



DEVELOPMENT REGULATIONS

of Morgan County, Georgia

March 2005

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ARTICLE 1 GENERAL PROVISIONS

Chapter 1.1 Title and Authority

Section 1.1.1 Title and Authority.

- (a) Title: These development regulations shall be known as and may be cited as “The Development Regulations of Morgan County, Georgia” or, for brevity, “The Development Regulations.”
- (b) Authority: These development regulations are adopted under authority of Article 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia and other applicable laws enacted by the General Assembly.
- (c) Lands to Which These Regulations Apply: These development regulations apply to all lands within the unincorporated areas of Morgan County, Georgia.

Section 1.1.2 Adoption.

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- (a) Repeal of Conflicting Laws: All conflicting laws or parts of laws of Morgan County are hereby repealed to the extent of their conflict. Where these development regulations overlap with other requirements adopted by the Board of Commissioners, including but not limited to the Zoning Ordinance, whichever imposes the more stringent restrictions shall prevail except with regard to minimum lot sizes and widths, as regulated in these development regulations in which case, the minimum lot sizes and widths required under the Zoning Ordinance may be reduced, but only in accordance with these Development Regulations where specifically authorized herein.
- (b) Repeal of Existing Subdivision Regulations: Upon the adoption of these development regulations, the existing Subdivision Regulations of Morgan County, Georgia, dated May 7, 2002 and as amended, are hereby repealed.
- (c) Severability. If any section, subsection, sentence, clause, phrase or portion of these development regulations or any amendment to it are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of these development regulations or an amendment to it. The Morgan County Board of Commissioners hereby declares that it would have enacted the remainder of these regulations even without such part, provision or application.
- (d) Effective Date:

- a. These development regulations shall take effect upon their adoption by the Board of Commissioners of Morgan County, Georgia.
- b. Any preliminary plat or site plan approved prior to the effective date of these development regulations may proceed with construction and recordation of a final plat under the provisions of the Subdivision Regulations of Morgan County in effect at the time of such approval.
- c. These regulations shall not be construed as abating any enforcement action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any entity.

Chapter 1.2 Purpose and Intent

Section 1.2.1 Purpose.

The purposes of these development regulations are to promote the health, safety, morals and general welfare of the public, and are intended:

- (a) To protect and promote the public health, safety, morals and general welfare of the residents of the unincorporated areas of Morgan County, Georgia.
- (b) To promote the orderly and beneficial development and expansion of the county in balance with the preservation or conservation of valuable historic or natural resources.
- (c) To prevent the over-crowding of land and avoid undue concentration of population.
- (d) To provide adequate access to natural light and air.
- (e) To secure safety from fire, panic and other dangers.
- (f) To provide uniform procedures and standards in order to promote the orderly and desirable subdivision and development of land.
- (g) To insure the orderly and desirable construction of streets.
- (h) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (i) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in accordance with a comprehensive plan.
- (j) To insure proper legal description and recordation of all subdivided land.

Section 1.2.2 Intent in Interpretation.

In the interpretation and application of these development regulations, all provisions shall be:

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

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Section 1.2.3 Intent Relative to Private Property Agreements.

These development regulations are not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by these development regulations.

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Chapter 1.3 Prohibited Activities

No person shall transfer, sell or convey, or attempt to transfer, sell or convey, ownership of all or any portion of land within unincorporated Morgan County, unless:

- (a) The property existed as a lot of record in its entirety prior to the effective date of these development regulations; or
- (b) The property is a lot of record shown in its entirety on a final subdivision plat duly recorded in the office of the Clerk of the Superior Court; or
- (c) The property is a lot located within a subdivision that is otherwise exempt from these development regulations.

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The subdivision of any lot or parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease shall not be permitted except as provided for by these regulations.

No person, firm or corporation shall transfer, sell, or agree to sell any land by reference to, or exhibition of, or by other use of a plat of the subdivision of such land before such plat has been appropriately approved by the County and recorded with the Clerk of the Superior Court; provided further, that the description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring such land shall not exempt the transaction from the requirements of these development regulations.

No building permit or development permit shall be issued for the construction of any structure on a lot subdivided or sold in violation of the provisions of these regulations

Chapter 1.4 Regulated Developments

These development regulations regulate the subdivision of land, the grading and site preparation of a property, the location and construction of site improvements, and the construction of public facilities and private improvements related to the development of residential and nonresidential sites and projects.

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Section 1.4.1 Subdivisions; defined.

A "subdivision" is any division or re-division of a lot, tract or parcel of land into two or more lots, building sites or other divisions. The "subdivision" results in a "parent" or original parcel and one or more additional lots. Where appropriate to the context, the term "subdivision" also relates to the process of subdividing or to the land or area subdivided.

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Section 1.4.2 Subdivisions; exempt.

The following types of subdivisions or subdivision activity are exempt from all provisions of these development regulations, subject only to approval by the Director of Planning and Development prior to recording, and further subject only to the requirements and procedures of these development regulations relating to final subdivision plat preparation and recording. Exemption under these development regulations does not exempt any lot from compliance with the Zoning Ordinance or any other applicable County law or regulation.

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- (a) Recombination: The sale or exchange of portions of adjoining lots between separate or common owners of adjoining properties, including the recombination of existing lots of record, provided that additional lots are not thereby created, and that all resulting lots are in accordance with the provisions of the Zoning Ordinance, and all other applicable laws and regulations.
- (b) Legacy Subdivisions: The granting of a parcel of land by a person to his or her spouse, parent, child or sibling. Any such parcel must meet the minimum requirements of the Morgan County Zoning Ordinance. Only one such parcel may be granted to each spouse, parent, child or sibling in any calendar year. Grantor shall complete an affidavit regarding relationship to Grantee prior to plat approval.
- (c) Non-development Land Sales: The sale of a parcel or tract of land for which no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval."
- (d) One-lot Split: The subdivision of an original tract that creates no more than 2 lots, building sites, or other divisions (including the remaining portion of

the original tract). Neither lot created under this exemption may be further subdivided except as a minor or major subdivision.

- (e) Large Lot Subdivision: The subdivision of an original tract that creates any number of lots that are five (5) acres in size or greater (including the remaining portion of the original tract) and contains 150 feet of frontage along an existing county road. Any lot created under this exemption, including the remainder of the original tract, may not be further subdivided except as a minor or major subdivision.

Section 1.4.3 Classification of Subdivisions.

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For the purposes of these regulations, subdivisions are divided into three classifications: minor subdivisions, major subdivisions and private street subdivisions.

