



FANNIN COUNTY LAND DEVELOPMENT ORDINANCE January 4, 2024

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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 disturbance plan must be submitted to and approved by the Fannin County Land Development Officer, for any disturbance over one (1) acre, commercial and residential if not within a common development. 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, and S3.300)

There must be approval of a (Erosion, Sedimentation and Pollution Control) by the Fannin County Land Development Officer or their representatives.

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

A final plat must be completed having all 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. (See Page 32 for approval sequence)

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 FANNIN COUNTY HEALTH DEPARTMENT.

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

The Phases and/or subdivision name changes that 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. EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN (LAND DISTURBING PERMIT)
2. PRELIMINARY PLAT
3. FINAL PLAT
4. TERTIARY PERMIT
5. ACCESS (DRIVEWAY) PERMIT
6. RECREATIONAL VEHICLES PARKS, MOBILE HOME PARKS, TINY HOME SUBDIVISIONS.

CHAPTER I

INTRODUCTION

ARTICLE I

PURPOSE, AUTHORITY, JURISDICTION

S1.100 Purpose: The purpose of this Ordinance is to protect 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 XII, Section VII of The Georgia Constitution. (Ga. Code Annotated, 12-7-1)

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

CHAPTER II

DEFINITIONS

ARTICLE 1

SCOPE

For this ordinance and to conduct 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” be always mandatory and not directory; and the word “may” be 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 plain 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.

AQUIFER: means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

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

BASE FLOOD ELEVATION: The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map. (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1- A30, AR/AH, AR/AO, V1-V30 and VE. Mar 5, 2020

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/or vegetative measures which, when professionally designed, installed, and maintained, will provide effective erosion and sedimentation control. The term professionally 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: Georgia Department Natural Resources, Environmental Protection Division.

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.

BREAKAWAY VENT: Means a vent that is installed in the basement or crawl space of a structures 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 walls, 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 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: Georgia State Soil and Water Conservation Commission.

COMMITTEE: Georgia State Soil and Water Conservation Committee

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

COASTAL MARSHLANDS: shall have the same meaning as in O.C.G.A.12-5-282.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Enviro Cert, Inc., which is also referred to as CPESC or CPESC, Inc.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

CRITICAL FACILITY: A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired.

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.

DESIGNATED COUNTY ROAD: 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 known as excavation.

DEED: A legal document signed, sealed, and delivered to affect a transfer of property and to show the legal right to possess it, being Warranty, or Survivorship.

DEPARTMENT: Georgia Department of Natural Resources.

DESIGN PROFESSIONAL: A professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Enviro Cert, Inc. Design Professional shall practice in a manner that complies with applicable Georgia law governing professional licensure.

DESIGN STANDARDS: The specifications to landowners 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 applying 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 improve or unimproved 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 Georgia Department of Natural Resources Environmental Protection Division.

DISTRICT: The Georgia Soil and Water Conservation District or their designee.

DIVISION: Georgia Department of Natural Resources Environmental Protection Division.

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.**

Department of Natural Resources Well: A well approved by the Department of Natural Resources to serve a Subdivision having more than 15 homes connected or 25 persons occupying the structure 60 or more days per year. See Rules below.

391-3-5 RULES FOR SAFE DRINKING WATER

Rule 391-3-5-.02 Definitions

(99) "Public water system" or "PWS" means a system that provides water to the public for human consumption through pipes or other constructed conveyances if such system has at least fifteen (15) service connections or regularly serves an average of twenty-five (25) individuals daily at least 60 days out of the year. Such terms include:

1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such a term does not include any "special irrigation district." A public water system is a "community water system", a "non-transient non-community water system" or a "transient non-community water system".

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

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7-1, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

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 1995. {The effective date of the initial FIRM for that community}

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) was completed before 1995.

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.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual

vegetation and seeding of target crop perennials appropriate for the region) Final stabilization applies to each phase of construction.

FINISHED GRADE: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

FINAL PLAT: A finished drawing or map of a subdivision, meeting all 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 or "FLOODING": A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; or
- b. the unusual and rapid accumulation or runoff of surface water from any source.

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 have been defined as Zone A.

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 RATE MAP (FIRM): An official map of community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/ or risk premium zones applicable to the community.

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.

FLOOD PLAIN: Any land area susceptible to flooding.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAYS: The natural channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

FREEBOARD: A factor or safety usually expressed in feet above a flood level for purposes of flood level for purposes of floodplain management. *Freeboard* tends to compensate for many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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 conducted near 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.

GARDEN AREA: A parcel of property set aside for the purpose of growing produce in a subdivision, as a shared area for the use of all residence inside the subdivision. This parcel would be deeded to all property owners within the Subdivision through the Homeowners Association.

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

GREEN SPACE: A parcel of property set aside, undisturbed, for the purpose of reserving a green space or green strip in a subdivision.

GEORGIA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENT PROTECTION DIVISION hereafter referred as **GADNR-EPD**.

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.

GRADING: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof and shall include the land in its cut or filled condition.

GRANDFATHER PROPERTY PLATED OR DEEDED: Any property deed or platted and recorded in the Clerk of Superior Court office of Fannin County, Georgia prior to the initial Land Development Ordinance going into effect, January 1, 1986, and recorded prior to January 1, 2024.

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 EPA 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

HOMEOWNERS ASSOCIATION (HOA): A legally constituted association of property owners who commonly own and are responsible for the maintenance of commonly owned property and improvements in development. The Fannin County Land Development Office does not govern these.

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: 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.

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 but not including agricultural practices as described in Section III, Paragraph 5.

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 its 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. Hereafter known as LIA.

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, provided that such enclosure is not built to render the structure in violation of other provisions of this code.

MANUFACTURED HOME/MOBILE HOME/TRAILER: A detached single dwelling unit with any or all 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.

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 the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on community's Flood Insurance Rate Map are referenced.

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 joined 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 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: For determining insurance rates, any structure for which the "start of construction" commenced after 1995 and includes any subsequent improvements to such structures. {The effective date of the initial FIRM for that community}

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 (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after 1995. {The effective date of the initial FIRM for that community}

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

NORTH AMERICAN VERTICAL DATUM (NVAD): Has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

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.

OUTFALL: The location where storm water in a discernible, confined, and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

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 entire year as indicated on a USGA Quad map.

