require human management of the river corridor to maintain those species.

**NEPHELOMETRIC TURBIDITY UNITS (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

**NEW CONSTRUCTION:** Any structure for which the "start of construction" commenced after 1993.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed on or after 1993.

**OPERATOR:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities require by the storm water pollution prevention plan or to comply with other permit conditions.

**PERCENTAGE OF GRADE:** On street centerline, means 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.

**PERENNIAL STREAM/RIVER:** A stream that flows throughout the whole year as indicated on a USGA Quad map.

**PERMIT:** The authorization necessary to begin a land disturbing activity under the provisions of this ordinance.

**PERSON:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision of this State, and interstate body, or any other legal entity.

**PLAT MAP:** A large-scale map that shows the location of tracts of land within a jurisdiction, and the tax status of such tracts.

**PROJECT:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**PLATS: SOIL EROSION, PRELIMINARY AND FINAL**

**SOIL EROSION:** A tentative drawing of a proposed subdivision containing sufficient information (topographical intervals, prospective roads, erosion prevention measures, etc.) to ensure the requirements of the Soil Conservation Service are known to the developer.

**PRELIMINARY:** A tentative drawing of a proposed subdivision meeting requirements herein enumerated and showing the proposed layout in sufficient detail to indicate unquestionably its workability.

**FINAL:** The final map or as built drawing and accompanying materials, described in this Ordinance, on which the subdividers plan of the subdivision is presented to the Land Development Office or the Planning Commission for approval and which, if approved by the Land Development Office or the Planning Commission is recorded in the Office of the Clerk of the Superior Court.

**PRE APPLICATION REVIEW:** An initial and informal stage of subdivision review at which the developer may make known preliminary plan proposals and the County may respond and/or advise the developer concerning the subdivision regulations.

**PRIVATE STREET:** A street over which the general public has no right of use.

**PROJECT:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**PROPERTY OWNERS ASSOCIATION (P.O.A.):** A legally constituted association of property owners who commonly own and are responsible for the maintenance of commonly owned property and improvements in a development.

**PROTECTED RIVER:** Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey Documents. However, those segments of river covered by the Metropolitan River Protection Act or the Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river.

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

**PUBLIC UTILITIES:** A service or services provided by a public utility company or a private entity, which provided such services or service and all equipment and structures necessary to provide such services.

**PUBLIC WATER SYSTEM:** Any water distribution system which has fifteen (15) or more service connections or serves more than twenty five (25) people.

**QUADRANGLE MAP:** The most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.

**QUALIFIED PERSONNEL:** Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-9.

**RECREATIONAL VEHICLE:** A vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self propelled or permanently towable;

- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel and seasonal use.

**REFORESTATION PLAN:** A plan, prepared by a registered forester, for replacing of harvested timber by replanting (as described in the Recommended Best Management Practices for Forestry in Georgia, published by the Georgia Forestry Commission) or by natural regenerative processes (such as coppicing, seed trees, etc.)

**REGULATED ACTIVITY:** Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into water of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

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

**RESERVE STRIP:** A strip or parcel of land along, around, or between properties, the purpose of which is to restrict access.

**RE-SUBDIVISION:** A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

**RIGHT OF WAY:** A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

**RIVER BANK:** The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

**RIVER CORRIDOR:** All the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within one hundred (100) feet horizontally on both side of the river as measured from the river banks. The one hundred (100) foot buffer shall be marked by a break in slope. Although not within the measured one hundred (100) foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection District. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Fannin County Joint Comprehensive Plan. Any shift in the location of the protected river after the review period will be shown by revision of the boundaries of the river corridor at the time of the next Comprehensive Plan Review by the Department of Community Affairs.

**ROADWAY:** The actual road surface including necessary road shoulders and drainage facilities including ditches, curbing and guttering, which is utilized to transport motor vehicles.

**ROADWAY DRAINAGE STRUCTURE:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concert, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

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

1. Habitat, including nesting sites, occupied by rare or endangered species;
2. Rare or exemplary natural communities;
3. Significant landforms, hydroforms, or geologic features; or

4. Other significant areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

**SETBACK LINE (OR BUILDING LINE):** A line beyond which no foundation wall, eave, or other part of any building shall project, unless specified exceptions are made elsewhere in these regulations.

**SINGLE FAMILY DWELLING:** A dwelling structure that is designed for the use of one family.

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

**SOIL AND WATER CONSERVATION DISTRICT APPROVED PLAN:** An erosion and sedimentation control plan approved in writing by the Blue Ridge Mountain Soil and Water Conservation District.

**STABILIZATION:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**START OF CONSTRUCTION:** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, or construction of columns, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land clearing nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STATE GENERAL PERMIT:** The National Pollution Discharge Elimination System general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of code section 12-5-3.

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

**SLOPE:** Degree of deviation of a surface from the horizontal, usually expressed in percent of degree.

**STABILIZATION:** The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and /or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**START OF CONSTRUCTION:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footing or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home)



without a basement or poured footings, the “actual start” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivisions, the “actual start” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

**STREET:** A right of way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley or otherwise.

1. **ARTERIALS:** These roads are designated to carry rapid, continuous traffic to major magnets within the urban area. Routes will usually pass through or near the heart of a city, connecting residential, commercial, industrial and public areas.
2. **BY PASS:** A highway designated for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. Bypasses generally have limited or controlled access and are usually grade separated at railroads and major crossings.
3. **COLLECTOR STREETS:** These streets bring traffic to arterial streets, or interconnect arterial streets. They provide for relatively easy movement at moderate speeds from homes and businesses to arterial streets.
4. **LOCAL STREETS:** These streets provide direct access to abutting properties.
5. **ALLEY OR SERVICE DRIVE:** A minor access way used for service access, or property access under specified circumstances, to back or side of properties otherwise abutting on a street.
6. **MARGINAL ACCESS STREET:** A residential street parallel and adjacent to major thoroughfares or arterial streets and which provide access to abutting properties with protection from traffic.
7. **CUL DE SAC:** A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
8. **HALF STREET:** A street or road adjacent to a subdivision tract boundary where only half the requires 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.

**STREET LINE OR RIGHT OF WAY:** A dividing line between a lot, tract, or parcel of land and a contiguous street.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground. The term shall include such things as gasoline pumps, signs, mobile homes, and other portable vehicles or structures from which products are vended, and similar objects.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building such as bearing walls or bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**STRUCTURAL PRACTICES:** Soil and water conservation measures, other than vegetation, utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Including but not limited to riprap, sediment basins, dikes, level, spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc.

**SUBDIVISION:** The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes re-subdivision and, when appropriated to the context, relates to the process of subdividing or to the land or area subdivided. This shall include the selling of a tract or tracts from a larger piece on a demand basis with no specific intent to divide into a set number of lots or parcels.

**MAJOR SUBDIVISION:** All subdivisions of land that are not classified as a minor subdivision.

**MINOR SUBDIVISION:** A subdivision of land in which there are no new roads developed and contains seven (7) or less lots.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.

**SUBSTANTIAL IMPROVEMENT:** For a structure built prior to the enactment of the ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration in any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (3) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SUBSTANTIAL IMPROVEMENT:** Approximately eighty (80) percent completion of the Soil and Erosion Plan.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS:** Where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commenced.

**TROUT STREAMS:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et.seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout streams are streams into which no other streams flow except for springs. **All streams in Fannin County are considered trout streams by the Department of Natural Resources/Environmental protection Division.**

**UTILITY:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroad and other utilities identified by a local government.

**VARIANCE:** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

**VEGETATIVE PRACTICES:** Measures for the stabilization of erosive or sediment producing areas by covering the soil with:

1. Permanent seeding, sprigging, or planting producing long term vegetative cover, or
2. Short term seeding, producing temporary vegetative cover, or
3. Sodding, covering areas with a turf of perennial sod forming grass.

**WATERCOURSE:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reasons of overflow or floodwater.

**WATER SUPPLY RESERVIOR:** A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers or the Tennessee Valley Authority.

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

**WETLANDS:** Areas that are inundated or saturated by surface or ground water at a frequency and under duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Swamps, marshes, bogs and similar areas).

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by a portion of a structure from the ground upwards, provided herein.

**YARD, FRONT:** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the most protruding portion of the building projected to the side lines of the lot.

**YARD, REAR:** An open space on the same lot with a principal building, unoccupied except by a permitted accessory building, extending the full width of the lot and located between the rear line of the most protruding portion of the building projected to the side lines of the lot.

**YARD, SIDE:** An open, unoccupied space on the same lot with a principal building located between the side of the most protruding portion of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

## CHAPTER III

### SUBDIVISION STANDARDS

#### ARTICLE I

#### SUBDIVISION APPROVAL PROCESS

Subdivision is defined in Chapter II, Article II, as the division of a single parcel of land into two (2) or more parcels. All future subdivisions of land in Fannin County shall comply with the applicable provisions of this Ordinance. The subdivision approval process and submission requirements vary with the magnitude of the subdivision. All minor subdivisions shall be submitted to and approved by the Fannin County Development Officer as provided for in S3.100. All major subdivisions of land shall be submitted to the Fannin County Development Officer for review and approval as outlined in S3.101.

S3.100 Minor Subdivision Approval: All minor subdivisions of land in Fannin County shall be submitted to the Fannin County Land Development Officer for review and approval. The subdivision of one tract into two tracts or the division of property among immediate family members does not require the preparation of a plat; however, the subdivision must be approved by the Fannin County Land Development Officer and the Board of Assessors Office. All minor subdivisions that contain three (3) or up to seven (7) tracts shall

submit a final plat that complies with the provisions outlined in S3.401. The Fannin County Land Development Officer shall review the proposed subdivision for compliance with this ordinance. Any variance from the standards in this ordinance must be approved by the Fannin County Board of Commissioners.

S3.101 Major Subdivision Approval: All major subdivision proposals shall be submitted to the Fannin County Land Development Officer for review and approval. The major subdivision approval process is a four step process. The process is designed to provide a logical sequence of reviews and events in the subdivision development process. The major subdivision review process shall be as follows:

- a) Erosion and Sedimentation Land Disturbing Application Plat/Plan: The process begins with the preparation of a plat by a registered land surveyor who is licensed in the State of Georgia. **(See Chapter XII, Article 3)**. The plan shall contain the information outlined in S3.200 and in Chapter XII, Article 3 and shall be reviewed by the Fannin County Land Development Officer and Soil and Water Conservation Commission. **(Note) S3.200 This plat/plan is to be approved before any roads or land-disturbing activity is started.**
- b) Construction of Improvements: The second step in the subdivision process shall be the construction of the necessary improvements to the subdivision (i.e. streets, lot corner stakes, drainage and water systems, if applicable). **The developer may wish to involve the Health Department before the construction phase to help insure against any lot being rendered useless because of the placement of roads or drainage.** Construction may be in phases.
- c) Preliminary Plat: Preparation of the preliminary plat must be done by a registered surveyor licensed in the State of Georgia. The plat shall contain the information outlined in S3.301. The preliminary plat may also be completed in phases. The developer may choose to exercise the provisions of Article VIII of this chapter in the third step of this review process.
- d) Final Plat: Upon completion of the necessary improvements, or following the compliance with the provisions contained in Article VIII of this Chapter, the developer shall prepare a final plat, which will serve as an “as built” drawing for the subdivision. The final plat shall contain the information outlined in S3.401 of this chapter and be reviewed and approved as outlined in S3.402. Upon obtaining approval of the final plat, the developer shall be authorized to record the plat in the Fannin County Office of the Clerk of the Superior Court.

S3.102 Tracts Three (3) Acres or Larger: Parcels being sold tract by tract or sold according to purchasers desire or request, require a boundary survey with an **APPROVED** EROSION AND SEDIMENTATION CONTROL PLAT/PLAN. The lots must be three (3) acres or larger. If the roads are not up to county specifications and are not to be accepted into the county road system or if the roads are private, a valid POA (Property Owners Association) or a properly recorded Protective Covenants and Restrictions which clearly establish responsibility for road maintenance must be reviewed and approved by the county attorney. Each lot is subject to Fannin County Land Development Office and the Health Department approval before the sale is finalized and **CANNOT** BE RE-SUBDIVIDED WITHOUT THEIR WRITTEN APPROVAL. When the project is eighty (80) percent complete, the developer shall provide the Fannin County Land Development office six (6) copies of the entire project with the remaining twenty (20) percent of the lots laid out in three (3) acre or larger parcels. However, if within two (2) years of the date of completion of the erosion and sedimentation control plat the project is not eighty percent (80%) completed, a final plat must be completed of all lots sold and the remainder in three (3) acre or larger tracts and recorded in the Clerk of the Superior Court of Fannin County’s office. Where five (5) or more acres are being subdivided on a stream, a detailed hydrology study must be preformed before construction can take place on the streams.

S3.103 Penalties For Not Following Proper Platting Procedures and Soil Erosion Measures:

(See Chapter 12, Article 5)

1. Denial of building permits until the necessary plat is completed; and/or
2. A fee equal to ten (10) times the cost of a building permit that was issued; and/or
3. A stop work order; and/or
4. Suspension of the building permit; and/or
5. Civil penalties being sought in accordance with Chapter V, Article I, S5.104. and Chapter VI Article V

## ARTICLE II

### S3.200 Erosion and Sedimentation Land Development Plan Standards and Review: (Step 1)

An Erosion and Sedimentation Land Disturbing Plat must be submitted to and approved by the Fannin County Land Development Office and the Soil and Water Conservation Commission.

After the approval is obtained, a land-disturbing permit will be issued and the land disturbing improvements can begin.

### S3.201 Items required on Erosion and Sedimentation Land Development Plat: Site Plan (SEE CHAPTER 12, ARTICLE 3)

1. Graphic scale and north arrow.
2. Vicinity map-small map showing the site relative to the surrounding area, including the designation of the specific phase, if necessary.
3. Existing and planned contours, shown to a maximum contour interval of five (5) feet.
4. Adjacent areas-neighboring areas such as streams, lakes, residential areas, etc, which might be affected.
5. Location of erosion and sediment control practices using uniform coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6. Practices may include, but are not limited to:
  - a. Construction exit
  - b. Sediment barrier
  - c. Storm water management structures
  - d. Grassed waterway (swale)
6. Location of the 100-year flood plain, if any, must be delineated on the plat. FEMA procedures will be followed in determining the flood plain. **\*\***(If a detailed study is not available at the time of the start of the Preliminary Plat, then the developer must begin work to have a study made. Building permits **cannot** be issued without a detailed hydrology study if any portion of the property is in the one hundred (100) flood plain.)
7. Fifty foot (50) set back on streams marked; fifty foot (50) on spring branches marked.
8. Set back from all state waters shall be those as set forth in separate state statute or duly adopted county regulations or ordinances.
9. Proposed roads with classifications noted on the plat (public or private).
10. Estimate the number of lots to be serviced by each road.
11. Sixty (60) foot right of way with a fifteen foot (15) set back from the right of way marked, or on roads with only forty feet (40) of right of way, twenty five (25) foot set back must be marked on the plat.
12. The name of the subdivision and the name of all roads.
13. Who is responsible for the maintenance of roads and utilities.
14. Certifications in S3.204, which are applicable.