- (a) Minor Subdivision: A “minor subdivision” is the subdivision of an original tract that creates no more than 5 lots, building sites, or other divisions (including the remaining portion of the original tract), provided that:
 - a. To qualify as a minor subdivision, each lot must have frontage on an existing County street or road, and the subdivision must not require the construction of a new street or the widening of an existing roadway, the provision of storm water drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.
 - b. New lots or tracts of land that are created from the subdivision of the original tract as a minor subdivision may not be further subdivided as a minor subdivision. The creation of said new lots or tracts must be recognized as being created as a minor subdivision with the appropriate language on the plat at the time of the final plat approval. Any further subdivision of a lot created as part of a minor subdivision must be accomplished through the procedures for a major subdivision.
 - c. The term “original tract” as used in this Section means the entire tract of land as it existed immediately prior to the approval of any portion of it as a minor subdivision, including the creation of the first lot.
 - d. No further subdivision of the original tract or resulting tracts from the minor subdivision will be permitted for one (1) year after the date of final plat approval.
- (b) Major Subdivision: A “major subdivision” is any subdivision that does not qualify as a “minor subdivision” and is not otherwise exempt from these development regulations. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has 6 or more lots, building sites or other divisions.

- (c) Private Street Subdivision: A “private street subdivision” is a major subdivision in which some or all of the lots are served by a street held in private ownership and not dedicated to the County. A private street subdivision must meet all requirements of these development regulations that apply to a “major subdivision,” except for dedication of the street rights-of-way or easements and drainage structures and easements.

Section 1.4.4 Subdivision Site.

The subdivision site is the entire property for which subdivision approval is requested, including the lots intended for development of residences, community amenities (such as recreation facilities), streets, commercial uses, and other rights-of-way or easements, and areas to be set aside as open space.

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Chapter 1.5 General Applicability

Section 1.5.1 Acceptance of Public Streets.

- (a) The County shall not accept a public street or recognize a private street unless such street substantially corresponds in its location and lines with a street shown on the preliminary and final subdivision plats approved under the provisions of these development regulations.
- (b) There shall not be any water mains, sewers, connections or other facilities or utilities accepted in, on, under or over any street unless such street is shown on a final subdivision plat approved by the County or the street has attained the legal status of a public or private street.

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Section 1.5.2 Recordation and Transfer of Property.

- (a) The Clerk of the Superior Court shall not file or record a plat that has not been approved as required by these development regulations.
- (b) Any deed or other instrument of conveyance, including a security deed, bond for title, or any other document purporting to convey, then or in the future, title to real estate, filed for record with the Clerk of the Superior Court, wherein the property to be conveyed is described in some manner other than by reference to a recorded plat, shall be accompanied by a certificate signed by the grantor of the property, which certificate shall be substantially in the following form:

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I, _____, do hereby certify that the instrument herewith filed for record in the Office of the Clerk of the Superior Court of Morgan County, Georgia, does not result in the subdivision of a tract of land into 2 or more tracts or lots.

This ____ day of _____, 20__.

Section 1.5.3 Street Frontage Required.

No building permit shall be issued for any development which is not exempt from these development regulations, which has not been approved by Morgan County as outlined

under the provisions of these development regulations, and which does not have required frontage on public or private street.

Section 1.5.4 Exemptions.

Previously Issued Permits: The provisions of these development regulations and any subsequent amendments shall not affect the validity of any lawfully issued and effective building permit or development permit if:

- (a) The development activity or building construction authorized by the permit has been commenced prior to the effective date of these development regulations or the subject amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and
- (b) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, a new permit shall be required for all future development or construction on the site in accordance with all regulations in effect at the time of application for the new permit.

Section 1.5.5 Governmental Bodies.

All governmental bodies and authorities legally exempt from regulation under the police power of Morgan County are exempt from the regulations contained in these development regulations.

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Chapter 1.6 Interpretation

Section 1.6.1 Responsibility for Interpretation.

- (a) The Director of Planning and Development shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of these development regulations.
- (b) Interpretations of the Director of Planning and Development may be appealed under the provisions of these development regulations relating to Appeals.

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Section 1.6.2 Use of Figures or Examples for Illustration.

Figures or examples associated with defined terms or regulatory paragraphs in these development regulations are provided for illustration or explanation only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

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Section 1.6.3 Use of Words and Phrases.

For the purpose of these development regulations, the following shall apply to the use of words and phrases:

- (a) References to the "County" and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in these development regulations shall always mean Morgan County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:

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- a. The County Manager, appointed as such by the Morgan County Board of Commissioners, or the County Manager's designee.
 - b. The Road Superintendent, appointed as such by the County Manager, or the Road Superintendent's designee.
 - c. The Chief Building Official (referred to also as the "Director of Planning and Development") appointed as such under the Building Code, or the Chief Building Official's designee.
 - d. The Code Enforcement Officer, appointed as such by the County Manager, or the Code Enforcement Officer's designee.
 - e. The County Planner, appointed as such by the County Manager, or the County Planner's designee.
 - f. The Planning Commission, created as such and appointed by the Morgan County Board of Commissioners *et al.*
- (b) References to an administrative department of Morgan County shall always mean the department created by the Board of Commissioners as such.
- (c) References to public officials, departments or appointed bodies of jurisdictions other than Morgan County shall always mean such persons or bodies having jurisdiction over or relative to Morgan County, Georgia. These include:
- a. The Clerk of the Superior Court of Morgan County, Georgia.
 - b. The Morgan County Health Department.
 - c. The Piedmont Soil and Water Conservation District.
 - d. The Northeast Georgia Regional Development Commission (RDC).
 - e. The Georgia Departments of Natural Resources (DNR) and Transportation (DOT).
 - f. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA) and the Environmental Protection Agency (EPA).

(d) The terms "preliminary plat" and "preliminary subdivision plat," and the terms "final plat" and "final subdivision plat," are used interchangeably in these development regulations and have the same meaning.

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Section 1.6.4 Meaning of Words and Phrases.

- | (a) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and Article in which they occur.

- | (b) Words and phrases defined in these development regulations shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in these development regulations shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

- | (c) Definitions are clearly identified as such and are located throughout these development regulations in the Articles or Sections to which they most readily refer. All definitions, regardless of location within an Article of these regulations, apply equally to the use of such terms throughout the regulations. A glossary of all defined terms is included with these regulations for convenience. However, if differences in wording occur between definitions of a term, the definition contained within an Article or Section of these regulations shall control.

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ARTICLE 2 DEFINITIONS

Chapter 2.1 Purpose of Article

The following is a glossary of all definitions specifically used in the text of the Development Regulations. Refer also to the Interpretation Section of Article 1 regarding the interpretation of figures, words and phrases as used in these regulations.