PERMIT: The authorization necessary to begin a land disturbing activity under the provisions of this ordinance or to build any structure in Fannin County and City of Blue Ridge, City of McCaysville and Morganton. (BY LETTER OF AGREEMENT FROM City of Blue Ridge, McCaysville and Morganton).

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.

PERVIOUS SURFACE: A surface on which water can drain through.

PLANNING COMMISSION: The Fannin County Planning Commission was designated by the Fannin County Board of Commissioners on February 28th, 2023.

PHASE OR PHASED: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

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

PLAT MAP: a land area, usually on the scale of a neighborhood or county township, and a plot is a piece of land used for a single purpose (such as a park or a home). Essentially, a plat map records the collection of plots that make up a neighborhood. If your deed uses subdivision lot numbers to describe your land, then it has been platted.

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

PROPERLY DESIGNED: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

PLATS: SOIL EROSION, PRELIMINARY AND FINAL

SOIL EROSION: A tentative drawing of a proposed subdivision containing enough information (topographical intervals, prospective roads, erosion prevention measures, etc.) to ensure the requirements of the Georgia 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 enough 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 to be presented to the Planning Commission for approval and which, if approved by the Land Development Office and 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 public has no right to 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 development. The Fannin County Land Development Office does not govern these.

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 way land may be used, developed, or improved with the view to protecting and preserving the physical and economic integrity of any given area. The Fannin County Land Development Office does not govern these.

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) service connections or serves more than twenty-five (25) people, for 60 sixty or more days per year.

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. 12-7-8.

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 by a light duty truck; and
- 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 is 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.

RETAINING WALLS: A retaining wall is a structure that holds back soil or rock from a building, structure, or area. A permit is not required for retaining walls.

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

RIVERBANK: 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 riverbanks. The one hundred (100) foot buffer shall be measured from the riverbanks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbanks, usually marked by a break in the 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 may shift with time, For the purposes of the standards the river corridor shall 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 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.

SEDIMENTATION: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

SENSITIVE NATURAL AREA: Any area, as identified now or hereafter by the Georgia 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 designated by the Department of Natural Resources; and which are 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. Unless a variance is given by the Fannin County Board of Commissioners and is made elsewhere in these regulations.

SIDEWALK: A paved path for pedestrians at the side of a road.

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, sedimentation, and pollution control plan approved in writing by the Georgia Soil and Water Conservation District or their designee.

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 365 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, or any work beyond the stage of excavation, 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 that alteration affects the external dimensions of the building.

STATE GENERAL PERMIT: The National Pollution Discharge Elimination System (NPDES) 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 12-5-30.

STATE WATERS: 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.

STRUCTURAL EROSION, SEDIMENTATION AND POLLUTION CONTROL PRACTICES: Practices for the stabilization of erodible or sediment-producing areas by 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. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc... Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

SLOPE: Degree of deviation of a surface from the horizontal, usually expressed in percentage 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.

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. **BYPASS:** 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 which provide access to abutting properties with protection.
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.

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: Georgia Soil and Water Conservation Commission 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 three (3) 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.

MINI SUBDIVISIONS: All subdivisions of land that are 3 lots or less, have less than 1-acre disturbance and no new roads.

MINOR SUBDIVISION: A subdivision of land in which there are new roads developed and contain Four (4) lots and there is more than an acre disturbed.

MAJOR SUBDIVISION: All subdivisions of land which has Five (5) or more lots and has more than one (1) acre disturbed. Major subdivisions will require Fannin County Health Department Approval, unless all lots are over 5 acres.

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

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, addition, or improvement of a structure, taking place during a 5-year period, in which the cumulative cost 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 Fannin County and the watershed as designated by the Wildlife Resources 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, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. 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 Georgia 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 form of grant relief given by the Fannin County Board of Commissioners of 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, 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.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. a structure or other development without the elevation certificate, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as the documentation is provided.

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: Those areas that are inundated or saturated by surface or ground water at a frequency and under duration enough to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Wetlands generally include swamps, marshes, bogs, and similar areas).

WRESTED VEGETATION: the point adjacent to the edge of the base flow of a stream or the water surface of a lake stream or body of water where vegetation has been moved or wrested because of normal stream flow or wave action.

YARD: An open space on the same lot as 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 sideline 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 must be signed and approved by the Fannin County Land Development officer. All minor subdivisions that contain three (3) or more 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, and sign prior to recording in the Fannin County Clerk of Superior Court. Any variance from the standards in this ordinance must be approved by the Fannin County Board of Commission.

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, Sedimentation, and Pollution Control: 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 Office 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. The Land Disturbance Permit shall be posted on site with the Land Disturbance Plans and inspection reports.**
- 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 must be in phases, no more than 1 mile of road construction, prior to stabilization can be completed.**
- 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 **and to include roads as built prior to submission to the Fannin County Land Development officer.** 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. **Then return two copies to the Fannin County Land Development office for future reference.**

S3.102 Tracts Three (3) Acres or Larger: Parcels being sold, or tracts sold according to purchaser’s desire or request, require a boundary survey with an **APPROVED EROSION, SEDIMENTATION AND POLLUTION CONTROL 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, AND SO NOTED ON THE FINAL PLAT**. When the project is eighty (80) percent complete, the developer shall provide the Fannin County Land Development office with 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 performed 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 stop work order; and/or
3. Civil penalties are 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 USDA/NRCS office prior to any land disturbance. After the approval is obtained, a land-disturbing permit will be issued, and the land disturbing improvements can begin. A Notice of Intent must be obtained through Georgia Department of Natural Resources, Environmental Protection Division at Website: goes.ga.gov.

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. The 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) floodplains.)
7. Fifty foot (50) set back on streams spring and branches or bodies of water.
8. Setbacks 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. A standard 50 foot from centerline on all structures, unless a variance is obtained, from the Fannin County Board of Commissioners.
12. The name of the subdivision.
13. The names of the roads will need prior approval from E-911 Addressing 706-632-8984, before submittal to the Land Development office for review.

14. Statement as to who is responsible for the maintenance of roads and utilities.
15. Certifications in S3.204, which are applicable.
16. If the area serves 50 or more residential units a separate exit is required and noted on the plat.
17. The fee is \$ 40.00 per acres to Fannin County and \$40.00 per acres to Georgia EPD.

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 developers/owners, email address.
3. Name and phone number and email address, 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 always maintained. 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 three (3) copies of the Soil Erosion and Land Disturbing Plan 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 Georgia Soil and Conservation Services or their designee for review and approval.