S3.202 NARRATIVE OR NOTES AND OTHER INFORMATION: Notes or narratives are to be located on the site plan under general notes or under erosion and control notes needed:

1. Description of existing land use at project site and description of proposed project.
2. Name, address and phone number of developer.

3. Name and phone number of a 24-hour local contact that is responsible for erosion and sediment controls.
4. Size of project or phase under construction.
5. Activity schedule-show anticipated starting and completion dates for the project. Include the following statement in bold letters: **“The installation of erosion control measures and practices shall be installed prior to any land disturbing activities.”**
6. Sediment basins and/or retrofitted storm water management structures-storage capacity, hydrology study, and calculations, including off site drainage areas.
7. Vegetative plan-for all temporary and permanent vegetative practices, including species, planting dates, seeding, fertilizer, lime, and mulching rates. Vegetative plan should show options for year round seeding.
8. Detailed drawings-for all structural practices. Specifications must, at a minimum, meet the guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
9. Maintenance statement-“Erosion controls will be maintained at all times. Additional erosion and sediment control will be installed as deemed necessary by onsite inspection.” “Best management practices will be followed (BMP’s)”.

S3.203 Soil erosion and Land Disturbing Plat Review Process: The developer shall submit six (6) copies of the Soil Erosion and Land Disturbing Plat to the Fannin County Land Development Officer. The Development Officer shall keep two (2) copies for review and the others are to be distributed as follows: One (1) copy to the 911 mapping office, one (1) to the Limestone Valley Soil Conservation Service, one (1) to the county attorney for POA or covenant review if necessary together with a recordable copy of the same, and one (1) for the developer.

The soil erosion and land disturbing plat review process shall be undertaken as expediently as possible and in no case shall the review period exceed forty-five (45) working days unless it is done so with the consent of the developer. Failure of the Fannin County Land Development Officer to take action on the process within the time period shall constitute approval of the soil erosion and land disturbing plat.

**The soil erosion and land disturbing plat/plan shall be valid for one (1) year from the date of approval. If the land disturbing activity is not completed within this time frame, the plat/plan shall be null and void. If however, substantial work has been done on the development within this time period, the preliminary plat/plan may be renewed.**

S3.204 Soil Erosion and Land Disturbing Plat Certificates: The following certificates shall be placed on the Soil Erosion and Land Development Plat, or on a cover sheet, and signed by the proper authorities **prior** to submission of the plat to the Fannin County Land Development Office for its approval.

A. Survey and Design Certificates:

I hereby certify that this Soil and Erosion and Land Disturbing Plat correctly represents the data compiled or verified through a survey completed by me or under my direct supervision. I certify that the design of the proposed improvements comply with the minimum design standards of the Fannin County Subdivision Standards.

DATE: \_\_\_\_\_  
 REGISTERED LAND SURVEYOR LICENSE NUMBER \_\_\_\_\_  
 NAME, ADDRESS AND TELEPHONE NUMBER \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**B. SOIL EROSION AND SEDIMENTATION CONTROL PLAN CERTIFICATE**

I hereby certify that I have reviewed a Soil Erosion and Sedimentation Control Plan for the (subdivision name) \_\_\_\_\_ subdivision and have

found the plan to meet the design requirements of the Fannin County Soil Erosion and Sedimentation Control Standards. This certificate is for plan approval only and does not certify implementation.

**C. CERTIFICATE OF APPROVAL OF RESPONSIBILITY FOR ROAD MAINTENANCE**

I hereby certify that I have reviewed the legal documents establishing responsibility for the maintenance of the roads and common areas in the named subdivision and have found that the covenants, conditions and restrictions are sufficient to ensure the continued maintenance of the commonly owned property, the roads and improvements in the named subdivision, Said documents are recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ in the office of the Clerk of the Superior Court for Fannin County, Georgia.

Date: \_\_\_\_\_

Fannin County Attorney: \_\_\_\_\_

**D. APPROVAL FROM FANNIN COUNTY LAND DEVELOPMENT OFFICE**

I hereby certify that the Soil Erosion and Land Disturbing Plat shown hereon has been properly reviewed and approved. The developer is hereby authorized to begin the physical development of roads and improvements and the installation of proper soil erosion prevention techniques, per this approved plan.

Date: \_\_\_\_\_

Fannin County Land Development Officer: \_\_\_\_\_

**E. DEVELOPER AGREEMENT**

I hereby certify that I have meet the requirements found in the Fannin County Development Ordinance, dated January 1996 and as revised since, and have obtained a copy for my records.

Date: \_\_\_\_\_

Owner or legal agent:

Signed: \_\_\_\_\_

**ARTICLE III**

S3.300 Preliminary Plat/Plan Standards and Review Process: The purpose of the preliminary plat/plan is to provide the Fannin County Land Development Officer, the County Health Department and other reviewing parties an opportunity to review the proposed subdivision for street design standards, utility easements, flood hazard potential, adequacy of the lot size for septic tank use, soil erosion control measures and the adequacy of a potable water supply.

S3.301 Information required on the Preliminary Plat: The following information is required for the preliminary plat review. (See Chapter 12, Article III)

- a. The proposed layout of lots, streets, and utilities shall be shown on a drawing of a scale of 1"=100'.
- b. The drawing shall contain a graphic scale, North arrow, date, acreage to be subdivided, and the owner/developer's name, address, and telephone number.
- c. A location sketch map shall be provided which shows the location of the site in relation to existing public roads, streams, power transmission lines, etc.
- d. Topography shall be shown at vertical intervals of not more than five (5) feet, and the soil types listed and highlighted.

- e. The names of the adjoining property owners shall be shown in relation to the proposed development.
- f. The plat shall contain the proposed name of the development and streets and a statement as to whether the streets are county, public or private, and who is responsible for maintenance.
- g. If the development has five (5) or more acres on a stream, a detailed hydrology study must be completed before lots are approved.
- h. Lot sizes in square footage.
- i. Describe the type of water system, and the proposed location of community well sites marked but not as a part of any lot.
- j. Lots of less than 60,000 square feet not on a water system must note well sites on each lot.
- k. A Property Owners Association (POA) established and approved by the County Attorney describing maintenance of private roads, utilities and other improvements, or recorded protective covenants stating who is responsible for road maintenance.
- l. Recorded easements for access to the development over non-public county roads.
- m. Fifty foot (50) set back on streams, twenty-five foot (25) set back on state waters with an average flow of less than twenty five (25) gallons/minute.
- n. Certificates in S3.503 that are applicable.

S3.302 Preliminary Plat/Plan Review Process: The developer shall submit six (6) copies of the preliminary plat/plan to the Fannin County Land Development Office. The Land Development Officer shall keep one (1) copy for his review and distribute the other copies to (a) health department sanitarian (b) county commissioners office (c) 911 office (d) developer and (e) Board of Assessors.

The preliminary plat/plan review process shall be undertaken as expeditiously as possible and in no case shall the review period exceed forty five (45) working days unless it is done so with the consent of the developer). Failure of the Fannin County Land Development Officer to take the action on the preliminary plat within this time period shall constitute approval of the preliminary plat.

**THE PRELIMINARY PLAT APPROVAL SHALL BE VALID FOR ONE YEAR FROM THE DATE OF APPROVAL,** at which time a recordable final plat must be submitted for review and approved. If substantial work has been done on the development within this time period, the preliminary plat may be renewed.

S3.303 Preliminary Plat Certificates: The following certificates shall be placed on the preliminary plat, or a cover sheet to the preliminary plat, and be signed by the appropriate authorities prior to submission of the preliminary plat to the County Land Development Officer for approval.

a. Preliminary Survey and Design Certificate

I hereby certify that this preliminary plat correctly represents data compiled or verified through a survey completed by me or under my direct supervision. I further certify that the design of the proposed streets, lots and other improvements comply with the minimum design standards of the Fannin County Subdivision Standards.

Date: \_\_\_\_\_

Registered Land Surveyor License Number: \_\_\_\_\_

Name, Address and Telephone Number \_\_\_\_\_

b. Certificate of Approval of Property Owners' Association



I hereby certify that I have reviewed the legal document creating the Property Owners' Association for (name of development)\_\_\_\_\_  
And I have found that the Association and /or the protective covenants legally constitute and that the covenants, conditions and restrictions incorporated in the Association are sufficient to ensure the continued maintenance of the commonly owned property and improvements in (name of development)\_\_\_\_\_. Said documents are recorded in Deed Book\_\_\_\_\_, Page \_\_\_\_\_ in the office of the Clerk of the Superior Court for Fannin County, Georgia.

Date: \_\_\_\_\_

Fannin County Attorney: \_\_\_\_\_

c. Tentative Approval for Private Subsurface Sewage Disposal

I hereby certify that the lots proposed hereon are generally suitable for subsurface sewage disposal with the listed and/or attached restrictions.

This certification **does not constitute final approval** of the sewage disposal system for this subdivision.

Date: \_\_\_\_\_

Fannin County Health Department Representative: \_\_\_\_\_

d. Preliminary Plat Approval

I hereby certify that the preliminary subdivision plat hereon has been properly reviewed and approved. The developer is hereby authorized to begin the necessary steps to gain Final Plat approval; soil test, etc. Lots may be sold which have **not** been listed by the Fannin County Health Department as needing further testing and you have one (1) year from of this approval to submit a Final Plat for approval.

Date: \_\_\_\_\_

Fannin County Land Development Officer: \_\_\_\_\_

e. Road Name Approval

I reviewed the proposed road names in (subdivision)\_\_\_\_\_  
And find no conflicts with any existing road names in Fannin County.

Date: \_\_\_\_\_

E911 Director: \_\_\_\_\_

\*All roads listed on this plat are considered private and are **NOT** the responsibility of Fannin County. At the time of the completion of the Final Plat, roads that meet the requirements for local streets in S3.617 are eligible to be **CONSIDERED** by the Fannin County Board of Commissioners for acceptance into the county road system one (1) year from acceptance of the Final Plat.

## ARTICLE IV

S3.400 Final Plat Standards and Review Process: The purpose of the Final Plat is to provide an "as Built" drawing which accurately reflects the size and layout of lots, streets, water system, easements and other important information, which is necessary for the public record. The approval of the Final Plat by the Fannin County Land Development Officer certifies to the developer that all of the provisions of the Fannin County Subdivision Standards have been met

and the Final Plat is approved for recording in the Fannin County Office of the Clerk of the Superior Court.

S3.401 Information Required on the Final Plat: The following information is required for Final Plat review:

A. The Final Plat shall be drawn in permanent ink on reproducible material at a scale of 1"=100'. The sheet size shall not exceed 17" X 20". If more than one sheet is necessary to show the area the sheets shall be edge matched.

B. The plat shall contain sufficient engineering data to enable a surveyor to duplicate the plat on the ground.

C. The Final Plat shall show:

1. Name of the Subdivision
2. Location map
3. Graphic scale, North arrow, date
4. Total number of acres being subdivided
5. Location and description of monuments and lot numbers, lot lines by bearings and distances, and lot size in acres and feet
6. Name of streets and a designation as to whether the streets are public or private streets and the number of lots serviced
7. Total length of streets in the subdivision by street class (public or private) and right of way marked
8. Designation of any flood hazard areas
9. Fifty foot (50') set backs on streams, twenty five foot (25') set backs on state waters with an average flow of less than twenty five (25) gallons/minute.
10. Certifications in S3.403 which are applicable
11. A statement as to who is responsible for the maintenance of the private or public roads, improvements, POA, etc.
12. For lots under six thousand (6,000) square feet, without community water, must have well sites marked
13. Community wells marked not as a part of any lot

S3.402 Final Plat Review Process: The developer shall submit six (6) copies of the final plat to the Fannin County Land Development Office. The Land Development Officer shall distribute the copies as appropriate. It shall be the responsibility of the developer to obtain the appropriate signatures on the applicable certificates. These signatures must be obtained before the Fannin County Land Development Officer can grant final approval to the development.

The County Land Development Officer shall review and take action on the final plat within ten (10) working days of the developer notifying the County Land Development Office that all of the applicable signatures have been secured for the required certificates. Failure of the County Land Development Officer to take action within this time period shall constitute approval of the Final Plat.

S3.403 Final Plat Certificates: The following applicable certificates shall be placed on the Final Plat, or a cover sheet attached to the Final Plat, and be signed by the appropriate authorities prior to submission of the Final Plat to the County Land Development Officer for approval:

Final Engineering Certificate

I hereby certify that this plat is true and correct and contains sufficient engineering information to permit the plat to be duplicated on the ground. All monuments shown hereon actually exist and their location, size and type are correctly shown. I further certify that all engineering requirements of the Fannin County Subdivision Standards have been complied with.

Date: \_\_\_\_\_

Registered Land Surveyor License Number: \_\_\_\_\_

Name, address, and telephone number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Certificate of Approval of Responsibility for Road Maintenance:

I hereby certify that I have reviewed the legal document establishing responsibility for the maintenance of the roads and common areas in the named subdivision and have found that the covenants, conditions and restrictions are sufficient to ensure the continued maintenance of the commonly owned property, the roads and improvements in the names subdivision. Said documents are recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_ in the Office of the Clerk of the Superior Court for Fannin County, Georgia.

Date: \_\_\_\_\_

Fannin County Attorney: \_\_\_\_\_

Certificate of Approval of Streets and Drainage Structures:\*\*\*\*\*

I hereby certify that the streets and drainage structures shown on this final plat and listed as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Have been installed in an acceptable manner and conform to the Fannin County Subdivision Standards.

Date: \_\_\_\_\_

Chairman, Fannin County Board of Commissioners: \_\_\_\_\_

Certificate of County Health Department:

This plat has been preliminarily approved by the Fannin County Health Department for subsurface sewage disposal barring any unseen complications such as rock, steep slopes or underground water sources (wet weather springs, high water tables, etc.)

Each lot owner shall apply for a permit and final approval to the Fannin County Health Department before beginning construction. This shall include approval of house (size and location), driveway, water and gas lines, well, and any other construction that could affect the placement or the function of the subsurface sewage disposal system. Construction shall also mean any disturbing of the ground surface such as cutting or filling.

This certificate does **NOT** imply a blanket approval for every lot in this subdivision.

Date: \_\_\_\_\_

Health Official, Fannin County Health Department: \_\_\_\_\_

Certificate of Approval for Private Subsurface Sewage Disposal:

I hereby certify that each lot shown hereon, unless otherwise noted, is suitable for subsurface sewage disposal.

Before the initiation of construction, plans for the location of the house or other structures and the sewage disposal system shall be submitted to, and approved by, the Fannin County Health Department.

Date: \_\_\_\_\_

Health Official, Fannin County Health Department: \_\_\_\_\_

Certificate of Approval of Water System:

The central water system in the (name of Subdivision) \_\_\_\_\_  
Is a (private system/public system) which has been approved by the Georgia Department of Natural Resources, Environmental Protection Division and has been accepted by the (name of public utility \_\_\_\_\_)

---

*(next page)*

or, if private, a copy of the property owner's association legal document guaranteeing the operation and maintenance of the system is attached.