Chapter 2.2 General Use of Words and Phrases

- (a) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "he" or "his" also means "her" or "hers."
- (b) The word "person" is intended to include 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, any interstate body or any other legal entity.
- (c) The words "shall," "will," "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.
- (d) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.
- (e) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following."
- (f) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by the Zoning Ordinance.
- (g) The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established under the Zoning Ordinance.
- (h) The word "day" means a calendar day unless otherwise specified as a work day, which means Monday through Friday.
- (i) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- (j) The word "map" or "zoning map" means the official Zoning Map of Morgan County, Georgia, and may include a single map or a series of maps in sections.

Chapter 2.3 Defined Words and Phrases

AASHTO: The American Association of State Highway and Transportation Officials.

Addition (to an existing building): 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 independent perimeter, load-bearing walls is new construction. Any expansion to an existing building that is not walled and roofed, such as an open porch or deck, is not considered an "addition" for flood damage prevention purposes.

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a preliminary plat or site plan, development permit, building permit, hardship variance, administrative appeal, or any other authorization for the use or development of their property under the requirements of these development regulations.

Application: A petition for approval of a development permit, building permit, hardship variance, or appeal, or any other authorization for the use or development of a property under the requirements of these Development Regulations.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed 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 1 percent or greater chance of flooding in any given year.

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

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides.

Best Management Practices (BMP's): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

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

Board of Natural Resources: The Board of Natural Resources of the State of Georgia.

Breakaway Wall: 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 foundation system.

Buffer Area: A landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development.

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

Building: Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of these regulations, the term "building" includes "structure", as defined.

Comprehensive Plan: The Comprehensive Plan for Morgan County and the Cities of Bostwick, Buckhead, Madison and Rutledge, September 2004, as adopted and amended from time to time.

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

Contiguous: An area not divided in its entirety by a street or street right-of-way, any right-of-way of a railroad or other public service corporation, or lands owned by others.

Conventional subdivision: A subdivision in which all lots meet or exceed the minimum lot size, lot width, and all other dimensional requirements of the Zoning Ordinance.

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

Cutting: The removal of any soil or other solid material from a natural ground surface.

Developer: See "Applicant."

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development: Any man made change to improved or unimproved real estate, including but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavation, drilling operation or permanent storage of materials.

Director: The Morgan County Director of Planning and Development or his/her designated representative.

DNR Department: The Georgia Department of Natural Resources.

Drainage Structure: A device composed of a virtually non-erodible 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.

Easement: A grant or one or more property rights by a property owner to, or for the use by, the public, a corporation or a person or entity.

Elevated Building: A non-basement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of fill; solid foundation perimeter walls; pilings, columns, posts and piers, shear walls; or breakaway walls.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

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

Erosion and Sedimentation Control Plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before September 9, 1997.

Existing County Street or Road: A street, road or highway located in unincorporated Morgan County that existed prior to the submission of a final plat for a minor subdivision, or existed prior to the submission of a preliminary plat for a major or private street subdivision. An "existing road" may be a street or road created through recordation of a final plat for a subdivision, a road under maintenance responsibility of the County, a legally created private street, or a U.S. or State numbered highway.

Existing manufactured home park or subdivision: For the purposes of flood damage prevention requirements, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before September 9, 1997.

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 excavation.

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

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the:

(a) Overflow of inland or tidal waters; or

(b) Unusual and rapid accumulation or runoff of surface waters from any source.

Flood Plain: Any land area susceptible to inundation by water.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

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.

Greenway: An 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.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic Structure. Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for 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; or
- (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:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Improvements: Physical changes to the land which are necessary to create useable lots including (but not limited to) streets, sewer and water facilities, hydrants, sidewalks, survey monuments, changes to existing utilities and storm drainage systems.

Issuing Authority: The Morgan County Board of Commissioners, acting through its Director of Planning and Development as its designated representative, which has been certified by the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources (DNR) as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or EPD in those instances where an application for a permit is submitted directly to EPD.

Jurisdiction: That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

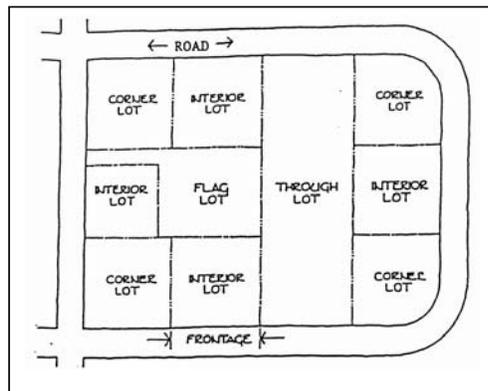
Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

Land-Disturbing Activity: Any activity that 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 that are exempt under the Erosion and Sedimentation Control Section of the Land Development Activities Article of these Development Regulations.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Clerk of Superior Court, or a lot described by metes and bounds, the description of which has been so recorded.

Lot: A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use with the customary accessories and open spaces belonging to the same, which is described in a deed or shown on a plat and lawfully recorded in the office of the Superior Court of Morgan County.

Lot, Corner: A lot abutting two or more streets or roads at their intersection.



Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two streets.

Lot, Reverse Frontage: A double frontage lot on which access is restricted from at least one abutting street or road.

Lot Frontage: See "Lot width."

Lot Depth: The distance measured along a line extending from the lot's frontage, through the mid-point of the lot's width, to the mid-point of the lot line that is most opposite and parallel to the lot width line. For a lot that has more than one frontage, the depth shall be measured from the shortest frontage line. For a lot that has no rear property line, the depth shall be measured at a right angle (90 degrees) to the lot width. For a lot that has more than one rear property line, the depth shall be measured to the mid-point of the property line most nearly opposite and parallel to the lot width.

Lot Width: The distance between side lot lines measured at the front building line and at the right-of-way of any street.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of these regulations.

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

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 flood plain. For purposes of these regulations, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD).

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Model Home: A dwelling used initially for display purposes that typifies the type of units that will be constructed in the subdivision.

National Geodetic Vertical Datum (NGVD): 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, excavation or filling.

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

New Construction: Any structure for which the start of construction commenced after September 9, 1997, and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision: For the purposes of flood damage prevention requirements, 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 September 9, 1997.

One-Hundred-Year Flood Plain: A land area subject to a 1 percent or greater statistical occurrence probability of flooding in and given year.

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

Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

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

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

Recreational Vehicle. A vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home and custom van conversions

Re-subdivision: A change in the map of a recorded subdivision plat if such change affects any street layout, area reserved for public use, or any lot line, and includes the further division of platted subdivision lots.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple by Morgan County or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, 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.