Developers Requirement: One (1) to be placed on site for review by FCLD, GA. DNR-EPD, one (1) to the Contractor to be used on site, while work is being done, and one (1) for the Erosion Monitor or Certified Personnel on site.

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 act on the process within the time shall constitute approval of the soil erosion and land disturbing plan.

The soil erosion and land disturbing 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 plan shall be **invalid. If, however, substantial work has been done on the development within this time, the preliminary plat/plan may be renewed, one time for a fee of \$ 150.00, by resolution by the Fannin County Board of Commissioners. After the second year a new set of plans must be submitted for review and approval, based on the work completed, and future development.**

The fee for approval for Land disturbance is \$40.00 forty Dollars per acre payable to Fannin County and \$ 40.00 per acre payable to Georgia Department of Natural Resources, at [www: geos.ga.gov](http://www.geos.ga.gov). The Notice of Intent must be submitted to the Georgia Department of Natural Resources, Environmental Protection Division, via website: geos.ga.gov. Must be submitted and approved by EPD 14 days prior to beginning work.

S3.204 Soil Erosion and Land Disturbing Plat Certificates: The following certificates that 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 represent 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 complies with the minimum design standards of the Fannin County Subdivision Standards.

DATE: _____

REGISTERED LAND SURVEYOR LICENSE NUMBER _____

NAME: _____

ADDRESS: _____

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. APPROVAL FROM FANNIN COUNTY LAND DEVELOPMENT OFFICE

I hereby certify that the Soil Erosion and Land Disturbing Plat shown hereon has been carefully 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: _____

D. DEVELOPER AGREEMENT

I hereby certify that I have met the requirements found in the Fannin County Development Ordinance, Change to Date of approval of this ordinance dated January 1986 and as revised since, and have obtained a copy for my records.

Date: _____ Owner or legal agent Signed: _____

E. SUVEYORS CERTIFICATION:

I hereby certify that I have visited the above subdivision within the required 7 days of approval and issuance of the Land Disturbance permit and affirm that the Best Management Practices designed by this firm are in place, and a letter is to be provided to the Fannin County Land Development Office.

DATE: _____

Surveyor: _____

F: Road Name Approval

I have reviewed the proposed road names in (subdivision) _____ and find no conflicts with any existing road names in Fannin County. (Phone No: 706-632-8984)

Date: _____ E911 Director: _____

Fannin County will now require a preconstruction meeting on site, a meeting will need to be scheduled at the time of approval. **CONSTRUCTION CANNOT BEGIN UNTIL THE LAND DEVELOPMENT PERSONNEL HAS VISITED THE SITE.**

NOTICE OF INTENT:

The Notice of Intent must be submitted to the Georgia Department of Natural Resources, Environmental Protection Division, via website: geos.ga.gov. Fannin County also requires a copy of our records prior to permits being issued.

Notice of Termination:

This form is required by Georgia Department of Natural Resources and can be found via website www: geos.ga.gov. Fannin County also requires a copy for our records after subdivision has been completed. When 100 % coverage and 70% density of vegetative coverage and there is less than 1 acre of disturbance.

A certified Level 1A shall be on site during all construction at the site. Notice to FCLD office of persons or company that is certified to be a Level II inspector of this Subdivision.

Notice of Termination is to be submitted to: geos.ga.gov. A Tertiary plan will be required for all subdivision lots that does not have a current Notice of Intent filed with Georgia Department of Natural Resources Environmental Protection Division.

S3.300 Preliminary Plat/Plan Standards and Review Process: The purpose of the preliminary plat/plan is to provide the Fannin County Land Development Office, 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 that are 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 all streams; twenty-five-foot (25) set back on state waters with an average flow of less than twenty-five (25) gallons/minute. This cannot be achieved unless a Hydrology study is done, and a flow rate letter by a Civil Engineer, and approved by Georgia Department of Natural Resources, Environmental Protection Division is obtained.
- n. Certificates in S3.503 that is 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 two (2) copies for their review, one (1) copy to Health Department sanitarian one (1) copy to E-911 Office one (1) copy to developer and one (1) copy on site.

The preliminary plat/plan 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 act on the preliminary plat within this time 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, 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. **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: _____

c. **Preliminary Plat Approval**

I hereby certify that the preliminary subdivision plat hereon has been carefully reviewed and approved. The developer is hereby authorized to begin the necessary steps to gain Final Plat approval, soil test, etc. Lots may not be sold which have not been listed by the Fannin County Health Department may not be sold 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: _____

d. **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. Upon request by the developer or owner, by letter to the Fannin County Board of Commissioner, and upon approval from the Board at an official Board of Commissioners meeting.

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, street locations, water system and water lines, easements, and other valuable 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 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 enough 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') setbacks on streams, twenty-five-foot (25') setbacks on state waters with an average flow of less than twenty-five (25) gallons/minute. This cannot be achieved unless a Hydrology study is done. A flow rate letter by a Civil Engineer, and approved by Georgia Department of Natural Resources, Environmental Protection Division.
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 are marked not as a part of any lot.
14. **The Fee for final plat is \$1000.00 and 100.00 per lot.**

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

Order of Signatures:

1. Engineer or Surveyor
2. E-911 addressing
3. Water service provider (if applicable) City or County and or Private.
4. Fannin County Health Department
5. Fannin County Land Development
6. Fannin County Commissioner- to be completed by Land development.
7. County Attorney (Have HOA and covenants and restriction documents ready to be recorded)
8. Once all signatures are obtained, this needs to be returned to your surveyor office or personal attorney for recording in the Fannin County Clerk of Superior Court.
9. Once Final plat is recorded two copies must be returned to the Fannin County Land Development office.

Final Engineering Certificate

The County Land Development Officer shall review and act on the final plat within 30 thirty days of the developer notifying the County Land Development Office that all the applicable signatures have been secured for the required certificates. Failure of the County Land Development Officer to act within this time shall constitute approval of the Final Plat. Contingent to all the necessary, BMPs are in place, street signs being in place, gravel and width of roads are compliant and all previous plans and all reports are compliant.