Date: \_\_\_\_\_

Utility System Engineer/Private System Engineer: \_\_\_\_\_

Final Plat Approval:

I hereby certify that the final subdivision plat shown hereon has been properly reviewed and approved as evidenced by the signed certificates. I hereby certify that all of the applicable requirements as determined by the undersigned of the Fannin County Subdivision Standards have been met and the plat is hereby approved for recording in the Office of the Clerk of Superior Court in Fannin County.

Date: \_\_\_\_\_

Fannin County Land Development Officer: \_\_\_\_\_

**ARTICLE V  
GENERAL PRINCIPALS OF DESIGN**

S3.500 Suitability of the Area Proposed for Subdividing: Land which the Fannin County Land Development Office finds to be excessively steep (greater than forty percent (40%)), subject to flooding, poor drainage or having adverse geologic conditions present, shall not be subdivided unless the developer, through the use of engineering reports, demonstrates that the measures he proposes to undertake will mitigate the adverse natural features and will not endanger the health, safety or general welfare of the inhabitants of the land of surrounding areas. **(SEE ALSO CHAPTERS 8, 9, 10, AND 11)**

S3.501 Conformance to Other Rules and Regulations: In addition to the minimum standards outlined in this Ordinance, all proposed subdivisions shall comply with all applicable local and State ordinances and statutes.

The Fannin County Land Development Officer will withhold approval of any subdivision that is known to be in conflict with any known ordinances or regulations.

S3.502 Restrictive Covenants: If the developer wishes to place restrictive covenants on the subdivision, such covenants shall be submitted along with the Final Plat and shall, upon approval, be recorded on a separate form along with the Final Plat.

S3.503 Name of Subdivision: The name of the subdivision shall be at the discretion of the subdivider so long as the name does not closely approximate the name of a previously platted subdivision in Fannin County.

S3.504 Streets: The streets in subdivision may be either public or private.

All proposed public streets shall be contiguous to the existing public streets and meet the public street standards that are outlined in Article VI of this Chapter. Streets proposed as private streets shall meet the private street standards as outlined in Article VI of the Chapter. All Streets which are proposed as private streets shall comply with the ownership and maintenance provisions outlines in Article XI of this Chapter and are so noted on the final plat.

S3.505 Lots: All residential lots that shall hereafter be established in Fannin County shall comply with the following design standards.

1. City Limits and Lot Lines: Lots created after the initial adoption of the ordinance shall not be divided by corporate boundary lines.
2. Lot Lines: Insofar as practical, side lot lines shall be at right angles to the street lines and radial to curved street lines.
3. Corner Lots: Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the building setback lines from both streets.
4. Double Frontage: Double frontage lots, (i.e., lots having street frontages both in the front and the rear) shall be avoided except where essential to provide separation of residential development from a railroad or major street right of ways or where necessary due to the topography. Where a railroad or major street right of way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plan shall provide for either a marginal access or lots backing in said right of way having a minimum depth of two hundred (200) feet.
5. Building Lines: Residential building set back lines shall be at least thirty five (35) feet from the right of way line on the front property line on roads having a right of way of forty (40) feet or less from the road centerline and at least twenty-five (25) feet from the right of way line on the front property line on roads having a right of way of more than forty (40) feet from the road centerline and at least fifteen (15) feet from the side and rear property lines. The front property line shall be deemed to be the property line that is the property line contiguous to the road or street providing access to the lot. The building shall be setback from side and rear lot lines a minimum of fifteen (15) feet.

As to any property or lot in which one of the lot lines is either a body of water (including lake, stream, branch, creek or river), the set back line shall be that as required by the Soil Erosion and Sediment Control section (Chapter XII), the Wetlands Protection section (Chapter X), the Mountain Protection section (Chapter VIII), the Toccoa River Corridor Protection section (Chapter XI) and the Water Supply/Watershed Protection section (Chapter IX) of this ordinance and no additional set back shall be imposed. As to any property or lot located on Lake Blue Ridge, the property line (for construction purposes only) shall be deemed to be the 1700-foot contour line and no construction shall be allowed below the 1700-foot contour line

except as permitted by the Tennessee Valley Authority or its designee. No additional set back shall be imposed as to the 1700-foot contour line of Lake Blue Ridge.

6. Lot Width: The minimum lot width for residential use shall be as follows:
- |   |          |
|---|----------|
| <u>Single Family with public water and sewer:</u> | 90 feet  |
| <u>All other Single Family:</u>                   | 110 feet |
| <u>Duplexes with public water and sewer</u>       | 125 feet |
| <u>All other Duplexes</u>                         | 150 feet |
| <u>Multi Family All</u>                           | 150 feet |
7. Panhandle or Flag Lots: “Panhandle” or “Flag” lots, of required width and area will be allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than twenty (20) feet wide and the panhandle access shall not be more than three hundred (300) feet long. Not more than two (2) such panhandle access points shall abut each other, and if so combined, the width of **each** panhandle may be reduced to not less than fifteen (15) feet. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under to other provisions of these standards.
8. Lot Area: Subdivision lots shall have a minimum lot size as outlined in Table I.
- Where public water and sewer are present the minimum lot area shall be as follows where the property is not zoned:
- a. Single Family 1/3 acre (14,505 sq. ft.)
  - b. Duplex ½ acre (21,780 sq. ft.)
  - c. Multifamily 1 acre; maximum 12 units/acre (43,560 sq. ft.)

### TABLE I

**MINIMUM LOT SIZES FOR SINGLE FAMILY RESIDENTIAL USE, IN SQUARE FEET, UTILIZING INDIVIDUAL WATER AND SEWER SYSTEMS OR A PUBLIC WATER SYSTEM WITH INDIVIDUAL SEWER SYSTEMS.**

SLOPE CLASS		SLOPE %	SOIL GROUPING				
			1	2	3	4	5
AB	W	0-5	30,000	39,000	48,000	51,000	61,000
	P.W.		15,000	19,500	24,000	25,500	30,000
C	W	5-15	33,000	42,000	51,000	54,000	60,000
	P.W.		16,500	21,000	25,500	27,000	33,000
D	W	15-25	36,000	45,000	54,000	57,000	(Footnote)
	P.W.		18,000	22,500	27,000	28,500	
E	W	25 & UP	39,000	48,000	57,000	60,000	(Footnote)
	P.W.		19,500	24,000	28,500	30,000	

Footnote: To be determined by the Fannin County Health Department on a case-by-case basis.

W = Individual wells

P.W. = Public water system

8. Street Access: Every lot created after the initial adoption of this ordinance shall have access by one of the following means:
  - a. Have direct access from a public road (see Article VII of this Chapter)
  - b. Have access from a private road, which easement is of record, meeting the private road standards set forth in Article VI of this Chapter; or
  - c. Lots of ten (10) acres or larger can have access from a private easement provided the easement has a minimum width of forty (40) feet and has an all weather surface which can be traveled by emergency vehicles.

S3.506 Easements: Easements may be required in subdivisions for the following purposes:

1. Utility Easements: When it is found to be necessary and desirable to locate public utility lines in other than the street right of way, easements shall be shown on the plat for such purposes. Such easements shall not be less than forty (40) feet in width and where possible, shall be centered on rear or side lot lines.
2. Drainage Easements: Where a proposed subdivision is traversed by a watercourse, drainage way, or stream, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Such easement shall conform substantially to the lines of said watercourse and be of sufficient width or construction, or both, as to be adequate for the purpose.

## **ARTICLE VI STREETS**

This article outlines the design and construction standards for public and private roads constructed in subdivisions in Fannin County after the initial effective date of this Ordinance.

S3.600 Continuation of Existing Street Pattern: Wherever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas.

S3.601 Cul de sacs: Cul de Sacs shall terminated in a turnaround having a minimum right of way of one hundred (100) feet in diameter and a minimum outside diameter surface width of eighty (80) feet.

S3.602 Access to Arterials and Collectors: Where a subdivision borders on or contains an existing or proposed arterial or collector route, as defined on the Georgia DOT Functional Classification Map, the County Land Development Officer may require that access to such street by limited by:

1. The subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route.
2. A series of cull de sacs, "U" shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector routes.
3. A marginal access or service street, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.
4. The number of residential or local streets entering on arterial or collector routes shall be kept to a minimum.

S3.603 Access from a State Highway: All developments which are proposed to be accessed from a state maintained highway must submit plans to the Georgia Department of Transportation office in Cartersville, Georgia and have said plans approved before the development will be approved by the Fannin County Land Development Office.

S3.604 Reserve Strips: The creation of reserve strips adjacent to a proposed street in such a manner as to deny access from adjacent property to such street shall be generally not be permitted. However, in

extraordinary circumstances, the Fannin County Land Development Officer may allow creation of a reserve strip to enable a more appropriate pattern of lots or streets. Where such is created, the Fannin County Board of Commissioners must agree to any and all future dispositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

S3.605 Arrangements of Continuing and Dead End Streets: Where a subdivision will contain temporary or permanent dead-end streets, they shall be designed as follows:

1. Arrangements of Continuing Streets – The arrangement of streets shall provide for the continuation of major streets between adjacent properties when such continuation is necessary for convenient movements of traffic, effective fire protection, efficient provisions of utilities, and when such continuation is in accordance with the major street and road plan. If the adjacent property is underdeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line. A temporary cul de sac, temporary “T”, or “Y” shaped turn about shall be provided on all temporary dead end streets as required in the following turnabout standards, with a notation on the subdivision plat that the land outside the normal street right of way shall revert to abutting property owners whenever the street is continued. The County Land Development Officer may limit the length of temporary dead end streets in accordance with the design standards of this Article.
2. Dead end Streets: Where a street does not extend beyond the boundary of a subdivision and its continuation is not required by the County Land Development Officer for access to adjoining property, its terminus shall normally not be nearer to such a boundary than fifty (50) feet, However, the County Land Development Officer may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

S3.606 Intersections: Intersections of new streets in a subdivision shall comply with the following standards:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than sixty (60) degrees shall not be permitted. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the County Land Development Officer.
2. Proposed new intersections along one side of an existing street shall coincide, wherever practicable, with any existing intersections on the opposite side of such street. Jogs within streets having centerline offsets of less than one hundred and fifty (150) feet shall not be permitted, except where the intersected streets have separated dual drives without median breaks at either intersection. Where streets intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector streets shall be at least eight hundred (800) feet apart.
3. Minimum curve radius at the intersection of two (2) minor streets shall be twenty five (25) feet, and minimum curve radius at an intersection involving a collector street shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
4. Where a street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the street right of way to the extent necessary to provide adequate sight distance.
5. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade for a distance of sixty (60) feet, measured from the nearest right of way line of the intersecting street.
6. The Land Development Officer can deny any Roadway Lay Out that it considers to be dangerous to the traveling public.



S3.607 Additional Right of Way on Proposed Streets: The right of way widths in S3.617 of this Section are minimums, and in areas of cut or fill the right of way must be increased two (2) feet for each one (1) foot of material removed from 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 minimum allowable degree of slope on a back slope shall be 1.5 to 1 and on a fill slope, the degree of slope shall be 2 to 1 or less.

S3.608 Additional Width of Existing Streets: In subdivisions that adjoin existing streets, the subdivided shall dedicate additional right of way to meet the minimum street width requirements as follows:

1. The entire right of way shall be provided where any part of the subdivision is on both sides of the street.
2. When the subdivision is located on one side of an existing street, one half of the required right of way measured from the centerline of the existing roadway shall be provided.

S3.609 Street Names: Streets or roads that are extensions of, or obviously in alignment with, existing streets shall bear that name. The names of new streets and roads shall be subject to the approval of the E911 Mapping Office and shall not duplicate or be similar in sound to existing names in that ZIP code, irrespective of the use of the suffix street, avenue, circle, way boulevard, drive, place or court.

S3.610 Railroads and Limited Access Highways: Railroad right of way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

1. In residential areas, a buffer strip at least twenty five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right of way or limited access highway. "This strip is reserved for screening; the placement of structures hereon is prohibited".
2. In commercial or industrial areas, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth of commercial and industrial sites.
3. Streets parallel to a railroad, when intersecting a street which crosses the railroad at grade, shall to the extent practical, be at a distance of at least one hundred and fifty (150) feet from the railroad right of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of approach gradients.

S3.611 Bridges: The engineering design and hydrology studies of all bridges and culverts being used to bridge streams shall be submitted to the Fannin County Board of Commissioners for review and approval prior to construction. The Fannin County Board of Commissioners may consult with the Department of Transportation, or other consultants, on the design of proposed bridges.

S3.612 Half Streets: Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right of way shall be platted within the proposed subdivision.

S3.613 Split Level Streets: Streets which are constructed so as to have two traffic ways, each at different levels within the same right of way of thirty two (32) feet and such additional right of way as necessary to meet the requirements of S3.607 and paved traffic surface of ten (10) feet. The slope between the two traffic ways would not be less than 2 to 1.

S3.614 Left vacant for future use.

S3.615 Alleys: Alleys or service drives may be required at the rear of all lots used for multi-family, commercial, or industrial developments but not be provided in one and two family residential developments unless the alley or service drive is to provide secondary access to a lot (lots) whose natural grade is (are) more than twelve (12) feet above the finished street grade, or unless the subdivider produces evidence satisfactory to the County Land Development Officer of the need for an alley or service drive.

S3.616 Geometric Design Standards for Streets

Design Item	Street Class		
	Major	Collector	Local

1. Max. Horizontal curvature (degree)	12	23	33
2. Max. Percent Grade (percent)	7	12	18
3. Min. Vertical Site Distance (feet)	275	200	200
4. Min. Distance Between Reverse Curves (feet)	100	100	100

S3.617 Right of Way, Surface Width and Type, and Shoulder Requirements for All Streets:

	<b>Right of Way (feet)</b>	<b>Road Width (feet)</b>	<b>Road Surface</b>	<b>Minimum Road Surface (Type)</b>	<b>Shoulder</b>
<b>1. Collector Street</b>	<b>60</b>	<b>24</b>	<b>24</b>	<b>TBST on 6” aggregate base</b>	<b>3’ stabilized area on each side</b>
<b>2. Local Street</b>	<b>60</b>	<b>24</b>	<b>22</b>	<b>TBST on 6” aggregate base</b>	<b>3’ stabilized area on each side</b>
<b>3. Class I Street (all streets which access 26 or more parcels)</b>	<b>40</b>	<b>18</b>	<b>18</b>	<b>4” aggregate base</b>	<b>3’ stabilized area on each side with 5-10 degree slope</b>
<b>4. Class II Street (access a maximum or less of 25 parcels)</b>	<b>40</b>	<b>18</b>	<b>18</b>	<b>4” aggregate base</b>	<b>3’ stabilized area on each side with 5-10 degree slope</b>

**NO PRIVATE OR PUBLIC ROAD WILL BE ACCEPTED INTO THE FANNIN COUNTY ROAD SYSTEM UNLESS IT MEETS ALL STANDARDS FOR COUNTY OWNED AND MAINTAINED ROADS AS OUTLINED IN THIS ORDINANCE.**

S3.618 Inspections: The developer shall coordinate his road construction with the superintendent of the Fannin County Road Department. The base, grading, drainage and utilities shall be approved by the Fannin County Road Department **BEFORE** any surface base shall be applied to the road.