Screening: A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by fencing, walls, berms, densely planted vegetation, or some combination thereof.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

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

Soil and Water Conservation Commission: The Soil and Water Conservation Commission of the State of Georgia.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District.

Soil and Water Conservation District: The Piedmont Soil and Water Conservation District.

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

Start of Construction: The initiation of new construction or a substantial improvement, as follows:

- (a) For New Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured or mobile home, on a site, such as the pouring of slabs or footings, installation of

piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt).

(b) For a Substantial Improvement: The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

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

Street: A way for vehicular traffic, whether designated as an "avenue", "road", "boulevard", "highway", "expressway", "alley", or any other term.

Street Frontage: See "Lot width."

Structural Erosion and Sedimentation Control Measures: Measures 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 sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground.

Subdivision site: The entire property for which subdivision approval is requested, including the lots intended for development of residences and community amenities (such as recreation facilities and stormwater detention facilities), streets and other rights-of-way or easements, and areas to be set aside as open space.

Subdivision: The division of a tract, lot, tract or parcel of land into lots, building sites or other divisions. Where appropriate to the context, the term "subdivision" also relates to the process of subdividing or to the land or area subdivided.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building should be:

- (a) The appraised value of the building prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed.
- (c) For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of these Development Regulations and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision: A manufactured home park or subdivision where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.
- (d) Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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 reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that 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.

Wetlands, protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

Zoning Map: The map of Morgan County delineating the zoning districts described within the *Morgan County Zoning Ordinance* related to property lying within unincorporated areas.

Zoning Ordinance: The Zoning Ordinance for Morgan County, Georgia, adopted by the Board of Commissioners of Morgan County, Georgia, and amended from time to time.

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ARTICLE 3 DESIGN STANDARDS

Chapter 3.1 Purpose of Article

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Chapter 3.2 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations, and written proof of such compliance must be furnished when requested by the Morgan County Director of Planning and Development.

- (a) All applicable statutory provisions.
- (b) The Morgan County Zoning Ordinance, building and housing codes, and all other applicable laws, ordinances and regulations of the appropriate jurisdictions.
- (c) The Official Zoning Map of Morgan County.
- (d) Any and all rules of the Morgan County Health Department and appropriate state agencies.
- (e) The rules of the State Department of Transportation, if the subdivision, or any lot contained therein, abuts a state highway.

Chapter 3.3 Standards Incorporated by Reference

Section 3.3.1 Standard Design Specifications.

The *Construction and Design Standard Details of Morgan County*, also referred to in these regulations as the "Standard Details," as adopted by the Board of Commissioners and as may be amended from time to time, are incorporated into these regulations as though set forth within the body of these regulations. In the case of a conflict between the Standard Details and the text of these regulations, the Standard Details shall control.

The Morgan County Utility Department Water and Wastewater Standards, also referred to as "Water and Wastewater Standards," and The Morgan County Utility Department Water System Design and Construction Manual, also referred to as "Water System Design and Construction Manual" as adopted by the Board of Commissioners and as may be amended from time to time, are incorporated into these regulations as though set forth within the body of these regulations. In the case of a conflict between either the Water and Wastewater Standards or the Water System Design and Construction Manual, and the text of these regulations, the former shall control the latter.

Section 3.3.2 Traffic Signs and Street Striping.

The installation of all traffic control signs and street striping shall be governed by the standards contained in the *Manual on Uniform Traffic Control Devices*, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation. The following signs are a minimum requirement and other signs may be deemed necessary by the Manual on Uniform Traffic Control Devices: *Stop, No Outlet, Street Name, Children at Play, Speed Limit (25 MPH), Pedestrian Crossing*. The number of signs required will be determined by the Director of Planning and Development.

Section 3.3.3 Georgia DOT Standard Specifications.

Unless otherwise specifically set forth in these regulations or the Standard Details of Morgan County, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

Section 3.3.4 AASHTO Design Standards.

Design criteria and standards for streets and highways not specifically set forth herein shall conform to the latest edition of the *AASHTO Policy on Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials.

Chapter 3.4 General Design Standards

Section 3.4.1 Suitability of the Land.

Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods approved by the Board of Commissioners are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.

Section 3.4.2 Conformance to the Comprehensive Plan and Other Adopted Plans.

- (a) All proposed subdivisions shall conform to the Comprehensive Plan, as applicable, and development policies of the Board of Commissioners in effect at the time of submission to the Director of Planning and Development.
- (b) All highways, streets and roads shall be platted by the developer in the location and to the dimension indicated on the Transportation Plan.
- (c) In subdivisions or developments related to or affecting any State or U.S. numbered highway, the Director of Planning and Development shall require the approval of the Georgia Department of Transportation (DOT) prior to the approval of the County.
- (d) When features of the Comprehensive Plan or other plans adopted by the Board of Commissioners (such as schools or other public-building sites,

parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

Section 3.4.3 Name of Subdivision or Development Project.

The name of each subdivision or development project must have the approval of the Director of Planning and Development. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Morgan County or any of its cities. The name of the subdivision or development project will be approved upon preliminary plat or site plan approval.

Section 3.4.4 Street Addresses.

When a building or structure is erected on any land covered by these regulations, the number assigned shall conform to the existing address numbering system.

Section 3.4.5 Blocks.

- (a) Minimum Length: Blocks on new streets within a subdivision shall not be less than 400 feet in length between street intersections.
- (b) Residential Blocks: In blocks greater than 1,200 feet in length, the Director of Planning and Development may require one or more public easements of not less than 20 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.
- (c) Nonresidential Blocks: Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

Section 3.4.6 Lots and Development Capacity.

- (a) Development Capacity: The development capacity of a subdivision site is assumed to be the gross acreage of the site, divided by the minimum lot size required under the site's zoning classification. Under no circumstances shall a proposed subdivision development be allowed to exceed the maximum number of allowable lots resulting from a calculation of the development capacity.
- (b) Minimum Lot Dimensions and Areas: All lots proposed in a subdivision that do not include dedicated permanent open space conservation (as described in Article 4, Open Space Standards) shall meet or exceed the area and dimensional requirements of the zoning district in which the lots are located. Lots proposed in a subdivision that includes permanently preserved open space shall meet the minimum area requirements established in Table 3-1 below.