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 is signed by the appropriate authorities prior to submission of the Final Plat to the County Land Development Officer for approval:

I hereby certify that this plat is true and correct and contains enough 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: _____

Telephone # _____

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 name's subdivision. Said documents are recorded in Deed Book _____ Page _____ in the Office of the Clerk of the Superior Court for Fannin County, Georgia. Or Non-Applicable per County attorney _____ Initials

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: The roads (have) or (have not) been designed and installed in an acceptable manner and (do) or (do not) conform to the Fannin County Subdivision Standards.

Date: _____ Chairman, Fannin County Board of Commissioners: _____

Certificate of County Health Department:

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 disturbance to 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 (copy of approval letter attached) and has been accepted by the (name of public utility) _____ or, if private, a copy of the property owner’s association legal document guaranteeing the operation and maintenance of the system is attached.

Water Systems:

1. A DNR/EPD water system construction certificate letter from a Professional Engineer (licensed by the State of Georgia) must be submitted/received by the Land Development and the Environmental Health Department office prior to signatures on the Final Plat.
2. At the point in time that water service delivery is provided to 25 people 60 or more days per year and/or the 15th house is built, and water connection is provided, a permit to operate the water system must be issued from the Director of The Georgia Environmental Protection Division prior to the issuance of additional house building permits and septic system permits.

Date: _____

Utility System Engineer Print and Signature: _____

Define: Private System Engineer or City or County: _____

Final Plat Approval:

I hereby certify that the final subdivision plat shown hereon has been carefully reviewed and approved as evidenced by the signed certificates. I hereby certify that all 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 Office: _____

ARTICLE V

GENERAL PRINCIPALS OF DESIGN

S3.500 Suitability of the Area Proposed for Subdividing: Land which the Fannin County Land Development Officer 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 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 to the County Attorney’s office for review and approval 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. (Names of Subdivisions must be check with the Fannin County Land Development Officer for approval)

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 outlined in Article XI of this Chapter and are 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:** If 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 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 50 feet from the centerline of all roads unless a variance is obtained from the Fannin County Board of Commission. 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 Fifty feet as by the Georgia 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:

Single Family with public water and sewer	100 feet
All other Single Family:	150 feet
Duplexes with public water and sewer	125 feet
All other Duplexes	150 feet

Multi Family All

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 other provisions of these standards.
8. **Lot Area:** Subdivision lots shall have a minimum lot size as per the Rules and Regulations of the Fannin County Health Department.
9. **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 acre (43,560 sq. ft.)**
 - b. **Duplex 2.0 acre (87,120 sq. ft.)**
 - c. **Multifamily 3 acre; maximum 24 units/acre (130,680 sq. ft.)**

Fannin County Health Department

The Fannin County Health Department will determine all information on the septic systems installed in Fannin County by their Rules and regulations.

10. **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 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 an 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 terminate 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 be limited by:

1. The subdivision of lots to back on the arterial or collector route and front on a parallel minor route.
2. A series of cul-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 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 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 Fannin County Planning Commission.
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. The 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 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 E-911 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 an enough 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 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 Planning Commission for review and approval prior to construction. The Fannin County Board of Commissioners may consult with the Georgia Department of Transportation, or other consultants, on the design of proposed bridges.

S3.612 Traffic Study: Any subdivision or development that has or will have more than fifty dwelling units or structures is required to conduct a traffic study along any connector road, County, State Route, or Private Road, and present the study to the Fannin County Planning Commission, before the subdivision will be approved. The study must be conducted for a

period of seven days, by an approved Traffic Study Engineer, and presented to the Planning Commission for review, effective at the passing of this ordinance.

S3.614 Sidewalks: Where the subdivision meets any City Street, County Road, or State Highway a sidewalk will be required to connect for pedestrian travel.

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:

Type of Street	Right of way (Feet)	Road Width (Feet)	Road Surface	Minimum Road Surface type	Shoulder
Collector Street	60	24	24	TBST on 6" aggregate base	3' stabilized area on each side
Local Street	60	24	18	TBST on 6" aggregate base	3' stabilized area on each side
Class I Street (all streets which access 26 or more parcels)	40	18	18	4" aggregate base	3' stabilized area on each side with a 5-10-degree slope
Class II Street (access a maximum or less of 25 parcels)	40	18	18	4" aggregate base	3' stabilized area on each side with a 5-10-degree slope

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 their road construction with the Fannin County Planning Commission. The base, grading, drainage, and utilities shall be approved by the Fannin County Public Works 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 charts 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 four (4)" of aggregate base. Class A and B charts 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 smooth bore polyethylene. 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 Commissioner. 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 Fannin County Planning Commission shall approve the sign design, material, and method of installation.

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 homeowner'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. The Developer or the Homeowners association shall by letter request the Fannin County Board of Commissioners to consider the acceptance of the road or roads.

ARTICLE VII

UTILITIES AND DRIVEWAYS

S3.700 Water: When the Fannin County Land Development officer determines that public water is within 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, more than 15 homes or 25 persons residing in structures at least 60 days per year shall be approved by the Georgia Department of Natural Resources, Environmental Protection Division 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 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. An easement is required if this is a County maintained road.

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 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 Building Department or Fannin County Land Development Officer for a driveway permit before said installation. A driveway permit is required on all county-maintained roads.

S3.704 Period for Inspection: The Fannin County Building Inspector or Fannin County Land Development Officer shall have a period of ten (10) 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 Building Inspector or Fannin County Land Development Officer 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. If 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 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, 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 on record 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, 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 and approved by the Fannin County Land Development Officer, 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, _____, 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, _____, 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
400 West Main St, Suite 100
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 combination 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 _____, 20_____."

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 sincerely 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 Land Development office, 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.

VARIANCE PROCEDURES:

1. The property owner or his or her representative must apply for the variance in the Fannin County Land Development office.
 - a. Items need for the application: Property owners, name, address, telephone number and email address and the following copies: Deed, plat, neighbor's letter if applicable, reason for variance.
2. The variance application must be submitted 10 days prior to a Fannin County Board of Commissioners meeting. Meeting dates are the 2nd Tuesday and 4th Tuesday at 6:00 PM.
3. If the variance is for a closer distance to the adjoining property an original letter from that property owner must be submitted, with the signatures of the property owners and a witness and notary public. The Fannin County Land Development Office will provide the form.
4. Fannin County Board of Commission for review and approval or denial. The Land Development Officer then types a document for recording and a copy will be mailed to the property owner. The recording fee is set by the State of Georgia for the recording of documents and periodically can and will change to comply with the State of Georgia. The increase of fees for recording will not constitute the revision of this Ordinance.
5. If the Fannin County Board of Commissioners denies the variance the property owner will be notified, via email, telephone or by letter to the address listed within the application. Fee associated with this application approved by resolution by the Fannin County Board of Commissioners.