S3.619 Minimum Surface Type:

1. Class I and II Streets: These streets shall have four (4) inches of aggregate base. Class A and B chert may be approved by the County Board of Commissioners in certain instances in place of graded aggregate base.
2. Public Road: These roads shall have a base of 4” of aggregate base. Class A and B chert may be approved by the County Board of Commissioners in place of aggregate base in certain instances.

S3.620 Drainage: Water shall be diverted across the road by use of pipe of suitable size (Corrugated steel, concrete or plastic). The pipe shall be a minimum of two (2) feet below the bottom of the road base unless a variance is granted by the Fannin County Board of Commissioners. The back fill material shall be clean and solidly tamped about the pipe. The discharge end of the cross drain shall be stabilized using riprap rock for a distance eight (8) times the diameter of the pipe.

S3.621 Stabilization of the Right of Way: The right of way shall be stabilized as specified in the soil erosion and sedimentation control chapter (Chapter 12) of this ordinance before final plat approval will be granted.

S3.622 Signs: The developer shall install street name signs, traffic control signs and any other signs deemed necessary by the County Land Development Officer. The sign design, material and method of installation shall be approved by the Fannin County Board of Commissioners.

S3.623 Monuments: The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by a licensed surveyor. Monuments shall be located and set as follows:

1. Monuments shall be located on street right of way lines, at street intersections and at the beginning and ending points of a curve.
2. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete not less than four (4) feet in length; not less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed not more than twenty four hundred (2,400) feet apart.
3. All lot corners not following on any of the above described points shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighths (5/8) inches in diameter.
4. The line of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five eighths (5/8) inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
5. All monuments and pins shall be properly set in the ground and approved by surveyor or an engineer engaged in the practice of civil engineering prior to the time the County Land Development Officer approves the final plat or release of the bond is made in lieu of improvements.

S3.624 Road Acceptance by the County: Roads that are built to the standards outlined in this ordinance and that are maintained in that condition by the developer or home owner's association for a period of one (1) year from the date of certification will be considered for acceptance into the county road system. Roads that are paved under County Road Department supervision will be given priority for acceptance into the county road system.

## **ARTICLE VII UTILITIES AND DRIVEWAYS**

S3.700 Water: When the Fannin County Land Development officer determines that public water is within a distance of one thousand (1,000) feet of the subdivision, the developer shall be required to extend the water system into his development at his expense with the approval of the appropriate water authority. The water extension shall be approved by the Georgia Department of Natural Resources, Environmental Protection Division and installed according to the standards set by the utility. Each subdivision that uses public water shall at a minimum have one fire hydrant at the entrance to the subdivision and one every one thousand (1000) feet using six (6) inch pipe.

A private water system for in excess of fourteen (10) lots shall be approved by the Department of Natural Resources and installed using generally accepted construction practices. A private water system, at a minimum, shall have one centrally located fire hydrant and shall comply with the ownership and maintenance provision outlined in Article XI of this Chapter.

When a water main is located in a street right of way and it will be necessary to cut into the street surface to serve abutting lots, all connections shall be stubbed out to the property line to serve each lot before the street base is applied.

S3.701 Electric and Telephone Systems: The developer is encouraged to contact the electric co-op and telephone company during the design phase of the subdivision to work out the details of where the service lines will be run.

S3.702 Slopping of the Driveways: Any developer or individual installing a driveway that will connect to either a public or private road shall make such a connection so as to prevent runoff from said driveway onto the public or private road. The installation shall be done so that the driveway is an extension of the slope of the public or private road for a minimum of five (5) feet.

S3.703 Notification to the Land Development Office: Any developer or individual installing a driveway shall notify the Fannin County Land Development Office, in writing, in advance of said installation. A driveway that will be installed in conjunction with the construction of a building can be so noted on the application for a building permit and the same shall be deemed written notice to the Fannin County Land Development Office.

S3.704 Period for Inspection: The Fannin County Land Development Office shall have a period of sixty (60) days from the date of the written notice or application to inspect said driveway and determine if the installation, sloping or angle of the driveway is such that it forms an extension of the slope of the public or private road in a manner so as to prevent run off from the driveway onto the public or private road.

S3.705 Notification of Non-Acceptable Driveway: The Fannin County Land Development Office shall notify the party or individual named on the building permit application or the individual who provided written notification of the installation of the driveway of any factors of non-acceptability in writing, via certified mail, together with the modifications that would need to be made in order to comply with the designated goal of preventing run off onto the public or private road.

S3.706 Responsible Party for Modifications: The developer or individual installing said driveway shall be solely financially responsible for the installation of said driveway in a manner that conforms with this ordinance. In the event that the title to the property has changed from that of the installing individual or entity, the original installing party shall be responsible for the required modifications.

## **ARTICLE VIII** **MAINTENANCE SECURITY**

S3.800 Security Required: All public improvements which are to be dedicated to Fannin County shall be maintained by the developer for the period of one (1) year after the final plat approval by the County Land Development Officer. The developer shall be required to post a surety bond or letter of credit with the Fannin County Board of Commissioners in the amount of ten percent (10%) of the cost of the improvements being dedicated to the county to insure the faithful maintenance of said installations and improvements.

If, upon proper notification of failure of the dedicated improvements, the subdivider does not correct the deficiency or commence work within ten (10) days of notice, it shall be deemed to be a failure of the security, and the Fannin County Board of Commissioners shall have the right to make the necessary repairs, either by public work or by private contract, and the surety shall be liable for the full amount of the cost of said repairs.

If after a period of one (1) year the Fannin County Board of Commissioners finds the dedicated improvements are holding with only normal wear and tear, the maintenance security shall be released.

## **ARTICLE IX** **PERFORMANCE SECURITY**

S3.900 Purpose: In lieu of the completion of the required improvements necessary for final plat approval, the Fannin County Board of Commissioners may accept a bond or letter credit in a form and amount satisfactory to them, providing for and securing to the County the actual construction and installation of such improvements within a specified period of time, not to exceed one year.

S3.901 Letter of Credit Requirements: The developer shall provide to the County Land Development Officer from a bank or other reputable institution, subject to the approval of the Fannin County Board of Commissioners, a letter of credit using the forms which follow. This letter shall be deposited with the Clerk of the Superior Court and shall certify the following:

1. The creditor does guarantee funds in an amount equal to the cost, as estimated by the developer and approved by the Fannin County Board of Commissioners, of completing all required improvements.
2. That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the Fannin County Board of Commissioners immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.
3. That the letter of credit may not be withdrawn, or reduced in amount, until released by the Fannin County Board of Commissioners.

S3.902 Time Limits: Prior to the granting of the final plat approval, the developer and the County Land Development Officer shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed one (1) year from the date of Final Plat approval.

S3.903 Release of Guarantee: Upon acceptance by the appropriate official of the dedication of the final portion of the improvements, the Fannin County Board of Commissioners shall authorize the release of the letter of credit.

## FANNIN COUNTY, GEORGIA

### LETTER OF CREDIT-DEVELOPERS FORM

WHEREAS \_\_\_\_\_, Principal herein, is the owner and developer of the \_\_\_\_\_ Subdivision, Unit \_\_\_\_\_, located in Fannin County, Georgia; and

WHEREAS the Preliminary Plat plans and specifications of said Subdivision showing the location, construction, and installation of improvements therein have been filed with and approved by the Fannin County Board of Commissioners, and which are hereby referred to and made part of this instrument, as if fully copied and set forth herein; and

WHEREAS the Principal herein does hereby obligate itself and does agree to complete the construction and installation of said improvements in the said Subdivision in accordance with the said Preliminary Plat plans and specifications now on file, and as bounded and modified by the final plat of \_\_\_\_\_ Subdivision, Unit \_\_\_\_\_, approved by said Commission.

NOW THEREFORE, \_\_\_\_\_, as Principle does hereby firmly bind itself, its heirs, executors, administrators, successors and assigns unto the Fannin County Board of Commissioners in the sum of \$ \_\_\_\_\_ conditioned upon \_\_\_\_\_ Subdivision, Unit \_\_\_\_\_, in the construction and installation of all improvements to be completed on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and upon the completion thereof this obligation to be null and void, otherwise to remain in full force and effect.

If the Principle fail to complete the construction and installation of all the improvements of said Subdivision as shown and provided for by said plans and specifications herein referred to or has not obtained an extension of the above completion date prior to the completion date herein above specified, the

Fannin County Board of Commissioners shall be entitled to perform the construction and installation of the improvements herein above referred to and the Principle shall pay or cause to be paid to the Fannin County Board of Commissioners such sums as may be necessary to complete said improvements, as secured by an irrevocable Letter of Credit, terminating no sooner than \_\_\_\_\_ weeks after the completion date for said improvements above mentioned, executed with this instrument, but not to exceed the amount referred to herein.

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
(Signature) (Address)

\_\_\_\_\_  
(Printed Name)

**FANNIN COUNTY, GEORGIA**  
**LETTER OF CREDIT-CREDITORS FORM**

\_\_\_\_\_, 20\_\_\_\_

Fannin County Board of Commissioners  
Fannin County Courthouse  
Blue Ridge, Georgia 30513

We hereby establish an irrevocable and unconditional Letter of Credit in your favor for the account of \_\_\_\_\_, for a sum or sums not exceeding \$\_\_\_\_\_ available by your draft or drafts on us at sight.

Drafts drawn pursuant to this Letter of Credit or guaranty must be accompanied by a statement signed by your authorized agent stating that the amount of the draft is due for the construction and installation of the improvements in \_\_\_\_\_, Fannin County, Georgia, under the terms of the Performance Bond executed by \_\_\_\_\_ to you on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Partial drawings are permitted, but the combined draws cannot exceed the amount of this Letter of Credit. This Letter of Credit shall terminate upon the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

All drafts drawn hereunder must be marked "Drawn under \_\_\_\_\_ of \_\_\_\_\_, Letter of Credit dated \_\_\_\_\_, 200\_\_\_\_."

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of the Letter of Credit that the same be duly honored if presented to us before the termination hereof as above provided.

The amount of each draw shall be inscribed on the back hereof, and this Letter of Credit must itself be attached to any draft which exhausts the full amount of the credit set forth in the first paragraph above.

This Letter of Credit shall be assignable.

Very truly yours,

\_\_\_\_\_

\_\_\_\_\_  
(Name of Bank)

By: \_\_\_\_\_  
(Title)

### **ARTICLE X VARIANCES**

**S3.1000 Variances:** Where there is a written request from the subdivider, developer, or individual property owner outlining the particulars on how strict compliance of these regulations would cause him extraordinary or unnecessary hardships, the subdivider, developer, or individual may apply to the Fannin County Board of Commissioners or such body as it may by appropriate resolution indicate, to vary certain parts of the regulations of this Ordinance, provided that such variance will not have the effect of nullifying the intent and purpose of the regulations and provided the public interest, health, safety and general welfare is protected.

### **ARTICLE XI**

### **PROTECTIVE COVENANTS & RESTRICTIONS or PROPERTY OWNERS ASSOCIATION REQUIRED FOR COMMONLY OWNED AREAS IN PRIVATE DEVELOPMENTS**

**S3.1100:** For each development or subdivision created in Fannin County, Georgia, an agreement setting forth Restrictions, Covenants and, if deemed appropriate by the developer, provisions for a Property Owners Association shall be recorded in the Office of the Clerk of the Superior Court for Fannin County, Georgia. The Restrictions and Covenants or if created, the Property Owners Association shall establish the legal responsibility for the maintenance of the roads which service the development and all commonly owned property. Easements granting access for individuals and utilities shall also be set forth. Said document is to be delivered to the County Attorney, in recordable form, together with A) the cost of recording, B) the review fee, and C) an otherwise fully executed plat, whereby subsequent to review, the document and the plat can be simultaneously delivered to the office of the Clerk of the Superior Court of Fannin County, Georgia for recording.

### **FANNIN COUNTY, GEORGIA PERMIT**

### **LAND DISTURBING ACTIVITY**

**\*\*\* THIS PERMIT IS GOOD FOR ONE YEAR FROM THE DATE OF ISSUANCE AND CAN BE RENEWED UPON APPLICATION TO THE LAND DEVELOPMENT OFFICE.**

---

Permit Number \_\_\_\_\_ Date Issued \_\_\_\_\_ Date Expired \_\_\_\_\_

Permittee: \_\_\_\_\_ Activity: \_\_\_\_\_

---

Street \_\_\_\_\_ P.O. Number \_\_\_\_\_ Street \_\_\_\_\_ E911 Number \_\_\_\_\_

---

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

In accordance with the provisions of the Fannin County Soil Erosion and Sedimentation Control Ordinance and the Land Development Ordinance, this permit is issued for the land disturbing activity as recorded and presented on the attached Approved Erosion and Sediment Control Plan which is hereby made a part of this permit.

This permit is subject to modification or revocation on a finding of non-compliance with any of the provisions of the Soil Erosion and Sedimentation Control Ordinance or the Land Development Ordinance or with any representation made in the application or the statements and supporting data entered therein or attached thereto.

This permit is effective from the date issued until the completion of the aforementioned land disturbing activity. This Permit is good for one year from the date of issue and can be renewed upon application to the Land Development Office.

The permittee shall comply with the conditions included in the following "General Permit Conditions".

---

Fannin County Land Development Officer

### **GENERAL PERMIT CONDITIONS**

- A.) Unless otherwise exempted, persons engaged in land disturbing activities shall apply erosion and sediment control measures which conform to the specifications contained in the publication entitled "**MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA**", published by the State Soil and Water Conservation, or shall apply alternative design criteria which are equivalent and which conform to sound conservation and engineering practices.
- B.) Practical combinations of the following requirements shall be utilized, as a minimum, in any land disturbing activity:
  - 1.) Stripping of vegetation, re-grading and other development activities shall be conducted in such a manner so as to minimize erosion.
  - 2.) Cut-fill operations shall be kept to a minimum.
  - 3.) Erosion and sediment control plans shall conform to topography and soil type so as to create the lowest practical erosion potential.
  - 4.) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
  - 5.) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
  - 6.) Disturbed soil shall be stabilized as quickly as practicable.



- 7.)Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- 8.)Permanent vegetation, and erosion and sediment control structures shall be installed as soon as practicable.
- 9.)To the extent necessary, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar structures until the disturbed area is stabilized.
- 10.)Adequate provisions shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of hills.
- 11.)Cuts and fills shall not endanger adjoining property.
- 12.)Fills shall not encroach upon the natural watercourses or constructed channels in a manner that adversely affects other property owners.
- 13.)Grading equipment shall cross-flowing streams by the means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossing are kept to a minimum.
- 14.)All erosion and sediment control measures, whether temporary or permanent, shall be maintained by the permittee.
- 15.)Hazardous sediment basins and floodwater retention structures shall be fenced and posted to avoid danger to life or property.