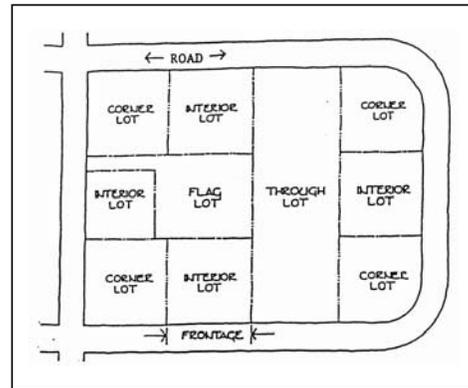
Table 3-1 Major Subdivision Minimum Lot Size Standards

Zoning District	Min. Lot Size with No Dedicated Permanent Open Space	Minimum Lot Size with Minimum 10% Open Space	Minimum Lot Size with Minimum 20% or More Open Space
AE	10 acres	7.5 acres	5 acres
AG	5 acres	3.5 acres	2 acres
AR	2 acres	1.75 acres	1.5 acres
R1/LR1	1.5 acres	1.25 acres	1 acre
R2/LR2	1 acre	0.8 acre	0.6 acre
R3/LR3*	varies	varies	varies
MXD*	varies	varies	varies

* Please see corresponding Zoning Ordinance Article 6, 8, and 11. Minimum lot sizes with an open space provision will be determined by the actual mix of residential types and the maximum density per unit lot size for the type of residential building.

- (c) **Minimum Setbacks:** In a major subdivision or private road subdivision, no building shall be located within 100 feet of the periphery of the subdivision site or within 250 feet of the right of way of an existing road. Such area between the subdivision's building lots and the periphery of the subdivision site may be included within the open space areas of the subdivision, if the setback area is subject to a conservation easement (refer to Article 4, Section 4.7 Ownership of Open Space).
- (d) **Minimum Required Buffers:** In major, minor or private road subdivision, an undisturbed buffer of 100 feet shall be maintained surrounding any Local, State and Federal Protected Conservation Areas (including floodways, stream greenways, wildlife habitats, cemeteries, wetlands and flood hazard areas as described in Article 4, Section 4.3.a et. al.), structures and/or properties listed on or eligible for the National Register of Historic Places, and other specific identified cultural resource areas (as defined the Zoning Ordinance, Article 21 Resource Conservation). Such undisturbed buffers may be included within the open space areas of the subdivision if the buffer area is subject to a conservation easement (refer to Article 4, Section 4.7 Ownership of Open Space).
- (e) **Authority of Health Department:** Nothing contained in this Article shall be construed as preventing the Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to ensure the protection of the public health.
- (f) **Adequate Building Sites:** Each lot shall contain a site large enough for a normal building that will meet all building setback requirements and not be subject to flood or periodic inundation.

- (g) Arrangement: Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines (including cul-de-sacs).
- (h) Corner Lots: Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building lines on both streets.
- (i) Through Lots; Double Frontage Lots & Reverse Frontage Lots: Through lots or double frontage lots may be utilized in order to provide separation of residential development from arterial or collector streets. Except where specifically utilized to provide reverse frontage separation from a County road or a State or U.S. numbered highway, or to overcome specific disadvantages of topography and orientation of property, through lots are to be avoided. Through lots may only have one curb cut per lot.



Section 3.4.7 Areas Reserved for Future Development.

If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.

- (a) Such a reserved area must be labeled "Reserved for Future Development" on the final subdivision plat, and the portion of the lot where a street will be built must be labeled "Future Street."
- (b) Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of the Zoning Ordinance, including minimum lot width and frontage requirements of the applicable zoning district.

Section 3.4.8 Plats Straddling Political Boundaries.

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Morgan County Director of Planning and Development may request assurance from the County Attorney, and/or the other county that access is legally estab-

lished, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

Section 3.4.9 Subdivision Design Process.

In order to achieve the intent of this ordinance to promote the preservation of significant open space while also attaining the development capacity of a subdivision site, the following steps must be accomplished:

- (a) Identify Open Space Preservation/Conservation Areas: Any proposed open space areas, including required buffers and setbacks that are designated as permanent open space, must be identified and mapped and indicated on the preliminary and final subdivision plats. The designations of the various areas considered as "Conservation Areas" (refer to Article 4, Section 4.3 Designation of Conservation Areas) include references to sources of information to help determine their location. Primary emphasis should be placed on preservation of State and Federal protected conservation areas and associated minimum buffer requirements. Secondary emphasis should be placed on preservation of Additional Conservation Areas (as described in Article 4, Section 4.3.2).
- (b) Determine Development Capacity: The development capacity of the site must be determined in order to clarify property development rights. This process involves the determination of the number of lots that could be created through conventional means under the site's zoning category (refer to Section 3.4.6 (a) Lots and Development Capacity).
- (c) Design the Subdivision: In order to balance the conservation of valuable resources and open space with current development rights, flexibility may be allowed in minimum lot size and other dimensional requirements (refer to Section 3.4.6 (a) Lots and Development Capacity). Under no circumstances, however, may a subdivision site be developed with more lots than the site's development capacity.

Chapter 3.5 Required Improvements

Section 3.5.1 Major Subdivision.

The following improvements shall be provided by the developer or at the developer's expense in every major or private street subdivision or individual multi-family or non-residential development or mixed-use development in accordance with the standards contained in this Article.

- (a) Survey monumentation of the public streets and lot lines in such a subdivision.
- (b) Streets providing access to such a development and to all lots in such a subdivision:
 - a. Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. Existing streets that adjoin

such a development shall be improved to the minimum standards from the centerline of the street along the development's frontage. (Half streets are not allowed).

- b. Curb and gutter where required along all roadways.
- (c) Storm water drainage and detention facilities.
- (d) Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer.
- (e) Driveway access to each lot.
- (f) Water Supply:
 - a. Public water service for both domestic use and fire protection shall be provided to every lot in such a subdivision and to every development if public water is available within 1,500 feet or under bid or contract to be installed within 9 months from the date of approval of the preliminary plat. 1,500 feet will be measured from the utility right-of-way to the nearest property line of the development site. Water mains shall be connected to the existing public water system and extended past each lot. All water system improvements shall meet the Morgan County standards for public water service. A contractor approved by the Morgan County shall install all elements of the water system, including but not limited to mains, valves, service laterals through the curb line, and fire hydrants at the developer's expense. Water flow shall supply a minimum of 550 gallons per minute at hydrants, or greater capacity as determined by the ISO Standards Manual.
 - b. New construction of a principal building on any lot that is within 100 feet of an existing public water line shall be required to connect to the public water line.
 - c. If a public water system is not available nor under bid or contract to be available, the subdivider shall provide a water supply using a community water system or individual wells in conformity with the regulations of the Morgan County Health Department, these development regulations and all other applicable laws and regulations. If a community water system is created, it must be designed to provide a minimum fire flow of 550 gallons per minute, meet Morgan County standards, and a special tax district and a homeowners association shall be established for the subdivision at the time of final plat recording. The homeowners association shall:
 - i. Require mandatory and automatic membership of each lot owner;
 - ii. Provide for the collection of adequate payments for all expenses of the system.