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 landslides;
 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, which 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.

Definitions:

Crest: the top of a mountain or hill.

Summits: the highest point of a hill or mountain.

Ridge tops: Ridgecrest and ridgetop are terms used interchangeably to describe terrain at or near the top of a ridge.

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 2 acres and no such acre shall be less than one hundred (150) feet wide at the building site. This density restriction shall NOT apply to:
 - a. Any lot of less than two (2) 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 and one half (1.5) 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 commission; provided further, that any such planning commission must have provided for rules and procedures and governed lot sizes, density, types of buildings.
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 one dwelling unit per 2 acres. If there is a public water supply and sewage system available to this property, then the density may be increased to no more than three (3) dwelling units per acre. Regardless of what type of system, no such acre shall be less than one hundred fifty (150) feet wide at the building site.
8. Any structure shall be set back 100 feet from the ridgeline. 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, by a registered Landscape Engineer.

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. No roads shall be more than 15% slope and shall have a minimum width of 18 feet and a radius of no less than 60 feet. For Public safety (access by ambulances and firetruck) a variance will be required to be submitted to the Land Development Office to be presented to the Board of Commissioners for approval. See requirements for Variance Procedure, page 40.

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.
3. There shall be no mining activity on protected mountains.
4. There shall be no commercial or industrial use that exceeds the Noise Ordinance for residential property.

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 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, water body or ridgeline.
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 with a new site plan. 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 summons violators to Magistrate Court.

The Land Development Officer shall have the power to conduct investigations as reasonably deemed necessary to conduct 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 from the Land Development Officer or designated appointee. If the review process is not completed within thirty (30) days, the application is 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, the development permit approval shall be invalid. If, however, substantial work has been done within this time on the development, the permit can be renewed, for a period of 1 year, then the permit will become null and void.

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 Georgia Environmental Protection Division, the U.S. Army Core 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, 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 she/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. JUDICIAL 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. The 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 added information becomes available.

L. 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 authority 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

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 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 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;
- 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 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 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 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 wellbeing 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 general welfare.

- A. Purpose: The purpose of this section is to promote wetlands protection, while considering 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 district 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 matters 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 wetland's 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) (c)
- 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 riverbanks. 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 always be maintained 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 follow all local land development 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 riverbanks cannot 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 tank 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 solid 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, 2001. 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.
- 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 riverbank 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

ARTICLE XI

PROTECTIVE COVENANTS & RESTRICTIONS OR PROPERTY OWNERS ASSOCIATION REQUIRED FOR COMMONLY OWNED AREAS IN PRIVATE DEVELOPMENTS

S3.100: 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 after 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.

S3.100A: For each development or subdivision created in Fannin County, Georgia, an agreement setting aside an area for a garden area, (1/10) one tenth acres for each lot with the subdivision, not to exceed three acres per subdivision, to be used by all property owners and granted through the covenants and restrictions, provision for a Property Owners Association. The Restrictions and Covenants or if created, the Property Owners Association shall establish the legal responsibility for the maintenance of the garden which services the development and all commonly owned property. Easements granting access to individuals 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 after 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.

APPLICATION FOR LAND DISTURBING ACTIVITY PERMIT

Fannin County Land Development Office
 400 West Main Street, Suite 101A
 Blue Ridge, Georgia 30513

INSTRUCTIONS: An application for a permit must include the applicant's Erosion and Sediment Control Plan and must be factual and complete.

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) _____ Project Name _____

City State Zip Code _____ Activity _____

Georgia County of Residence _____ Location _____ Zip Code _____

EMAIL ADDRESS: _____

Total Number of Acres _____ Number of Disturbed Acres _____

Will any roads be above 18% grade _____ NOI on file _____ (Copy attached)

Proposed Intent of Development _____

FANNIN COUNTY, GEORGIA
 PERMIT
 LAND DISTURBING ACTIVITY

Permit # _____ Date Issued: _____ Date Expires: _____

Permittee: _____ Activity: _____

Mailing Address: _____

Location of LDA: _____

EMAIL ADDRESS: _____

In accordance with the provisions of the Fannin County Erosion, Sedimentation and Pollution 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 Pollution 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 SOIL EROSION AND LAND DISTURBING PLAT SHALL BE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE. IF NO SUBSTANTIAL WORK IS DONE IN THIS TIME FRAME TO THE DEVELOPMENT, THIS PLAT SHALL BE NULL AND VOID. IF WORK IS CURRENTLY UNDERWAY THIS PERMIT SHALL BE RENEWED FOR ONE ADDITIONAL YEAR FOR \$ 150.00, by resolution approved by Fannin County Board of Commissioners.

The preliminary plat approval shall be valid for one (1) year from date of approval, at which time a recordable final plat must be submitted for review and approval. If substantial work has not been done on the development within this time, the preliminary plat approval shall be invalid.

ANY BUFFER DISTURBANCE MUST BE APPROVED BY GEORGIA ENVIRONMENTAL PROTECTION DIVISION PRIOR TO ANY LAND DISTURBING ACTIVITY.

The permittee shall comply with the conditions included in the following "General Permit Conditions." **PERMIT MUST BE POSTED ON THE SITE.**

Signature: _____

Fannin County Land Development Officer

Signature: _____

Owner's Or his/her representative

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 Georgia Soil and Water Conservation Commission, 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 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 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 using 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 crossings 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.

CHAPTER IV

ACCESS CONTROL

ARTICLE I: PURPOSE

S4.100 Purpose: 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 five hundred (500) feet.
5. The design of the access point includes 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 will require that the access be from both streets, to lessen serious congestion.

5. 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 interconnecting interior circulation drives.
 - a. Frontage roads are those which parallel the existing street and extend across the entire frontage of a 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. Driveways 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. The 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.

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 Officer shall administer the Fannin County Land Development Ordinance. The Land Development Officer shall be appointed by and report to the Fannin County Commission Chairman. The Land development Officer shall coordinate his/her 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 approve/disapprove mobile home parks.
5. Issue non-compliance and stop work orders.

6. Regulate flood plain usage and building in the flood plain.
7. Solid waste and litter control rules and regulation enforcement.
8. Driveway Ordinance enforcement and permit issuance.