**APPLICATION FOR LAND DISTURBING ACTIVITY  
PERMIT**

Fannin County Land Development Office  
 Fannin County Courthouse  
 Blue Ridge, Georgia 30513

**INSTRUCTIONS:** An application for a permit must include the applicants Erosion and Sediment Control Plan and must be factual and complete. Upon completion, the application must be submitted in triplicate to the above shown address.

Pursuant to the requirements of the Fannin County Soil Erosion and Sediment Control Ordinance and the Fannin County Land Development Ordinance, the undersigned hereby applies for a permit for the land disturbing activity as indicated hereon and represented by the attached plans.

Property Owner	Telephone Number
Authorized Representative/Applicant	Telephone Number
Address (owner)	Activity Name
City State Zip Code	Activity Address
Georgia County of Residence	Location    Zip Code

**CHAPTER IV**

# ACCESS CONTROL

## ARTICLE I PURPOSE

S4.100 Purpose: In order to expedite the movement of traffic, to promote the safety of the motorists and pedestrians, and to minimize traffic congestion and conflict, it is necessary to regulate the points of vehicular access to public roads. To accomplish this goal the following standards shall apply to access control points in Fannin County.

S4.101 Access Plans Required: All commercial and industrial establishments and residential complexes of four (4) or more dwelling units must file an access plan with the Fannin County Land Development Officer when applying for a building permit. The plan shall contain the information required in S4.102 and shall meet the minimum standards outlined in this Chapter.

S4.102 Access Plan Requirements: An access control plan shall be drawn to scale and shall contain the following information:

1. The street name, right of way, surface width and surface type of the road from which access is desired.
2. The desired point of access in relation to property lines, and any existing access points within five hundred (500) feet in both directions of the desired access point on both sides of the road.
3. The drainage system of the road from which access is desired within five hundred (500) feet in either direction of the point of access and how the proposed access will drain into the road drainage system.
4. The distance of sight in each direction from the point of access for a distance of five hundred (500) feet.
5. The design of the access point to include the width, alignment and surface type.

S4.103 General Access Regulations:

Rural Access Regulations:

1. The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the County Land Development Officer may approve a wider channeled access points to allow various turning movements for greater traffic control and safety.
2. Temporary access ways may be granted by the County Land Development Officer at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.
3. No off street vehicular storage or parking area shall be allowed where arrangement requires that vehicles back directly into a public right of way.
4. In all commercial developments where a lot abuts more than one street, the County Land Development Officer may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street.
5. Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past gasoline pumps. This is regardless of lot width or street classification provided the required plan is approved by the County Land Development Officer.
6. In order to limit the number of individual access points to an arterial or collector street, the County Land Development Officer shall encourage and may require the development of frontage roads and inter connecting interior circulation drives.
  - a. Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties.

Frontage roads may be required to provide safe and efficient public access to individual properties eliminating the traffic congestion that would be caused if each parcel had its own access onto the arterial or collector street. Access points between the frontage road and the main thoroughfare shall be no closer together than five hundred (500) feet and no closer together than three hundred (300) feet (measured along the street right of way) along collector streets. All frontage roads shall be built to the standards specified in Chapter III of this Ordinance and shall be dedicated as public streets. Access requirements for property served by a frontage road shall be the same as for property fronting a minor street (i.e., at least one hundred (100) feet apart) except that the County Land Development Officer may also allow a regrouping of access points onto the frontage road in accordance with an approved site plan which does not destroy the intent of these access control provisions.

- b. Interior drives are needed in large developments that require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular traffic, parking, loading and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development and a series of developments. The county Land Development Officer shall encourage and may require that the interior circulation drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one to the other. All circulation drives shall be clearly defined and marked appropriately with arrows, etc. to assist public circulation into and out of the property and its parking areas.

An area of land not less than ten (10) feet deep shall be provided between the public street right of way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be landscaped and grassed. The County Land Development Officer shall approve the width, placement and design of frontage roads and interior circulation drives.

S4.104 Specific Access Points for State Highways: All lots having between one hundred (100) and three hundred (300) feet of frontage shall have no more than one (1) point of access to a State Highway. For lots with over three hundred (300) feet of frontage, additional access points shall be allowed provided they are spaced at least three hundred (300) feet apart from each other and from the first access point. For developments generating high overall or high peak traffic volumes, the County Land Development Officer may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting a State Highway has less than one hundred (100) feet of frontage, the County Land Development Officer shall first attempt to obtain joint access with either adjacent property or access onto a frontage road. If this is not feasible, one single access point may be allowed and should be located with consideration to the distance to the access points on the adjacent lots.

## **CHAPTER V**

### **LAND USE RESOLUTION ADMINISTRATION**

#### **ARTICLE I**

#### **DEVELOPMENT OFFICER CREATION, DUTIES, PERMITS REQUIRED AND POWERS**

S5.100 Creation of Land Development Officer: The Fannin county Land Development Ordinance shall be administered by the Fannin County Land Development Officer. The Land Development Officer shall be appointed by and report to the Fannin County Commission Chairman. The Land development Officer shall coordinate his activities with the County Health Department Sanitarian, Tax Assessor, County Commission Chairman and all other interested parties.

S5.101 Duties of Land Development Officer: The duties of the Fannin County Land Development Officer shall be as follows:

1. Review and approve/disapprove all subdivisions of land defined in Chapter II of this Ordinance.
2. Coordinate the review of all soil erosion and sediment control plans, issue land disturbing permits and inspect the on site erosion control measures.
3. Review and approve/disapprove access permits as required in Chapter VII of this Ordinance.
4. Review and issue building permits.
5. Review and approve/disapprove mobile home parks.
6. Issue non-compliance and stop work orders.
7. Regulate flood plain usage and building in the flood plain.
8. Inspect mobile homes for compliance with their governing rules and regulations.
9. Solid waste and litter control rules and regulation enforcement.
10. Driveway Ordinance enforcement and permit issuance.

S5.102 Development Permits Required: This Ordinance will be administered through the use of development permits. The Fannin County Land Development Officer will issue all of the permits except the septic tank permit. A permit fee, in an amount established by the county Board Of Commissioners, shall be charged to partially defray the cost the County incurs in administering this ordinance.

**ALL PERMITS MUST BE PROPERLY DISPLAYED ON THE BUILDING SITE.**

The permits required in:

1. Soil Erosion Plat:
  - a.) Land Disturbing permit;
2. Preliminary Plat:
3. Final Plat
4. Access permit:
5. Building permit:
6. Mobile Home Park certificate:
7. Septic Tank permit:

S5.103 Powers of Land Development Officer-Enforcement of the Ordinance: Enforcement of the within ordinance shall be the responsibility of the Fannin County Land Development Office. The Fannin County Land Development Officer shall have the authority to enter, at reasonable times, upon any property, public or private. For the purpose of inspecting said site for conducting such investigations as may be deemed reasonably necessary to carry out his/her duties. The Land Development Officer shall provide his/her name and position to any owner present and state his/her purpose or in the event that no owner is present, to the supervisor of the project, if present.

S5.104 Non Compliance:

a.) Notification: In the event that the Fannin County Land Development Officer determines that there has been a violation of the within Ordinance, he shall so notify the property owner of the violation. Said notification shall be provided verbally if the owner is present at the time that the violation is identified. Said notification shall be supplied by means of a telephone call in the event that the owner is not present. Said notification shall be supplemented by a written notification to the owner forwarded to the name on the building permit, preliminary plat or as appearing on the tax records of the Tax Assessors of Fannin County, Georgia. Said notice shall be forwarded via certified mail, return receipt requested. A log of verbal or telephone notices shall be maintained by said office. A copy of any notification, together with the receipt for mailing and receipt of claiming of certified mail shall be maintained by the Office. In the event that any mailing is returned unclaimed the same shall be maintained by the Office unopened, as the same was returned from the United States Post Office.

Said notice shall further provide:

- i) The period of time for the correction of the violations;
- ii) The measures required to correct the violations;
- iii) The citation resulting from said violations;
- iv) The fine that will result from failure to correct the indicated violations;
- v) Any stop work order;
- vi) A statement that each day that the violation continues can be deemed to be a separate and ongoing offense.

b.) Stop Work Order: The Fannin County Land Development Officer shall be authorized to issue a "Stop Work Order". Said order shall be given in the manner outlined in S5.104 (a). A "Stop Work Order" can be delivered verbally and be immediately effective. Said verbal "Stop Work Order" must be followed with written notification.

c.) Citations. The Fannin County Land Development Office is authorized to impose citations for failure to comply with the terms of this Ordinance. A fine of up to two hundred and fifty dollars (\$250.00) per day for each violation incurred in connection with the construction of a single family dwelling, which is being done either by the individual owner or by a contractor under contract with the owner, may be imposed. A fine of up to one thousand dollars (\$1,000) per day per violation involving land disturbing/land development activities other than those set forth for single-family individual owner construction and agriculture uses. Failure to obtain a Building Permit prior to beginning construction will result in a fine equal to ten (10) times of the Building Permit fee. The Chairman of the Fannin County Board of Commissioners shall be notified before any fine is levied or imposed. The Fannin County Land Development Officer shall provide written notification (according to the same procedure outlined above) to the property owner of the imposition of any citation. Said notice shall also contain written notification of the right of appeal and the procedure for appeal.

S5.105 Appeal:

- a.) Any individual or entity who is notified of the assessment of a citation or the imposition of a stop work order shall have thirty days from the date of said notice to appeal the same to the Fannin County Board of Commissioners. The date of notification shall be from the date of receipt of the required certified mailing or from the date of last notification in the event that the same is not claimed. Said request for appeal shall be delivered in writing to the Office of Land Development and to the Office of the Board of Commissioners. The Land Development Office shall be responsible for scheduling a hearing on the appeal, which hearing shall be held within forty five (45) days of the date of the notification of the appeal. The Land Development Officer shall coordinate said hearing with the Clerk of the Board of Commissioners of Fannin County, Georgia. Said hearing may be held prior to, subsequent to, in conjunction with a regularly scheduled meeting of the Board of Commissioners of Fannin County, Georgia, or at any meeting specially called for said purpose. The Land Development Office shall supply written notification to the property owner, in accordance with the notification procedures set forth above. Said notification shall be provided to the individual or entity not less than twenty (20) days prior to said hearing.
- b.) At said hearing the Land Development Officer will present the case for the imposition of a fine and any stop work order. The individual or entity will present any case for vacating of the imposition of any fine or stop work order. Both sides may be represented by counsel and witnesses may be heard. The Board of Commissioners shall make a ruling, which shall be supplied to the individual or entity in writing.
- c.) Any individual or entity shall have the right to appeal the decision of the Board of Commissioners de novo to the Superior Court for Fannin

County, Georgia. Said appeal shall be filed within forty-five days from the date of notification of the decision of the Board of Commissioners of Fannin County, Georgia.

S5.106 Levy:

- a.) Any individual or entity not exercising the right of appeal set forth in Section S5.105 of this Chapter shall have sixty (60) days from the date of assessment to remit said fine to the Land Development Officer of Fannin County, Georgia. Said fine shall be payable to Fannin County, Georgia.
- b.) Any individual or entity not exercising the right of appeal from the decision of the Board of Commissioners of Fannin County, Georgia, as set forth above, shall have forty five (45) days from the date of notification of the decision of the Board of Commissioners to remit said fine to the Land Development Office of Fannin County, Georgia. Said fine shall be paid in cash, check or certified check or money order and in the case of check shall be made payable to Fannin County, Georgia.
- c.) In the event that the fine is not paid within the indicated period, the Fannin County Land Development Officer shall place a “Notice of Levy” on the deed records of Fannin County, Georgia, which notice shall set forth the name of the property owner, the source of title (deed book and page), the date of the fine, the date that the right of appeal expired, and the amount of the fine.

## **CHAPTER VI**

### **LEGAL**

#### **ARTICLE I VARIANCES**

When a developer feels that special circumstances or conditions are peculiar to his property, he may request that he be given a variance from certain standards in the Land Development Ordinance.

The developer shall make the request for a variance to the Fannin County Development Officer. The Officer shall make a study of the variance request and make a recommendation, in writing, to the Fannin County Board of Commissioners who shall have the authority to grant the variance.

#### **ARTICLE II VALIDITY**

If any section, subsection, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

#### **ARTICLE III LIABILTY**

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

#### **ARTICLE IV**

## PUBLIC NOTICE

Two public hearings shall be held on the adoption of all proposed amendments to this Ordinance. The notice of the time, date and place of the hearing shall be published in the newspaper of general circulation within the County. The public hearing must be advertised at least fifteen (15) calendar days prior to the public hearings.

### Article V LEGAL PENALTIES

The Fannin County Land Development Officer, or his authorized designee, shall have the authority to:

- 1) **Inspection.** Subject to constitutional limitations, enter or inspect any building, land, structure or premises in the county for the purpose of inspection of the land or premises associated therewith for the purpose of ensuring compliance with the provisions of all codes and ordinances of the county; provided, however, that:
  - a. Efforts shall be made to conduct inspections during normal business hours, if practicable, or unless, in the discretion of the code land development officer, an emergency is deemed to exist
  - b. All Land Development personnel shall present themselves, if necessary, to gain entrance or access to the property, at the front door or entrance in order to identify themselves prior to accessing the premises. The Land Development Officer shall present official identification upon reasonable request.
  - c. The Land Development Officer will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he/she shall be deemed in violation of this article.
  - d. The issuing authority, Fannin County, or its designated officers and representatives, including the Fannin County Land Development Officer; employees of the Georgia Department of Natural Resources, the Soil and Water Conservation District governing Fannin County, Georgia, or such other designee of the shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigation and inspecting the sites of land disturbing activities.
  
- 2) ***Withholding Permits.*** The Land Development Officer is authorized to withhold the issuance of building permits or to refuse approval of a plan to any building contractor, developer or property owner, until such time as such contractor or person has resolved satisfactorily all outstanding violations from previously issued permits with the inspection department.
  
- 3) ***Enforcement.*** Upon ascertaining, being advised by another department or citizen, or believing that a violation of any portion of this code or ordinance exists, the Land Development Officer shall cause a written notice to be directed to the owner of the property or such other

appropriate representative, unless in the opinion of the Land Development Officer an emergency is deemed to exist.