- iii. Provide that the association cannot be dissolved without the approval of the Board of Commissioners.

(g) Sanitary waste disposal.

- a. Every lot in such a subdivision and every development shall be connected to a public sanitary sewerage system if sanitary sewerage is available within 1,500 feet of the subdivision or development or under bid or contract to be available within 9 months from the date of preliminary plat approval. 1,500 feet will be measured from the utility right-of-way to the nearest property line of the development site. Sewer lines shall be connected to the Morgan County's sanitary sewerage system and extended past each lot in accordance with all County requirements. Every element of the sanitary sewerage system, including but not limited to mains, lift stations, outfalls, and laterals, shall be installed at the developer's expense by a contractor approved by Morgan County.
- b. New construction of a principal building on any lot that is within 100 feet of an existing public sanitary sewerage line shall be required to connect to the public sanitary sewerage line.
- c. If a public sewerage system is not available nor under bid or contract to be available, each lot shall be provided with septic tanks or other on-site disposal systems in accordance with the regulations of the Morgan County Health Department, these development regulations and all other applicable laws and regulations. If a community septic system is created, it must meet Morgan County standards, all lots in the entire development site must connect to the community septic system and a special tax district and a homeowners association shall be established for the subdivision at the time of final plat recording. The homeowners association shall:
 - i. Require mandatory and automatic membership of each lot owner;
 - ii. Provide for the collection of adequate payments for all expenses of the system.
 - iii. Provide that the association cannot be dissolved without the approval of the Board of Commissioners.

Comment [MSOffice1]: Per Allison's notes – County will develop language that says private water and sewer will meet threshold established by EPD and be tied to a development agreement. As of 11/29 Allison was still waiting for this language from the County Attorney.

Section 3.5.2 Private Street Subdivisions.

A private street subdivision may be served by a private street that meets all requirements and standards that apply to a public street, provided that:

- (a) **Owner's Release:** At the time of purchasing property that is served by a private street that is constructed using standards that are the same as those required for public streets, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the County, and that maintenance of the street is the responsibility of the owner or other private association or entity identified in the release. The release is to be prepared using a form acceptable to the County Attorney and shall be recorded with the Clerk of Superior Court.
- (b) **Other Standards:** The private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as storm water runoff and detention requirements, the provision of utilities, and traffic and street name signs.
- (c) Private streets shall be denoted as such on the street name signs for each such street. The County may require a different color than the standard color for the street name sign, or may require that an additional sign be affixed to the street name sign pole indicating that the street is not maintained by the County.
- (d) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all Standards and requirements of the County for access activation, and shall be of breakaway construction.

Section 3.5.3 Minor Subdivisions.

By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or storm water detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

- (a) Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to $\frac{1}{2}$ of the minimum requirement for the classification of the road, as established in this Article.
- (b) The planned location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat. Driveways must be installed prior to final plat approval.

- (c) The storm water carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the storm water characteristics of the existing road are inadequate to accommodate the new lots, the Director of Planning and Development may require improvement of the roadway ditch as appropriate.
- (d) All lot corners shall be marked with an iron pipe or ½-inch iron pin at least 24 inches long and driven flush or no more than 1 inch above the finished grade.
- (e) A publicly dedicated drainage easement is to be provided along any perennial stream or water impoundment in accordance with the requirements for watercourse and drainage easements under Chapter 3.7 Easements of this Article.
- (f) Minor subdivisions are subject to buffer requirements along state water greenways.

Chapter 3.6 Survey Monuments

Section 3.6.1 External Subdivision Boundaries.

Concrete monuments shall be placed at the exterior boundaries of a major or private street subdivision, at the points where the external boundary intersects the right of way of an existing county road. Such monuments shall be set flush or up to 6 inches above the finished grade.

Section 3.6.2 Lot and Street Corners.

- (a) All other street or lot corners shall be marked with an iron pipe or ½-inch iron pin at least 24 inches long and driven flush or no more than 1 inch above the finished grade.
- (b) All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of final plat approval.
- (c) Removal of monuments and resetting by anyone other than a Registered Land Surveyor who has received County approval for such removal and resetting is prohibited.

Chapter 3.7 Easements

Easements shall be required in connection with subdivisions or developments for the following purposes:

Section 3.7.1 Utility Easements.

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may

be required to be wider depending on the depth of cut to maintain a 1:1 open cut slope for the trench, or as otherwise determined by the Board of Commissioners.

Section 3.7.2 Water Course and Drainage Easements.

- (a) Drainage easements shall be cleared and opened for man-made ditches at the time of development to control surface water run-off. Run-off slopes and side slopes shall be specified by the developer's engineer according to good engineering practices.
- (b) A publicly dedicated drainage easement is to be provided along any perennial stream or water impoundment within a development located outside a street right-of-way. The easement is to be substantially centered on the water-course or surround the high water line of the impoundment, and shall be of such width as to include all natural greenways required by these regulations and for adequate access by maintenance equipment.
- (c) A publicly dedicated drainage easement is to be provided along any drainage channel or drainage pipe located outside a street right-of-way. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width as shown in Table 3-2:

Table 3-2 Drainage Easements for Drainage Pipes	
Pipe Diameter	Easement Width
15 to 48 inches	20 feet
48 to 66 inches	30 feet
72 inches or more	40 feet

- (d) Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.

Section 3.7.3 Overlapping Easements.

Easements for sanitary sewers and drainage purposes may be combined, but must be a minimum of 30 feet or more if in combination, depending on the required drainage pipe size as determined by the Board of Commissioners.

Section 3.7.4 Non-mandatory Easements.

A number of other types of easements may be voluntarily incorporated into a subdivision, these include but are not limited to: conservation and open space easements, view shed easements and façade easements. Information regarding these easements and their required or recommended criteria may be found according to Table 3.3

Easement Type	Information my be Found
Conservation / Open Space	Development Regulations Article 3, Section 3.7
Facade	Zoning Ordinance Article 21, Chapter 21.11
View shed	Zoning Ordinance Article 21, Chapter 21.10

Chapter 3.8 Streets

Section 3.8.1 Access.