S5.102 Development Permits Required: This Ordinance will be administered using development permits. The Fannin County Land Development Officer will issue all the permits except the septic tank permit and building permits. A permit fee, in an amount established by Fannin County Board of Commissioners, by resolution, 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 are:

1. Soil Erosion Plat:
 - a.) Land Disturbing permit.
2. Preliminary Plat:
3. Final Plat
4. Access permit:
5. Mobile Home Park certificate:
6. RV Park Certificate

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 Officer. The Fannin County Land Development Officer shall have the authority to enter, at reasonable times, upon any property, public or private. Inspecting said site for conducting such investigations as may be deemed reasonably necessary to conduct his/her duties. The Land Development Officer shall provide his/her name and position to any owner present and state his/her purpose or, if no owner is present, to the supervisor of the project, if present.

S5.104 Non-Compliance:

a.) Notification: If the Fannin County Land Development Officer determines that there has been a violation of the within Ordinance, they shall 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 if 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. If 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 time for the correction of the violations.
- ii) The measures required to correct the violations.
- iii) The summons resulting from said violations.
- iv) The fine that will result from failure to correct the indicated violations.
- v) Any stop work orders.
- 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 “Stop Work Order” can be delivered verbally and be immediately effective. Said verbal “Stop Work Order” must be followed with written notification.

c.) **Summons.** The Fannin County Land Development Officer is authorized to impose summons 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:

- b.) Any individual or entity that is notified of the assessment of a summons 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 if 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, after, 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.
- c.) 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.
- d.) 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 Office 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.) If the fine is not paid within the indicated period, the Fannin County Land Development Office 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 ON SUBDIVISIONS

When a developer feels that exceptional circumstances or conditions are peculiar to his/her property, they may request that they 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 Office. The Office 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 or deny.

VARIANCE PROCEDURES:

1. The property owner or his or her representative must apply for the variance in the Fannin County Land Development office. Fees to be approved by the Fannin County Board of Commissioners by resolution.
 - a. Items needed for the application: Property owners, name, address, telephone number and email address and the following copies: Deed, plat, neighbor's letter if applicable, reason for variance.
2. The variance application must be submitted 10 days prior to a Board of Commission meeting. Meeting dates are the 2nd Tuesday and the 4th Tuesday of each month at 6:00PM.
3. If the variance is for a closer distance to the adjoining property an original letter from that property owner must be submitted, with the signatures of the property owners and a witness and notary public. The Fannin County Land Development Office will provide the form.
4. When the Fannin County Board of Commissioners approves the variance, it will be recorded in the Fannin County Clerk of Superior court and a copy will be mailed to the property owner. The recording fee is set by the State of Georgia for the recording of documents and periodically can and will change to comply with the State of Georgia. The increase of fees for recording will not constitute the revision of this Ordinance.
5. If the Board of Commissioners denies the variance the property owner will be notified, via email, telephone or by letter to the address listed within the application, by the Land Development Office.

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

LIABILITY

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 Office, or their 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 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 to identify them self-prior to accessing the premises. The Land Development Officer shall present official identification upon reasonable request.

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.

- c. 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 Georgia 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.

E. **Withholding Permits.** The Land Development Officer is authorized to withhold the issuance of refuse approval of a plan to any developer, or property owner, until such time as such contractor or person has resolved satisfactorily all outstanding violations from previously issued land disturbance permits with the Land Development Officer.

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 summons to the owner of the property and/or the responsible party or refer the matter to the Magistrate Court 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 summons 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.

c. **Alternative penalties.** Any violation of this article may also be enforced by a summons or accusation returned 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. If the fines that would be imposed if the summons or accusation was upheld by the Court, then the summons 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 setbacks from streams, the local ordinances on setbacks from property lines and road right of ways, and any other requirements in the Fannin County Land Development Ordinance which may apply.

1. All Commercial Properties along the following State Highways must comply with the following:

- A. Appalachian Highway, Hwy 515
- B. Blue Ridge Drive, Hwy 5 North
- C. Morganton Highway, Hwy 60 South
- D. Mineral Bluff Hwy, Hwy 60 North
- E. Murphy Hwy, Spur 60

- a. All parking areas will be at the rear of the structures.
- b. An established tree line must be maintained in front of the structure.
- c. Signs will be allowed to compensate for the limited visibility, exclusive of Georgia DOT right of way or easement. **Check and change the sign ordinance.**
- d. Each structure must have the correct amount of handicap parking as relegated by the ADA.

2. All commercial properties and structures must be inspected by a certified Commercial Building Inspector. And a certified Commercial Electrical Inspector.

3. Gasoline service stations shall allow 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 Planning Commission.

4. All Commercial apartment buildings or townhouses, hotel/motel must have 2 exits and entrances. The driveway to these types of facilities is required to have a 30-foot entrance to and from any county, public or private road. The easement into any such facility shall be 40-foot total and 20 feet from the centerline of the as built roads and required to be incorporated in the final plat prior to approval by the Land Development, County Commissioner and the Planning Commission.

S7.101 COMMERCIAL LOTS-BOARD OF HEALTH

Approved by Fannin County Board of Health on February 13, 2019

A. The County Board of Health may require larger lot sizes than specified here when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land area for an approval on-site sewage management system and approved replacement system, slope greater than Twenty Five Percent (25%), percolation rates higher than Sixty (60) minutes per inch, need for subsurface drainage or adverse topographic features.

B. Lots shall be a minimum width of one hundred feet (100') or one hundred fifty feet (150') depending upon the use of a public water supply system or non-public water supply system, respectively. These measurements apply within the area where an approved on-site sewage management system and replacement system are to be located.

C. The following land areas are not considered as a part of a lot when calculating the required minimum lot size: rights-of-way of roads, easements(such as power line or pipe lines) that exclude installation of an on-site sewage management system, soil conditions that exclude the installation of an on-site sewage management system, bodies of water, land within 50 foot of a lake, river, stream, wetland or other bodies of water and similar limiting factors.

D. There must be an unobstructed area on each lot or installation of an approved on-site sewage management system and an area equal in size for a conventional system or large area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent County zoning setbacks and other space requirements must also be met.