- a. The notice shall state the following:
  1. The owner or controller of the property.
  2. The location, including district, land lot and parcel.
  3. Nature of the violation and penalties, if applicable.
  4. A provision for rectifying the violation without further proceedings.
  5. A time frame for compliance.
  6. A date for re-inspection for compliance or mechanism for rescheduling an inspection, as applicable.
- b. Following the expiration of the time set forth in the notice, the Land Development Officer shall cause a re-inspection to be performed.
- c. If the violation has not been remedied, the Land Development Officer shall issue a citation to the owner of the property and/or the responsible party, or refer the matter to the county attorney's office for their handling in accordance with the applicable code section or ordinance.
- d. If the Land Development Officer believes that an emergency is deemed to exist such that imminent harm or peril to life or property is likely or is authorized by the Code or ordinances, the Land Development Officer shall be authorized to immediately refer these matters, without notice to the owner, to the county attorney for immediate action as set forth under the applicable Code section or ordinance.
- e. In any matter where a court order was previously rendered regarding a similar subject matter, the Land Development Officer shall immediately issue a citation without the necessity of another notice.
- f. A notice described in this section shall be effective against the person noticed, for substantially the same violation for a period of one year from the issuance of the notice.

#### *4. Penalties and Fines*

*a. Failure to obtain a permit for land disturbing activity.* If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this article without first obtaining the permit, the person shall be subject to revocation of any previously issued building permits for other projects or such activity may result in the withholding of future permits.

*b. Stop work orders.* For the first and second violations of the provisions of this article, the Land Development Officer shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the issuing authority shall issue a stop work order requiring that land disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land disturbing activities are conducted without obtaining the necessary permit, the Land Development Officer shall issue an immediate stop work order in lieu of a warning; for a third and each subsequent violation, the director or issuing authority shall issue an immediate stop work order; and all stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.



c. *Notice of noncompliance.* If, through inspection, it is determined that the person engaged in land disturbing activities has failed to comply with the approved plan or failed to comply with the applicable general design principles of best management practices, a written notice to comply shall be served upon that person. The notice shall set forth the measures to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and deemed to have forfeited any required performance security if required to post one. The issuing authority (Fannin County) may call the performance security or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

d. *Civil monetary penalties.* Any person violating any provision of this article, permitting conditions or stop work order shall be liable for a civil penalty or fine not to exceed \$2,500.00 per day, but in no event less than \$250.00. There shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and there shall be a minimum penalty of \$1,000.00 per day for each day for each violation involving land disturbing activities other than as provided above. Each day the violation continues shall constitute a separate offense. Any civil penalties imposed pursuant to this article shall be payable to the county, shall commence on the date of issuance of any stop work order or other notice of noncompliance and shall not be affected by the filing of any appeal; however, an appellant may, upon filing an appeal, post an appeal bond with the issuing authority in an amount equal to double the cost of any and all corrective work to be determined by the issuing authority; further, any civil penalty imposed pursuant to this article may, at the discretion of the issuing authority, be waived or reduced if, in the discretion of the issuing authority, the violator has taken sufficient and timely curative and corrective action. No inspections, certificate of occupancies, building permits or soil erosion permits will be granted to any person who has an outstanding fine for violating this article. Any person who violates any provisions of this article, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this article or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. Each day that the violation shall be and is deemed to be a separate offense.

d. *Alternative penalties.* Any violation of this article may also be enforced by a citation or accusation returnable to the magistrate court of the county. Notwithstanding any limitation of law as to penalties, which can be assessed for violations of county ordinances, the magistrate court of the county shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day the violation continues shall constitute a separate offense. In the event that the fines that would be imposed in the event that the citation or accusation was upheld by the Court, then the citation or accusation may be returnable to the Superior Court of the County.

e. *Criminal misdemeanor.* Any user that willfully or negligently violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than six (6) months or both.

f. *Remedies nonexclusive.* The provisions in sections are not exclusive remedies. Fannin County reserves the right to take any, all, or any combination of these actions against a noncompliant property owner / developer / individual. Fannin county reserves the right to take other action against any property owner/ developer/ individual when the circumstances warrant. Further, Fannin County is empowered to take more than one enforcement action against any noncompliant owner / developer / individual. These actions may be taken concurrently.

## **CHAPTER VII**

### **ARTICLE I COMMERCIAL PROPERTIES**

S7.100 Commercial: Persons developing real estate for commercial purposes in the unincorporated areas of Fannin County must comply with all State and Federal laws on set backs from streams, the local ordinances on set backs from property lines and road right of ways, and any other requirements in the Fannin County Land Development Ordinance which may apply.

## **CHAPTER VIII**

### **TO PROTECT THE MOUNTAINS OF FANNIN COUNTY, GEORGIA**

#### **ARTICLE I PURPOSE**

The mountains of Georgia are characterized by steep slopes, thin soils, and, because of the natural stresses placed on such environments, they require special protection. Land disturbing activity on the high elevation, steep Slope Mountains of Georgia potentially threatens the public health, safety, welfare and economic progress of the state. Such land disturbing activity:

1. may endanger the quality of surface water by increasing erosion and stream sedimentation;
2. has the potential to induce land slides;
3. has the potential to adversely affect ground water due to the difficulty in providing proper sewage disposal in areas of steep slope and high elevation;
4. may damage the habitat for some species of wildlife (both plants and animals); and
5. may detract from the mountain's scenic and natural beauty, which is vital to the recreation and tourism industry of North Georgia.
  - a. Purpose: The purpose of this Chapter is to establish measures to guide future growth and development in the areas within protected mountains as defined herein.
  - b. Authority: This Ordinance is enacted pursuant to the authority contained in Article 9, Section 2, Paragraph 1 and Article 9, Section 2, Paragraph 3 of the Georgia Constitution, and O.C.G.A. 12-2-8(b), 50.8.7.1(b), and 50-8-2(a) (18)(B).
  - c. Jurisdiction: This Ordinance shall apply to the unincorporated areas of Fannin County and to any incorporated area electing to adopt this ordinance.
  - d. Cite: This Ordinance shall be known as "Mountain Protection Ordinance as Incorporated in the Land Development Ordinance".
  - e. Interpretation: This ordinance shall be interpreted in conjunction with Federal, and State rules, regulations and laws, and other Fannin County Ordinances contained or referenced herein.

## **ARTICLE II ESTABLISHMENT OF A PROTECTED MOUNTAIN DISTRICT**

The Mountain Protection District is hereby designated and shall comprise all land area within the jurisdiction of Fannin County, Georgia, that is two thousand two hundred (2,200) feet or more above mean sea level that has a percentage slope of twenty five (25) percent or greater for at least five hundred (500) feet horizontally. The district shall also include the crests, summits, and ridge tops which lie at elevations higher than any such area. This district shall be further defined and delineated on the Mountain Protection District Map. The map is hereby incorporated into and made a part of this ordinance by reference.

## **ARTICLE III PROTECTION CRITERIA**

1. Proposed land disturbing activity shall meet all applicable requirements of the “Erosion and Sedimentation Act of 1975 as amended”, and all applicable local ordinances on soil erosion and sedimentation control.
2. When one or more septic tanks are to be used for individual sewage disposal, the proposed land disturbing activity shall meet all applicable requirements imposed by the local governing authority and the State regulations.
3. Where one or more wells are to be used for individual water supply, the proposed land disturbing activity shall meet all applicable requirements of the “Water Well Standards Act of 1985”; the requirements of the rules and regulations of the Department of Human Resources regarding individual or nonpublic wells; [and, any more stringent requirements imposed by the local governing authority].
4. If sewage treatment is to be provided by any means other than one (1) or more individual septic tanks, the sewage treatment shall meet all applicable requirements of the “Georgia Water Quality Control Act”.
5. If a public water supply system is to be provided, the water supply system shall meet all applicable requirements of the “Georgia Safe Drinking Water Act of 1977”.
6. Single family dwellings shall not be constructed at a density of more than one (1) per acre and no such acre shall be less than one hundred (100) feet wide at the building site. This density restriction shall **NOT** apply to:
  - a. Any lot of less than one (1) acre, if such a lot was, as of the date of the initial adoption of this ordinance, owned and described as a discrete parcel of real property according to the instrument of title of the person or persons owning the lot on said date.
  - b. Any lot of less than one (1) acre, if such lot was, as of the date of the initial adoption of this ordinance, shown as a discrete parcel of real property on a

- plat of survey properly recorded in the real property records of the Clerk of the Superior Court by the person or persons owning the lot on said date.
- c. Any land, or part of any land, which was contained in or subject to any master plan, planned unit development plan, special approved development plan, or any other development plan if such plan was filed with and approved by the local governing authority prior to the date of the initial adoption of this ordinance, pursuant to a duly enacted planning and zoning ordinance; provided further, that any such planning and zoning ordinance must have provided for rules and procedures and governed lot sizes, density, types of buildings, and other limitations usually associated with the implementation of local zoning ordinances.
7. Multi-family dwellings, in the absence of a public water supply and sewerage system, shall not be constructed at a density of more than four dwelling units per acre. If there is a public water supply and sewage system available to this property, then the density may be increased to no more than six (6) dwelling units per acre. Regardless of what type of system, no such acre shall be less than one hundred (100) feet wide at the building site.
  8. Structures shall not extend more than forty (40) feet, as measured from the highest point at which the foundation of such structure intersects the ground, above the uppermost point of the crest, summit, or ridge top of the protected mountain on which the structure is constructed. This height restriction shall not apply to water, radio, or television towers; to any equipment for the transmission of electricity, to minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires; or to windmills.
  9. Any application for a building permit to construct a commercial structure shall contain a detailed landscaping plan. Such landscaping plan:
    - a. Shall identify all trees which are to be removed that exceed eight inches in diameter as measured at a point on the tree four and one half (4 ½) feet above the surface of the ground; and
    - b. Shall contain a plan for replacement of any such trees that are removed.
    - c. Shall include a topographical survey of the project site and an assessment of the effect that the project will have on the environment of the protected mountain after the project has been completed and is in operation.
    - d. Nothing in Article III.9 shall be construed to require commercial structures to comply with the density provisions of Article III.6 and Article III.7 cited above.
  10. No person engaging in land disturbing activity shall remove more than fifty (50) percent of the existing trees that exceed eight (8) inches in diameter as measured at a point on such tree four and one half (4 ½) feet above the surface of the ground, unless such person has filed with the application a plan of reforestation developed by a registered forester.
  11. Handling areas for the receiving and storage of hazardous waste are prohibited from protected mountains.
  12. Hazardous waste or solid waste facilities are prohibited from protected mountains. Disposal facilities permitted by the Environmental Protection Division prior to the promulgation of a Mountain Protection Plan shall be exempt from this criterion.
  13. All roads on protected mountains shall be designed and constructed to minimize the potential for landslides, erosion, and runoff.

## **ARTICLE IV EXEMPTIONS**

- A. Agriculture and forestry on protected mountains provided that:

1. Agriculture and forestry activities are consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission;
2. Agricultural and forestry activities are consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

B. Mining activity on protected mountains if such activity is permitted by the Department of Natural Resources.

## **ARTICLE V ADMINISTRATION AND ENFORCEMENT PROCEDURES**

A. **SITE PLANS:** Application for a local development permit within the Mountain Protection District shall include a site plan, drawn at a scale of one (1) inch equals fifty (50) feet (1"=50') by a registered land surveyor or professional engineer licensed by the State of Georgia, with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross sectional drawing.
2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200) feet.
4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
5. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two (2) feet; and no greater than one (1) foot for slopes less than or equal to two (2) percent.
6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
7. All proposed temporary disruptions or diversions of local hydrology.
8. The site plan shall contain a surveyor's or engineer's certification that the project site is or is not located within a Water Supply Watershed District, a Wetlands Protection District, the River Corridor Protection district or the Mountain Protection District, as applicable.

B. **ACTIVITIES TO COMPLY WITH SITE PLAN:** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Land Development Officer or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

C. **EXEMPTIONS TO SITE PLAN REQUIREMENTS:** The following activities and developments are exempt from the requirement for detailed site plans:

1. Repairs to a facility that is part of a previously approved and permitted development.

D. POWERS OF LAND DEVELOPMENT OFFICER: The Land Development Officer shall have the power to enforce the provisions of this Ordinance. He/she shall have the authority to issue stop work orders and cite/fine violators of the Ordinance.

The Land Development Officer shall have the power to conduct investigations as reasonably deemed necessary to carry out his/her duties of enforcing this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the site.

E. REVIEW PROCEDURES: The application shall be made to the Land Development Officer or designated appointee and will be reviewed within forty-five (45) days. At the time of the application, the applicant shall pay a filing fee as specified by Fannin County. Filing fees up to the larger of five hundred (500) dollars or one hundred (100) dollars per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determination, as deemed necessary by the Land Development Officer or designated appointee. The review period shall include the preparation of findings (approval, approved with conditions, or disapproval) by the Land Development Officer or designated appointee. The applicant will receive written notification of the findings of the Land Development Officer or designated appointee. If the review process is not completed within thirty (30) days, the application is considered to be approved. Decisions of the Land Development Officer or designated appointee may be appealed to the Fannin County Board of Commissioner as outlined in Chapter V, Article I, S5.105.

F. DURATION OF PERMIT VALIDITY: The development permit approval shall be valid for one (1) year from the date of approval. If substantial work has not been done on the development within this time period, the development permit approval shall be null and void. If however, substantial work has been done within this time period on the development, the permit can be renewed.

G. PENALTIES:

1. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Land Development Officer.
2. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Land Development Officer.
3. If the Land Development Officer discovers a violation of this ordinance that also constitutes a violation of any provisions of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.
4. **FINES FOR NON-COMPLIANCE:** Any person who violates any provision of this Ordinance, or any permit condition or limitation established pursuant to this Ordinance shall be cited as outlined in Chapter V, Article I, S5.104 (c.)-Chapter V, Article I, S5.105 (a)(b)(c)-Chapter V, Article I, S5.106 (a)(b)(c). Each day during which the violation or failure or refusal to comply continues shall be a separate violation. Other ordinances incorporated herein may specify other penalties, which shall govern this section.

H. **SUSPENSION, REVOCATON:** The Land Development Officer or designated appointee may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Land Development Officer or designated appointee shall issue written notification of denial, issuance, conditional issuance, revocation or suspension to the applicant.

I. **ADMINISTRATIVE APPEALS:** See Chapter V, Article I, S5.105 (a)(b)(c) and Chapter V, Article I, S5.106 (a)(b)(c).

J. **JUDICAL REVIEW:** (See Chapter VI. Article V)

1. **Jurisdiction:** See Chapter V, Article I, S5.105 ©
2. **Alternative Actions:** Based on these proceedings and the decision of the Fannin County Superior Court, the Fannin County Board of Commissioners or its designee may, within the time specified by the Superior Court, elect to:
  - a. Institute negotiated purchase or condemnation proceeding to acquire an easement or fee interest in the applicant's land.
  - b. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance) ; or
  - c. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Fannin County Board of Commissioners.

K. **ADMENDMENTS:** These regulations and the Mountain Protection Districts map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

L. **RELIEF ASSESSMENT:** Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

M. **SEPARABILITY AND ABROGATION:** All sections and subsections of this ordinance are considered separate and distinct. Should any section, subdivision, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.