- (a) An approved street meeting the requirements of this Article shall serve every development and every lot within a subdivision.
- (b) Every major subdivision, multi-family or nonresidential development shall have access to the public street system via a paved roadway.
 - a. This requirement does not apply to exempt subdivisions as defined under section 1.5(b) or to minor subdivisions as defined under section 1.5(c)1
 - i. Exemptions from this requirement for other subdivisions may be granted by the Director of Planning and Development if the results of a Traffic Analysis prepared in conformance with requirements of Article 25 of the Morgan County Zoning Ordinance provide justification as approved by the County Engineer.
- (c) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- (d) No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.
- (e) Reserved strips that do not allow access to streets, alleys, and public grounds shall not be permitted unless the authority to restrict access is placed in the hands of the Board of Commissioners. Such a reserve strip shall be clearly noted by the applicant on the subdivision construction plans, preliminary and final plats.

Table 3-4 Classification of Streets		
Street Classification	Maximum Number of Dwelling Units	Maximum Average Daily Traffic*
Local Street	25 DUs	250 ADT
Minor Collector	250 DUs	2,500 ADT
Major Collector	500 DUs	5,000 ADT
Minor Arterial	More than 500	More than 5,000
*As determined using average traffic generation factors from <i>Traffic Generation</i> , published by the Institute of Transportation Engineers, latest edition.		

- (f) Subdivision or other streets that intersect a State or U.S. numbered highway shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 300 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of these development regulations may require greater distances between street intersections.

Section 3.8.2 Street Classifications.

The street classification determines the required standards of design and construction for the street. Streets are classified in a street hierarchy system based on the following:

- (a) The classification as shown on a Morgan County Road Network Map, as adopted as part of the Morgan County Comprehensive Plan dated September 14, 2004, which is hereby incorporated by reference.
- (b) If not classified in an adopted Transportation Plan, the number of dwelling units that the road directly and exclusively serves or the average daily volume of traffic the road will carry, whichever is greater, determine its classification. The classifications of streets and roads based on the number of dwelling units or average daily traffic are shown in Table 3-4.

Section 3.8.3 Relation to Present and Future Street System.

- (a) The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern at the same or greater width, but in no case less than the required minimum width, unless the Director of Planning and Development deems such extension undesirable.
- (b) Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate to the Board of Commissioners one-half of the additional right-of-way needed to meet the minimum width require-

ment for the street. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.

- (c) Proposed major subdivisions, private street subdivisions and multi-family and nonresidential developments accessing an existing County road that has less than 20 feet of pavement shall be required to upgrade the road. The road shall be upgraded from the centerline of the roadway along the subdivision or development's frontage on the existing road to ½ of the minimum right-of-way and paving requirement for the classification of the road, as established in this Article.
- (d) Where, in the opinion of the Director of Planning and Development, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of an easement to the boundary of such property through the development. Such extensions that do not provide access to lots within the development do not have to be improved with a roadway or drainage facilities.
- (e) When a future street or road, as proposed in the Comprehensive Plan or adopted Transportation Plan, adjoins or traverses the subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this Article. A right-of-way agreement shall be executed before the Director of Planning and Development approves the development.

Section 3.8.4 Design Standards for Streets.

All roads and streets shall comply with the design and construction requirements of these regulations, except that all State or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

- (a) Minimum Width of Right-of-Way: Minimum width of right-of-way measured from lot line to lot line shall be as follows:

Table 3-5 Minimum Right-of-Way Width		
Street Classification	Width of Right-of-way	
	With Curb and Gutter	No Curb and Gutter
Principal Arterial Street*	100 feet	100 feet
Minor Arterial Street	100 feet	100 feet
Major Collector Street*	80 feet	80 feet
Minor Collector Street	50 feet	60 feet

Table 3-5 Minimum Right-of-Way Width		
Street Classification	Width of Right-of-way	
	With Curb and Gutter	No Curb and Gutter
Local Street	50 feet	60 feet
*Per Georgia DOT for State and U.S. numbered highways.		

(b) Vertical Alignment of Streets.

- a. All streets shall have a minimum grade of 1 percent. Minimum grade on cul-de-sacs should be 1½% to maintain 1% in curb line.
- b. Grades approaching intersections shall not exceed 5 percent for a distance of not less than 40 feet, measured from the nearest right-of-way line at the point of intersection.
- c. Under no circumstance is a curved street to be reverse super elevated. All streets (unless super elevated) shall have a one fourth (1/4) inch per foot rise to center crown above gutter elevation. Crown slopes shall be transitioned over a distance of 50 feet from any intersection, to provide a proper tie-in at the mainline edge of pavement.
- d. Minimum design speeds and maximum grades for proposed streets by street classification shall be as shown in Table 3-6

Table 3-6 Street Grades and Design Speed		
Street Type	Maximum Grade	Minimum Design Speed
Arterial street	6%	55 mph
Major Collector street*	8%	45 mph
Minor Collector Street	8%	35 mph
Local Street	8%	30 mph

- e. Sight distance requirements at intersections shall be as required by the Morgan County Standard Details.
 - f. All changes in grade shall be connected by a vertical curve so constructed as to maintain the minimum required stopping sight distance, as required by the Morgan County Standard Details.
 - g. See the Standard Details for crest and sag limits on vertical curves.
- (c) Horizontal Alignment of Streets:
- a. Where a deflection angle of more than 10 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street and the minimum tangent between reverse curves shall be not less than as follows:

Table 3-7 Horizontal Alignment		
Street Classification	Minimum Radius of Curvature of Center Line	Minimum Tangent between Reverse Curves
Arterial street**	885 feet	300 feet
Major Collector **	500 feet	200 feet
Minor Collector Street	420 feet	100 feet
Local street	300 feet	100 feet
**Per Georgia DOT for State and U.S. numbered highways.		

- b. Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets.
 - c. Street jogs with centerline offsets of less than 120 feet on interior subdivision streets and 300 feet on existing streets shall not be allowed.
 - d. Intersections. All streets shall intersect at an interior angle of no less than 80 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with these regulations.
 - e. Islands at intersections shall be subject to individual approval by the Director of Planning and Development. In no case shall any object (landscaping, monument, etc.) extend more than 3 feet above the back of the curb within the right-of-way of the intersecting street.
 - f. Curb lines or edge of pavement at street intersections shall have a radius of curvature of not less than 30 feet for arterials and major collectors, 25 feet for minor collectors, and 10 feet for local streets.
 - g. Intersecting street right-of-way lines shall parallel the back of curb (or edge of pavement) of the roadway, or shall be mitered along both streets from the point of the right-of-way lines projected to their intersection, in order to maintain the minimum required shoulder width continuously along the roadway.
 - h. The sight distance for horizontal curves at intersections shall be as required by the Morgan County Standard Details.
- (d) Dead-End Streets.
- a. A dead-end street is defined as any street or continuation of streets (i.e. "t-streets") within a subdivision that require a vehicle to turn around (180 degrees) in order to return to the county road or highway that provides ac-

cess to the subdivision. Dead-end streets shall be avoided in subdivisions unless other street alternatives are not feasible. A dead end street shall be no more than 1,500 feet long unless necessitated by topographic or other conditions approved by the Director of Planning and Development or located in a subdivision where lot sizes exceed 435,600 sq. feet (10 acres) if approved by the Director.