E. The maximum daily sewage flow for each lot or parcel of land shall not exceed Six hundred (600) gallons per acre per day (gpac) when served by non-public or individual water supply systems, or twelve hundred (1200) gpac when served by public water supply system. When sewage flow exceeds these quantities (600 or 1200 gpac as indicated) for a given structure, the minimum new lot size or parcel of land shall be increased proportionally.

Example: Assume a public water supply exists and there is a proposed sewage flow of 5,000 gallons per day. To determine the required lot size, use the following formula:

$$\text{Sewage flow} = 5,000 \text{ gal. divided by } 1200 \text{ gal/acre/day} = 4.17 \text{ acres required}$$

Likewise, for a non-public (individual) water supply such as a well:
$$\text{Sewage Flow} = 5000 \text{ gal/day divided by } 600 \text{ gal/acre/day} = 8.33 \text{ acres}$$

1. Lot sizing requirements are as follows for commercial structures, and this also includes mobile homes located in commercial mobile home parks. Paragraphs 1A through 1 F above also apply to Table MT-1

Table MT -1

Minimum (Min) Lot sizes, Minimum Lot Widths and Maximum (Max) Allowable Sewage Flow for the type of Water Supply System.

Type of Water Supply

	Non-Public* (Individual)	Public
Minimum lot size	43560 square feet (1 acre)	21,780 square feet (1/2 acre)
Minimum Lot Width	150 feet	100 feet
Maximum Sewage Flow	600 gpac**	1200 gpac

* In this context “Non-public” means an individual water supply system or any other water supply system, which is not a “Public” water supply system.

** gpad=gallons per acre per day= gal/acre/day.

S7.102 HOTEL AND MOTELS

- 1. Must follow all rules and regulations under the Land Development Ordinance for the Erosion, Sedimentation, and Pollution Control Plans.**
- 2. Must have 2 Entrances and Exits.**
- 3. Must have State of Georgia Fire Marshall approval.**
- 4. Must be reviewed by the Planning Commission and recommendations to the Fannin County Board of Commissioners, for their review and approval.**
- 5. The driveway to these types of facilities is required to have a 30-foot entrance to and from any county, public or private road. The easement into any such facility shall be 40-foot total and 20-foot from the centerline of the as built roads and required to be incorporated in the final plat prior to approval by the Land Development, County Commissioner and/or the Planning Commission.**

CHAPTER XII

FANNIN COUNTY LAND DEVELOPMENT SOIL EROSION AND SEDIMENTATION CONTROL

SECTION I

TITLE

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

SECTION II

Definitions are found in the front of this ordinance pages 9-23

SECTION III

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, “The Georgia Surface Mining Act of 1968”;
 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, fences 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 O.C.G.A. 12-7-6 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 subsection (b) of O.C.G.A. 12-7-6 the buffer zones provided by this section shall be enforced by the Local Issuing Authority.;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, “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. 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 IV C. of this ordinance, no other land disturbing activities, except normal 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.

7. Any project conducted under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture.

8. Any project involving less than one (1) 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 (1) 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 less than one acre, 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 LIA from regulation any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 9 or 10 of this section;

9. 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 Road and 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 Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. 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 LIA, the LIA 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;

10. 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 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, 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 LIA 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; and

11. Any public water system reservoir.

SECTION IV

MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. General Provisions:

Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV 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, sedimentation, and pollution during all stages of any land disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. Minimum Requirements/BMP's:

1. The Best Management Practices as set forth in Section IV 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 GA. DNR-EPD, 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 O.C.G.A. 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 LIA or of any state general permit issued by the GA. DNR-EPD or of any general permit for construction activities issued by the GA. DNR-EPD or pursuant to subsection (f) of O.C.G.A. 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 than 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 GA. DNR-EPD. 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 (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by a LIA or any state general permit issued by the GA. DNR-EPD 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 GA. DNR-EPD may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving water into which discharges from land disturbing activities occur.
5. The LIA may set more stringent buffer requirements than stated in C.15, 16 and 17., considering O.C.G. A. § 12-7-6 (c).

- #### C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G. A 12-7-1 et. seq 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 to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type 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 practicable;
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 using 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 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, sedimentation and pollution control 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 Section IV 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 GA. DNR-EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the GA. DNR-EPD pursuant to O.C.G.A. 12-2-8, 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; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair, or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round ; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffer of at least 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 GA. DNR-EPD 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 Georgia Department of Natural Resources EPD, 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 GA. DNR-EPD 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 specifications 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. Professionally 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 **O.C.G. A. 12-7-1** et seq. shall prevent any LIA from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV 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.

SECTION V

APPLICATION/PERMIT PROCESS

A. General:

The property owner, developer and designated planners and engineers shall review the general development plans and the Ordinance of the local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the 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 LIA. The Owner/operator/developer may obtain a permit.

B. Application Requirements:

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 and providing a copy of the Notice of Intent with Georgia Department of Natural Resources Environmental Protection Division at: geos.ga.gov.

2. 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 Section V C. of this ordinance. Erosion, sedimentation pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be conducted in such a manner that provisions of the Section IV B. & C. of this ordinance will be met. Application for a permit will not be accepted unless accompanied by three (3) copies of the applicant's soil erosion, sedimentation, and pollution 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 in accordance with EPD Rule 391-3-7-.10.

3. 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 fee shall not exceed eighty (\$80) dollars 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 the 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 fee levied shall be submitted to the GA. DNR-EPD; 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 on full to the GA. DNR-EPD, regardless of the existence of a LIA in the jurisdiction. Also, must file the Notice of Intent with Georgia Department of Natural Resources Environmental Protection Division at: geos.ga.gov.

4. Immediately upon receipt of an application and plan for a permit, the LIA shall refer the application and plan to the Georgia Soil and Water District or their designee for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation, and pollution control plan. The Georgia Soil and Water District or their designee 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 Georgia Soil and Water District or their designee review shall be forwarded to the LIA. No permit will be issued unless the plan has been approved by the Georgia Soil and Water District or their designee, and any variances required by Section IV C. 15 & 16 has been obtained, all fees have been paid, and bonding, if required as per Section V B. 6, have been obtained. Such review will not be required if the LIA and the Georgia Soil and Water District or their designee have entered into an agreement which allows the LIA to conduct such review and approval of the plan without referring the application and plan to the Georgia Soil and Water District or their designee. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 45 days of receipt. Failure of the LIA with plan review authority to act within 45 days shall be considered an approval of the revised Plan submittal.

5. 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.