## **CHAPTER IX WATER SUPPLY WATERSHED PROTECTION**

### **ARTICLE I PURPOSE**

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

- A. **PURPOSE:** The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of Fannin County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to all existing and proposed water supply watersheds within Fannin County.
- B. **AUTHORITY:** This ordinance is enacted pursuant to the authority contained in Article 9, Section 2, Paragraph 1 and Article 9, Section 2, Paragraph 3 of the Georgia Constitution, and O.C.G.A. Code Sections 12-2-8(b), 50.8.7.1(b), and 50-8-2(a)(18)(B).
- C. **JURISDICTION:** This ordinance shall apply to the unincorporated areas of Fannin County and to any incorporated area electing to adopt this ordinance.
- D. **CITE:** This ordinance shall be known and cited as the “Water Supply Watershed Protection Ordinance.”
- E. **INTERPRETATION:** This ordinance shall be interpreted in conjunction with Federal, and State rules, regulations and laws, and other Fannin County Ordinances contained or referenced herein.

**ARTICLE II  
ESTABLISHMENT OF A WATER SUPPLY WATERSHED DISTRICT**

The Toccoa River and the Ellijay River Water Supply Watershed Districts are hereby designated and shall comprise the land that drains the City of McCaysville public water supply intake, the City of Blue Ridge public water supply intake, and the City of Ellijay (Gilmer County, Georgia) public water supply intake. The boundaries of this district are defined by the ridgelines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective public water supply intakes or reservoirs. This district shall be further delineated and defined on the Water Supply Watershed Protection District Map of Fannin County. The map is hereby incorporated into and made a part of this ordinance by reference.

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

- a. The Toccoa River is a **LARGE WATER SUPPLY WATERSHED.** Intakes for both the City of McCaysville and the City of Blue Ridge are located on this river. This water supply watershed does not contain a reservoir as defined by this ordinance.
- b. The Ellijay River is a **SMALL WATER SUPPLY WATERSHED.** An intake for the City of Ellijay is located on this river. This water supply watershed does not contain a reservoir as defined by this ordinance.

**ARTICLE III  
PROTECTION CRITERIA**

- A. The following regulations shall apply to the Toccoa River water supply watershed identified on the Adopted Map as a large water supply watershed without a reservoir.
  - 1. New facilities, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous material of the types listed in Section 312 of the Resources Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds on any one day or more, shall perform their



operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

B. The following regulations shall apply to the Ellijay River water supply watershed identified on the Adopted Map as a small water supply watershed without a reservoir.

1. The corridors of all perennial streams within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of one hundred (100) feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a one hundred and fifty (150) foot setback area on both sides of the stream as measured from the stream bank.
  - c. Septic tanks and septic tank drain fields are prohibited in the one hundred and fifty (150) foot setback area as described in 1.b. above.
2. The corridors of all perennial streams outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of fifty (50) feet on both sides of the stream as measured from the stream banks.
  - b. No impervious surface shall be constructed within a seventy five (75) foot setback area on both sides of the stream as measured from the stream bank.
  - c. Septic tanks and septic tank drain fields are prohibited in the seventy five (75) foot setback area as described in 2.b. above.
3. No more than twenty five (25) percent of the land area of any parcel or lot on which new development is placed may be covered by impervious surfaces within the Water Supply Watershed Protection District.
4. Exceptions:
  - a. Land uses existing prior to the initial promulgation of the Fannin County Water Supply Watershed Protection Districts. For the purposes of this ordinance a pre-existing use is defined as any land use or land disturbing activity, including all human endeavors directly associated with such use or activity, which prior to the initial promulgation of this ordinance falls within one of the following categories:
    1. Is completed
    2. Is under construction
    3. Is fully approved by the governing authority
    4. All materials have been submitted for approval by the governing authority; or
    5. Is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
  - b. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act of 1968, as amended.
  - c. Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:
    1. The Utilities shall be located as far from the stream bank as reasonably possible.
    2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
    3. The utilities shall not impair the quality of the drinking water stream.
  - d. Specific forestry and agricultural activities in the stream corridor buffer and setback and setback areas in accordance with the following conditions:

1. The activity shall be consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
2. The activity shall not impair the quality of the drinking water stream.

## **ARTICLE IV**

### **ADMINISTRATION AND ENFORCEMENT PROCEDURES**

A. **SITE PLANS:** Application for a local development permit with the Toccoa River and Ellijay River Water Supply Watershed Districts shall include a site plan, drawn at a scale of one (1) inch equals fifty (50) feet (1"=50') by a registered land surveyor or professional engineer licensed by the State of Georgia, with the following information:

- a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross sectional drawings.
- b. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- c. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200) feet.
- d. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- e. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two (2) feet; and no greater than one (1) foot for slopes less than or equal to two percent (2%).
- f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- g. All proposed temporary disruptions or diversions of local hydrology.
- h. The site plan shall contain a surveyor's or engineer's certification that the project site is or is not located within a Water Supply Watershed Protection District, a Wetlands Protection District, the River Corridor Protection District or the Mountain Protection District, as applicable.

B. **ACTIVITIES TO COMPLY WITH SITE PLAN:** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would, alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of the development, result in a considerable increase in the amount of excavation, fill, or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Land Development Officer or designate appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

C. **EXEMPTIONS TO SITE PLAN REQUIREMENTS:** The following activities and developments are exempt from the requirement for detailed site plans.

1. Repairs to a facility that are part of a previously approved and permitted development.

D. POWERS OF LAND DEVELOPMENT OFFICER: See Chapter VIII, Article V.D.

E. REVIEW PROCEDURES; See Chapter VIII, Article V.E.

F. DURATION OF PERMIT VALIDITY: See Chapter VIII, Article V.F.

G. PENALTIES: See Chapter VIII, Article V.G. Chapter VI. Article V.

H. SUSPENSION, REVOCATION: See Chapter VIII, Article V.H.

I. ADMINISTRATIVE APPEALS: See Chapter VIII, Article V.I.

J. JUDICIAL REVIEW: See Chapter VIII, Article V.J.

K. AMENDMENTS: See Chapter VIII, Article V.K.

L. RELIEF ASSESSMENT: See Chapter VIII, Article V.L.

M. SEPARABILITY AND ABROGATION: See Chapter VIII. Article V.M.

## **CHAPTER X AN SECTION TO PROTECT THE WETLANDS OF FANNIN COUNTY, GEORGIA**

### **ARTICLE I PURPOSE**

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

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

- A. Purpose: The purpose of this section is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on the upland sites to the greatest degree practicable as determined through a permitting process.
- B. Authority: See Chapter VIII, Article 1 (5) (b)
- C. Jurisdiction: See Chapter VIII, Article 1 (5) ©
- D. Cite: This ordinance shall be known and cited as the “Wetlands Protection Ordinance”
- E. Interpretation: See Chapter VIII, Article 1 (5) (e).

### **ARTICLE II ESTABLISHMENT OF THE WETLANDS PROTECTION DISTRICT**

The Wetlands Protection district is hereby established which shall correspond to all lands within the jurisdiction of Fannin County, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Generalized Wetlands Map and is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto.

The generalized Wetlands Map does not represent the boundaries of jurisdictional wetlands within Fannin County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

### **ARTICLE III PROTECTION CRITERIA**

REQUIREMENT FOR LOCAL PERMIT OR PERMISSION: No regulated activity will be permitted within the Wetlands Protection district without written permission or a permit from the Fannin County Land Development Office. If the area proposed for development is located within fifty (50) feet of a wetlands protection district boundary, as determined by the Fannin County Land Development Officer using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

### **ARTICLE IV PERMITTED USES**

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

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

### **ARTICLE V PROHIBITED USES**

The following uses are not permitted within the Wetland Protection District:

1. Receiving areas for toxic or hazardous waste or other contaminants.
2. Hazardous or sanitary waste landfills.

**ARTICLE VI**  
**ADMINISTRATION AND ENFORCEMENT PROCEDURES**

- A. Site Plans: See Chapter VIII, Article V, (a)
- B. Activities to Comply With Site Plan: See Chapter VIII, Article V, (b)
- C. Exemptions to a Site Plan: See Chapter VIII, Article V, ©
- D. Powers of Land Development Officer: See Chapter VIII, Article V, (d)
- E. Review Procedure: See Chapter VIII, Article V, (e)
- F. Duration of Permit Validity: See Chapter VIII, Article V, (f)
- G. Penalties: See Chapter VIII, Article V, (g) Chapter VI. Article V
- H. Suspension, Revocation: See Chapter VIII, Article V, (h)
- I. Administrative Appeals: See Chapter VIII, Article V, (I)
- J. Judicial Review: See Chapter VIII, Article V, (j)
- K. Amendments: See Chapter VIII, Article V, (k)
- L. Relief Assessment: See Chapter VIII, Article V. (l)
- M. Separability and Abrogation: See Chapter VIII, Article V, (m)

**CHAPTER XI**  
**A SECTION TO PROTECT THE TOCCOA RIVER**

**ARTICLE I**  
**PURPOSE**

River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb floodwaters.

The Toccoa River has been designated as a protected river by the State of Georgia. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the Toccoa River as defined herein.

- A. The Toccoa River has been designated as a protected river by the State of Georgia. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the Toccoa River as defined herein.
- B. Authority: See Chapter VIII, Article I, (5)(b).
- C. Jurisdiction: See Chapter VIII, Article I, (5)©
- D. Cite: This ordinance shall be known and cited as “Toccoa River Protection Ordinance”.
- E. Interpretation: See Chapter VIII, Article I, (5)(e)

**ARTICLE II**  
**ESTABLISHMENT OF THE TOCCOA RIVER CORRIDOR PROTECTION DISTRICT**

Toccoa River Corridor Protection District is hereby designated and shall comprise all land, inclusive of islands, in areas of the Toccoa River within Fannin County and being within one hundred (100) feet horizontally on both sides of the river as measured from the river banks. Also included is the area between the top of the bank and the edge of the river, even though this strip of land is not included as part of the one hundred (100) foot buffer requirement contained in the minimum standards. This district shall be further

defined and delineated on the Toccoa River Corridor Protection District Map. The map is hereby incorporated into and made a part of this ordinance by reference.

### ARTICLE III PROTECTION CRITERIA

- A. Construction within the buffer area is prohibited except as provided herein:
- B. A natural vegetative buffer shall be maintained at all times in the river corridor, except as otherwise provided herein.
- C. The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity.
- D. Septic tank and septic tank drain fields are prohibited in the river corridor, except as expressly provided in Section III.E. of this ordinance.
- E. Single family dwellings including the usual appurtenances are permitted in the buffer area subject to the following conditions:
  - 1. The dwelling shall be in compliance with all local zoning regulations.
  - 2. The dwelling shall be located on a tract of land containing at least two (2) acres. For the purposes of these standards, the size of the tract of land shall not include any area that lies WITHIN the protected river, (that is, for tracts of land that include portions of a protected river, the area between the river banks can not be counted towards the two acre minimum size).
  - 3. There shall be only one (1) such dwelling on each two (2) acre or larger tract of land.
  - 4. A septic tank or tanks serving such a dwelling may be located within the buffer area.
  - 5. Septic tank drain fields shall NOT be located within the buffer area.
- F. Industrial and commercial land uses existing in the river corridor prior to the initial promulgation of this ordinance are exempt from the criteria contained herein, provided that:
  - 1. These uses do not impair the drinking quality of the river water.
  - 2. These uses meet all state and federal environmental rules and regulations.
- G. The construction of road crossings and utility crossings is permitted in the river corridor, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, and all applicable local ordinances on soil erosion and sedimentation control.
- H. The following uses are permitted in the river corridor, provided that such uses do not impair long term functions of the protected river or the river corridor:
  - 1. Timber production and harvesting, subject to the following conditions:
    - a. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission, and
    - b. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
  - 2. Wildlife and fisheries management activities consistent with the purpose of O.C.G.A. 12-2-8.
  - 3. Wastewater treatment.
  - 4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
  - 5. Natural water quality treatment and purification.
  - 6. Agricultural production and management, subject to the following conditions:
    - a. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission.
    - b. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
    - c. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
  - 7. Other uses permitted by the Department of Natural Resources under Section 404 of the Clean Water Act.

- I. Handling areas for the receiving and storage of hazardous waste are prohibited within the river corridor.
- J. Hazardous waste or solid waste landfills are prohibited within the river corridor.
- K. The standards and requirements in this ordinance do not supersede those contained in the Metropolitan River Protection Act, The Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act.

ARTICLE IV  
EXEMPTIONS

The following uses are exempt from the River Corridor Protection Plan.

- A. Land use existing prior to the initial promulgation of the Fannin County River Corridor Protection District. For the purposes of this ordinance a preexisting use is defined as any land use or land disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the initial promulgation of this ordinance falls within one of the following categories. (See Article III.F. for additional regulations governing preexisting industrial and commercial uses.)
  - 1. is completed
  - 2. is under construction
  - 3. is fully approved by the governing authority
  - 4. all materials have been submitted for approval by the governing authority
  - 5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- B. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- C. Utilities, (except as discussed above in Article III.G.) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
  - 1. The utilities shall be located as far from the river bank as reasonably possible;
  - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
  - 3. Utilities shall not impair the drinking quality of the river water.
- D. Specific forestry and agricultural activities except as discussed above in Article III.H.1 and III.H.6

ARTICLE V  
ADMINISTRATION AND ENFORCEMENT PROCEDURES

- A. SITE PLANS: Application for a local development permit within the Toccoa River Corridor Protection district shall include a site plan, drawn to a scale of one (1) inch equals fifty (50) feet (1"=50') by a registered land surveyor or a professional engineer licensed by the State of Georgia, with the following information: See Chapter VIII, Article V, Section A.
- B. ACTIVITIES TO COMPLY WITH SITE PLAN: See Chapter VIII, Article V, Section B.
- C. EXEMPTIONS TO SITE PLAN REQUIREMENTS: See Chapter VIII, Article V, Section C.
- D. POWERS OF LAND DEVELOPMENT OFFICER: See Chapter VIII, Article V, Section D
- E. REVIEW PROCEDURES: See Chapter VIII, Article V, Section E.
- F. DURATION OF PERMIT VALIDITY: See Chapter VIII, Article V, Section F.
- G. PENALTIES: See Chapter VIII, Article V, Section G.
- H. SUSPENSION, REVOCATION: See Chapter VIII, Article V, Section H
- I. ADMINISTRATIVE APPEALS: See Chapter VIII, Article V, Section I
- J. JUDICIAL REVIEW: See Chapter VIII, Article V, Section J
- K. AMENDMENTS: See Chapter VIII, Article V, Section K
- L. RELIEF ASSESSMENT: See Chapter VIII, Article V, Section L
- M. SEPARABILITY AND ABROGATION: See Chapter VIII, Article V, Section M

## CHAPTER XII

### LAND DEVELOPMENT SOIL EROSION AND SEDIMENTATION CONTROL

#### ARTICLE I TITLE

This ordinance will be known as “Fannin County Land Development Soil Erosion and Sedimentation Control Section”.