6. The LIA 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, \$3,000.00 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 LIA 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 a hearing and judicial review of any determination or order of the LIA with respect to alleged permit violations.

C. Plan Requirements:

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or using more stringent, alternate design criteria which conform to sound conservation and

engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the inter relationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances, and State laws. Maps, drawings, and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but, in any event, not later than forty-five (45) days after receipt by the LIA of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. The Local Issuing Authority shall not issue a permit unless the erosion, sedimentation and pollution control plan has been approved by the Georgia Soil and Water District or their designee and the LIA has affirmatively determined that the plan follows this ordinance, any variances required by Section IV C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section V B. 6. 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. Any land-disturbing activities by a LIA shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the LIA, 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. The 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.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, considering O.C.G.A. 12-7-7 (f) (1).

SECTION VI

INSPECTION AND ENFORCEMENT

- A. The Fannin County Land Development Personnel 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 primary and secondary and tertiary 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 conducts land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary 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. The LIA must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Fannin County Land Development personnel shall have the power to conduct such investigations as it may reasonably deem necessary to perform 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 LIA, who GA. DNR-EPD 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 performing his or her official duties.
- E. The GA. DNR-EPD or the Georgia Soil and Water Commission or both shall semi-annually 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 or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the counties or municipalities erosion, sedimentation and pollution control program. The GA. DNR-EPD or the Georgia Soil and Water Commission shall notify the GA. DNR-EPD and request investigation by the GA. DNR-EPD if any deficient or ineffective local program is found.
- F. The GA. DNR-EPD 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 pursuant to O.C.G.A. 12-7-7 (e) the GA. DNR-EPD shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 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 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII

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 Local Issuing Authority.

B. Stop Work Orders:

1. For the first and second violations of the provisions of this ordinance, the GA. DNR-EPD or the LIA 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 GA. DNR-EPD or the LIA 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 GA. DNR-EPD 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 GA. DNR-EPD or the LIA 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 LIA or by the GA. DNR-EPD 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 LIA or by the GA. DNR-EPD or his or her Designee. All such stop work orders 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 except for 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 Section V B. 6. The LIA 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 GA. DNR-EPD issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For enforcing the provisions of this ordinance, notwithstanding any provisions in any County charter to the contrary, municipal courts shall be authorized to impose 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 \$2,500.00 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

A. 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.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Georgia Soil and Water Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

ARTICLE XI

ADMINISTRATIVE APPEAL/JUDICIAL REVIEW

- A. **Administrative Remedies:**

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution 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 Forty-five (45) days after receipt by the LIA of written notice of appeal.

- B. **Judicial Review:** Any person, aggrieved by a decision or order of the LIA, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Fannin County.

ARTICLE XII

VALIDITY AND LIABILITY EFFECTIVITY

A. **VALIDITY:** If any section, 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.

C. **LIABILITY:**

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 LIA 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.

ARTICLE XIII

BUILDING WITHIN 200 FOOT OF STATE WATERS

1. **Data Required for Site Plan for area within 200 foot of state Waters:**

- (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.**
- (g) **Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sedimentation Control in Georgia*.**

(h) Maintenance statement- “Erosion and sedimentation control measures will be always maintained. 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 the 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.	Flat 0-2%	0.5 or 1
or larger scale	Rolling 2-8%	1 or 2
	Steep 8% +	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 always be the responsibility of the property owner.

B. 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 LIA 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 LIA has affirmatively determined that the plan follows 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 separate permit shall be required for each phase.
- 4. The permit may be suspended, revoked, or modified by the Local 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. The 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.

Chapter XIII

FLOOD DAMAGE PREVENTION

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

SECTION A: AUTHORIZATION:

Article IX, Section II of the Constitution of the State of Georgia, and Section 36-1-20 (a) of the Official Code of Georgia Annotated have delegated the 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 engage 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 public;
- (6) To minimize prolonged business interruptions, and;
- (7) To ensure 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 September 7, 2010, 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 manmade 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 damage. 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 a 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 because of a proposed development, and;**

(2) Construction Stage:

For all new construction and substantial improvements, the permit holder shall provide to the Building Department 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 a 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 the cause for the issuance of 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 proposed 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) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When Base Flood Elevation data or floodway date 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 source to administer the provisions of Article IV.
- (5) Review and record the actual elevation in relation to mean sea level, (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article III (B)(2).
- (6) Review 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).
- (7) 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).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (9) 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).
- (10) 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.
- (11) 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.
- (12) 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 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 a separate room.
- (5) All heating and air conditioning equipment and components, (including ductwork) all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located 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, 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 walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards Article IV, Section A (4), “Elevated Buildings”.
 - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above *one foot* above the base flood elevation.

- (2) **Nonresidential Construction**- New construction and or the substantial improvement of any non-residential structure located in A1-30, 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 watertight 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 accepted standards of practice for meeting the provisions 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 is 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.
 - (c) 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 on site for fewer than 180 consecutive days.
 - (j) 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 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 Fannin County Building Inspectors shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, 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 (20) 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 more than a *one foot* 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. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). 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".
 - (a). All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than *three feet* above the highest adjacent grade at the building site.

The Building Inspector(s) 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 SPECIAL FLOOD HAZARD (ZONES AE) WITH ESTABLISHED BASE FLOOD ELEVATIONS WITH DESIGNATED FLOODWAYS:

Located with the Areas of Special Flood Hazard established in Article II, Section B, where streams with base flood elevation are provided but no floodways have been designated (Zones AE) the following provisions apply:

1. No encroachments, including fill materials, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than *one foot* at any point within the community. The engineering certification should be supported by technical data to conform to standard hydraulic engineering principles.

2. New construction or substantial improvements to buildings shall be elevated or flood-proofed to elevations established in accordance with Article IV, Section B.

SECTION E: 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 Building Inspector (s) 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 watertight 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 F: STANDARDS FOR SUBDIVISIONS:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision and /or development 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 and /or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) For subdivisions and/ or developments greater than *fifty lot or five acres*, whichever is less, base flood elevations data shall be provided for subdivisions and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA) whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA to obtain the final LOMR.

SECTION G. STANDARDS FOR CRITICAL FACILITIES

- (1). Critical facilities shall not be located on the 100-year floodplain or in the 500-year floodplain.
- (2). All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE 5. 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 Fannin County Board of Commissioners shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Inspector (s) 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, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

(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 structure's 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 enough 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.