#### ARTICLE II EXEMPTIONS

This ordinance shall apply to any land disturbing activity undertaken by any person on any land except the following:

- A. 1. Surface mining, as defined in O.C.G.A. 12-4-72, “Mineral Resources and Caves Act”.
2. Granite quarrying and land clearing for such quarrying.
3. Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.
4. The construction of single family residences when such construction disturbs less than **one acre** and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than **one acre** and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Article III of this ordinance and this paragraph. **For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. (ALL STREAMS IN FANNIN COUNTY ARE CONSIDERED TROUT STREAMS BY THE DEPARTMENT OF NATURAL RESOURCES/ENVIRONMENTAL PROTECTION DIVISION) In any such buffer zone, no land disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, but the Director may grant variances to no less than twenty five (25) feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least twenty five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Article III of this ordinance and the buffer zones provided by this section shall be enforced by the issuing authority; boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9, or 10 of this article.**
5. Agricultural operations as defined in O.C.G.A. 10303, “definitions”, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens, turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.
6. Construction and maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or



municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Tollway Authority which disturb five or more contiguous acres of land shall be subject to the provisions of Code Section 12-7-7-1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall in force compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

7. Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, and cable television system as defined in O.C.G.A. 36-18-1 or any agency or instrumentality of the United States engaged in the generation, distribution or transmission of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders

8. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Chapter XII Article III C. of this ordinance, no other land disturbing activities, except forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices.

9. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of agriculture.

10. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within two hundred (200) feet of the bank of any state waters, and for purposes of the paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves one and one tenth acres or less, which involves land disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the issuing authority from regulation any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, , 8, 9 of this section;

11. Any public water system reservoir.

### ARTICLE III

#### MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

##### A. General Provisions:

Excessive soil erosion and resulting sedimentation can take place during land disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and

practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Chapter XII Article III B & C of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land disturbing activity.

B. Minimum Requirements/BMP's:

1. Best management practices as set forth in Chapter XII, Article III B & C of this ordinance shall be required for all land disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of code Section 12-5-30, the "Georgia Water Quality Control Act: for each day on which such discharge results in the turbidity of receiving waters being increased by more that twenty five (25) nephelometric turbidity units for waters supporting warm water fisheries or more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than **five acres**.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by a local Issuing Authority or any state general permit issued by the Division Pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
4. Wherever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

6. Disturbed soil shall be stabilized as quickly as possible;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 ET. Seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land disturbing activity plans for erosion and sedimentation shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in Chapter XII, Article III, B. 2. Of this ordinance;
15. Except as provided in paragraph (16) of this subsection, there is established a twenty five (25) foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by the normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least twenty five (25) feet established pursuant to part 6 of Article 5, Chapter 5 of title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
  - a. *No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation on a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and*
  - b. *The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (I) stream crossings for water lines; or (ii) stream crossings for sewer lines; and*
16. There is established a fifty (50) foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout

streams which discharge on average annual flow of TWENTY FIVE (25) GALLONS PER MINUTE or less shall have a twenty five (25) foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specification are implemented. The following requirements shall apply to such buffer:

- A. *No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed, provided however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and*
- B. *The buffer shall not apply to the following land disturbing activities provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (I) stream crossings for water lines or (ii) stream crossings for sewer lines.*
- C. *Properly installed silt fence shall be maintained as a buffer **in addition** to any other allowed best management practices on **all** primary and secondary state waters and if sediment **may** leave said land disturbed area and encroach on the land of others*
- D. Nothing contained in this chapter shall prevent any local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Chapter XII Article III B & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

#### ARTICLE IV APPLICATION/PERMIT PROCESS

- A. General:

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the local Issuing Authority. However, the operator is the only party who may obtain a permit.
- B. 1. No person shall conduct any land disturbing activity within the jurisdictional boundaries of the unincorporated areas of Fannin County, Georgia and any incorporated areas electing to adopt the

Ordinance without first obtaining a permit from the Fannin County Land Development Office to perform such activity.

3. The application for a permit shall be submitted to the Fannin County Land Development Office and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plan shall include, as a minimum, the data specified in Chapter XII Article III C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Article III B. & C. of this ordinance. Application for a permit will not be accepted unless accompanied by six (6) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with the rules and regulations established by the Board.
4. A fee, in the amount of eighty (\$80) dollars shall be charged for each acre or fraction thereof in the project area. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23 provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
5. Immediately upon receipt of an application and plan for a permit, the local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a district to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Chapter XII Article III C. 15 and 16 and bonding, if required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
5. (a) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the local Issuing Authority may deny the permit application.
- (b) The local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000 per acre or fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. Plan Requirements:

1. Plans must be prepared to meet the minimum requirements as contained in Chapter XII Article III B. & C. of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternative design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sedimentation Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological and hydrological

characteristics, topography, watershed, vegetation, sediment control and storm water management facilities, local ordinances and State laws.

1. Data Required for Site Plan:

- (a) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sedimentation control notes.
- (b) Description of existing land use at the project site and a description of the proposed project.
- (c) Name, address, and phone number of the property owner.
- (d) Name and phone number of a 24-hour local contact who is responsible for erosion and sedimentation controls.
- (e) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that, “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land disturbing activities”.
- (f) Size of the project, or phase under construction, in acres.
- (g) Stormwater and sedimentation management systems storage capacity, hydrologic study, and calculations, including off site drainage areas.
- (h) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year round seeding.
- (i) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sedimentation Control in Georgia*.
- (j) Maintenance statement-“Erosion and sedimentation control measures will be maintained at all times. If full implementation of the plan does not provide for effective erosion and sediment control. Additional erosion and sediment control measures shall be implemented to control or treat the sediment source.

2. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements a developed by the Commission pursuant to O.C.G.A. 12-7-20 The certified plan shall contain:

- (a) Graphic scale and North point or arrow indicating magnetic North.
- (b) Vicinity maps showing location of project and existing streets.
- (c) Boundary line survey.
- (d) Delineation of disturbed areas within the project boundary.
- (e) Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. or larger scale	Flat 0-2% Rolling 2-8% Steep 8% +	0.5 or 1 1 or 2 2, 5, or 10

- (f) Adjacent areas and features areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
- (g) Proposed structures or additions to existing structures and paved areas.
- (h) Delineated the specified horizontal buffer adjacent to state waters and the specified width in MRPA areas.

- (i) Delineate the specified horizontal buffer along designated trout streams, where applicable.
  - (j) Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.
3. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

D. Permits:

- 1. Permits shall be issued or denied as soon as practicable but in any event not later than twenty (20) working days after receipt by the local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- 2. No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Chapter XII, Article III, C. 15 and 16 are obtained, bonding requirements, if necessary, as per Chapter XII, Article IV, B. 5. (b) Are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- 3. If the tract is to be developed in phases, then a separated permit shall be required for each phase.
- 4. The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- 5. All permits must be posted on site. Permits must be protected from weathering, and be accessible to the Land Development Officer.

ARTICLE V  
INSPECTION AND ENFORCEMENT

- A. The Fannin County Land Development Department will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local Issuing Authority shall regulate both primary and secondary permittees as such term are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. Reserved.
- C. The Fannin County Land Development Office shall have the power to conduct such investigations as it may reasonably deem necessary with whatever outside authorities it deems necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon

- any property, public or private, for the purpose of investigation and inspecting the sites of land disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
  - E. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
  - F. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The Division may periodically review the actions of counties and municipalities, which have been certified as local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (d), the Division shall notify the governing authority of the county or municipality in writing. The Governing authority of any county or municipality so notified shall have thirty (30) days within which to take the necessary corrective action to retain certification as a local Issuing Authority. If the county or municipality does not take necessary corrective action within thirty (30) days after notification by the division, the Division may revoke the certification of the county or municipality as a local Issuing Authority.

ARTICLE VI  
PENALTIES AND INCENTIVES

- A. Failure to Obtain a Permit For Land Disturbing Activity:  
If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.
- B. Stop Work Orders:
  1. For the first violations of the provisions of this ordinance, the Director of the local Issuing Authority shall issue a written or verbal warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the local Issuing Authority shall issue a stop work order requiring that land disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land disturbing activities are conducted without obtaining the necessary permit, the Director or the local Issuing Authority shall issue an immediate stop work order in lieu of a warning;
  2. For a third and each subsequent violation, the Director or the local Issuing Authority shall issue an immediate stop work order; and;
  3. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
  4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed,



installed and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work order shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond Forfeiture:

If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Chapter XII, Article IV, B.5. (b). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

D. Monetary Penalties: (See Chapter VI. Article V)

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director or Issuing Authority issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day, per violation. Each day during which the violation or failure or refusal to comply continues shall be a separate violation. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City Charter to the contrary, Superior/Municipal Courts shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

#### ARTICLE VII

##### EDUCATION AND CERTIFICATION

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent upon their level of involvement with the process, as developed by the Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

#### ARTICLE XI

##### ADMINISTRATIVE APPEAL/JUDICIAL REVIEW

A. Administrative Remedies:

The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Fannin County Board of Commissioners within thirty (30) days after receipt by the Issuing Authority of written notice of appeal.

B. Judicial Review:

Any person, aggrieved by a decision or order of the Issuing Authority, AFTER exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Fannin County.

ARTICLE XII  
EFFECTIVITY, VALIDITY AND LIABILITY EFFECTIVITY

- A. This ordinance shall become effective on the 13<sup>th</sup> day of January, 2004.
- B. **VALIDITY:** If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.
- C. **LIABILTY:**
  - 1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or district for damage to any person or property.
  - 2. The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
  - 3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved there under or pollute any Waters of the State as defined thereby.

**Chapter XIII**  
**Flood Damage Prevention**

ARTICLE I  
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A: Statutory Authorization:

The Constitution of the State of Georgia provides in Article IX, Section II, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fannin County, Georgia, Board of Commissioners does hereby ordain as follows:

Section B: Finding of Fact:

- (1) The flood hazard areas of Fannin County, Georgia, are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section C: Statement of Purpose:

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to the health, safety and property due to water or erosion hazards, or which increase flood heights, velocities or erosion;
- (3) Control filling, grading, dredging or other development which may increase flood damage or erosion, and;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

Section D: Objectives:

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephones and sewer lines, streets and bridges located in the floodplain;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential homebuyers are notified that property is in a flood area.

## ARTICLE II GENERAL PROVISIONS

Section A: Lands to Which This Ordinance Applies:

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Fannin County, Georgia.

Section B: Basis for Area of Special Flood Hazard:

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated \_\_\_\_\_, with accompanying maps and other supporting data and any revisions thereto, are adopted by reference and declared part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Fannin County are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Section C: Establishment of Development Permit:

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Section D: Compliance:

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E: Abrogation and Greater Restrictions:

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F: Interpretation:

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed to favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section G: Warning and Disclaimer of Liability:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Fannin County, Georgia or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section H: Penalties for Violation:

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to fine of not more than three hundred (\$300.00) dollars under the procedures outlined in Chapter V, Article I, S5.104. Said person shall be liable for all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Fannin County, Georgia, from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE III  
ADMINISTRATION

Section A: Designation of Ordinance Administrator:

The Land Development Officer is hereby appointed to administer and implement the provisions of this ordinance.

Section B: Permit Procedures:

Application for a Development Permit shall be made to the Fannin County Land Development Officer on forms provided by the county PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, earthen fill placement, storage or materials and equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage:

- (a) Elevation in relation to mean sea level (or highest adjacent grade) or the regulatory lowest floor level, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article IV, Section B (2) and D (2);
- (d) Design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in a Coastal High Hazard Area will meet the criteria of Article 4, Section E (5);
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage:

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as built certification of the regulatory floor elevation or flood-proofing level

immediately after the lowest floor or flood proofing is completed. Where a structure is subject to the provisions applicable to Coastal High Hazard Areas, after placement of the lowest horizontal structural members. Any regulatory floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Land Development Officer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### Section C: Duties and Responsibilities of the Administrator:

Duties of the Land Development Officer shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal and State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article II Section B, then the Land Development Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article IV.
- (4) Verify and record the actual elevation in relation to mean sea level, including basement, of all new construction or substantially improved structures in accordance with Article III (B)(2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article IV, Section B (2) and D (2).
- (6) When flood-proofing is utilized for a structure, the Land Development Officer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article III (B)(1)(c) and Article IV (B)(2) or (D)(2).
- (7) Obtain design certification from a registered professional engineer or architect that any new construction or substantial improvement placed in Coastal High Hazard Area will meet the criteria of Article IV, Section E (5).
- (8) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (9) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (10) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Land Development Officer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (11) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Land Development Officer and shall be open for public inspection.

#### ARTICLE IV PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A: General Standards:

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings- All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
    - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
  - (b) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
  - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate room.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

Section B: Specific Standards:

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) New Construction and Substantial Improvements- Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter wall be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article IV, Section A (4), “Elevated Buildings”.
- (2) Nonresidential Construction- New construction or the substantial improvement of any non-residential structure located in A1-3-, AE, or AH zones, may be flood proofed in lieu of

elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with above, and shall provide such certification to the official as set forth above and in Article III, Section C (6).

- (3) Standards For Manufactured Homes and Recreational Vehicles – Where base flood elevation date are available:
- (a) All manufactured homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred “substantial damage” as the result of a flood, must have the lowest floor including basement, elevated no lower than one (1) foot above the base flood elevation.
  - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - (i) the lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
    - (ii) the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than thirty six (36) inches in height above grade.
  - © All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article IV (A) (6) above)
  - (d) All recreational vehicles placed on sites must either:
    - (i) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site by only quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
    - (ii) The recreational vehicle must meet all the requirements for “New Construction”, including the anchoring and elevation requirements of Article IV, Section B (3)(a)(c) above.
- (4) Floodway– Located within Areas of Special Flood Hazard established in Article II, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the encroachment shall not result in ANY increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
  - (b) Only if Article IV (B) (4) (a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article IV.

#### Section C: Building Standards for Streams Without Established Base Flood Elevations and/or Floodway (A-zones)

Located within the Areas of Special Flood Hazard established in Article II, Section B, where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article II (B), then the Land Development Officer shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article IV. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article IV, Section A (4) "Elevated Buildings".

The Land Development Officer shall certify the lowest floor elevation level and the record shall become a permanent part of the permanent file.

Section D: Standards For Areas of Shallow Flooding (AO zones):

Areas of Special Flood Hazard established in Article II, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article IV, Section A (4), "Elevated Buildings".  
The Land Development Officer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a non-residential structure may be flood proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article III (B)(1)(c) and (3)(B)(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section E: Not Applicable:

Section F: Standards for Subdivisions:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;



- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, which ever is less.

ARTICLE V  
VARIANCE PROCEDURES

- (A) The Fannin County Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- (B) The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Land Development Officer in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Board of Commissioners of Fannin County may appeal such decision the Superior Court of Fannin County.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a Historic Structure and the variance is the minimum to reserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of the Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Fannin County Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) Conditions for Variances.
  - (1) A variance shall be issued ONLY when there is:
    - (i) a finding of good and sufficient cause;
    - (ii) a determination that failure to grant the variance would result in exceptional hardship, and;
    - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (2) The provisions of this ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
  - (4) The Land Development Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(I) Upon consideration of the factors listed above and the purposes of this ordinance, the Fannin County Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.