- b. Dead end streets shall terminate in a circular turnaround having a minimum right-of-way of at least 110 feet in diameter, and a paved turnaround with a minimum outside diameter of 90 feet. Such a street shall be provided at the closed end with a turnaround having right-of-way and roadway dimensions as set forth in the Morgan County Standard Details.
 - c. For dead end streets that are longer than 1,500 feet, a permanent circular turn-around shall be placed along the dead end street every 1,000 feet or less, meeting the same diameters for right-of-way and paved turnaround as required for the turnaround at the end of the cul-de-sac.
 - d. A dead-end street turnaround other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that is intended to be extended in a later stage of construction. Such a temporary dead-end street shall be no more than 1,000 feet long and provided with a temporary turn-around having a roadway radius of 32 feet if:
 - i. one or more lots front exclusively on the street; and,
 - ii. extension of the street is not under construction when the Final Plat is submitted for recording.
 - e. Temporary turnarounds shall consist of 6 inches of graded aggregate base with a tack coat and 1 inch of asphalt. If the street will be extended within 6 months, a temporary turnaround may consist of 6 inches of gravel. In such case, the property owner and/or developer shall provide a letter to the Director of Planning and Development indicating that the street will be extended within 6 months.
- (e) Alleys and Service Drives: Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Director of Planning and Development of the need for alleys. Where an alley has been specifically authorized or required by the Director of Planning and Development, it shall comply with the following minimum design standards:
- a. The roadbed width shall be no less than 20 feet, containing a roadway of no less than 16 feet exclusive of gutters, paved to local street standards.
 - b. Dead-end alleys shall be provided with a turn-around having a minimum outside diameter of at least 90 feet.

- (f) **Half Streets Prohibited:** Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

Section 3.8.5 Street Improvements.

Streets shall be constructed and paved with top courses meeting the following standards:

- (a) **Minimum Width of Pavement:** The minimum pavement width, measured from edge of pavement to edge of pavement exclusive of curbs, shall be as required for the street type on Table 3-8.
- (b) **Street Base:**
- a. **Graded aggregate base course.** The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval by the Director of Planning and Development. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia Department of Transportation Specification 815.
 - b. **Street base material shall conform to the thickness as required for the street type on Table 3-8.**
 - c. **The street base, at least 2 inches thick, shall extend fully under curb and gutter. For streets without curbs, the base shall extend at least 1 foot beyond the edge of pavement.**

**Table 3-8
Street Base and Pavement**

Street Classification	Width of Pavement	Base	Binder	Topping
Arterial*	48 feet with 12 foot lanes	10 inches GAB	3 inches B	2 inches F
Major Collector*	24-30 feet with 12 foot lanes	10 inches GAB	3 inches B	2 inches F
Minor Collector Street	20 feet with 10-foot lanes	10 inches GAB	3 inches B	1½ inches E
Minor Collector—Residential**	20 feet	8 inches GAB	2 inches B	1½ inches E
Local Commercial or Industrial Street	20 feet with 10-foot lanes	10 inches GAB	3 inches B	1½ inches E
Local Residential Street	20 feet	6 inches GAB	2 inches B	1½ inches E
*Per Georgia DOT for State and U.S. numbered highways.				
**Minor collector interior to a residential development.				

- (c) Pavement Topping:
- a. Prime. After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials. Priming shall consist of RC 30, RC 70, MC 30 or MC 70 material applied at a rate of 0.15 to 0.30 gallons per square yard. A light application of sand shall be applied to the priming material after placement and prior to installing the asphalt paving material.
 - b. Roadway binder. After the prime has been inspected and accepted, the roadway or street shall be surfaced with Type "B" binder as required for the street type on Table 3-8.
 - c. Tack coat shall be applied on a prepared road surface according to the requirements of Georgia Department of Transportation Specification 413.
 - d. Final topping shall consist of a course of Type "E" or "F" asphaltic cement as required for the street type on Table 3-8.
 - e. If two-stage paving for residential streets is approved by the Director of Planning and Development, the developer shall place the binder course on the street but may delay final paving for a period of up to 1 year following final plat approval (see Guarantee in Lieu of Completed Improvements under Section 7.9.2 of these Regulations). Prior to the expiration of the 1-year period, the binder surface will be primed with suitable asphaltic materials as specified in Department of Transportation Specification 412. After the prime has been inspected and accepted, the roadway or street shall be surfaced with a minimum 1½ inch of Type "E" asphaltic concrete wearing surface. No surface treatment pavement as a finished wear surface will be accepted. All asphaltic concrete will be mixed in an asphalt plant meeting the latest requirements of the Georgia DOT.
- (d) Curb and Gutter:
- a. Curb and gutter shall be required for all development in non agricultural or residential zoning districts and all residential subdivisions in accordance with the Morgan County Zoning Ordinance or when one of the following conditions is met:
 - i. More than one-half of the total number of lots are one acre or less;
or
 - ii. Average street frontage per lot is 150 feet or less.
 - b. Local residential street curbs shall be Portland cement concrete, 6-inch x 24-inch x 9-inch vertical or roll back type (see Standard Details), with a minimum strength of 3,000 psi at 28 days.

- c. Curbs along collectors and local commercial or industrial street curbs shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical type only, with a minimum strength of 3,000 psi at 28 days.
- d. Street Curbing Standards:
 - i. Developer's engineer or surveyor shall set line and grade.
 - ii. One-half inch expansion joints of pre-molded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter. Pre-shaped contraction joints shall be placed every 10 feet along the curb and gutter.
 - iii. Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.
 - iv. Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
 - v. All curbing shall be backfilled, leveled and grassed.
 - vi. Adequate storm drainage structures shall be provided. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically.
- e. A valley gutter may be used across a driveway at its intersection with a street. However, valley gutters shall not be allowed across streets at street intersections unless specifically approved by the Director of Planning and Development.
- (e) Local Residential Streets Without Curb and Gutter:
 - a. Grassed shoulders and waterways (ditches) are required. The road base shall be extended 1 foot beyond the edge of pavement, and the shoulders shall extend 8 feet from edge of pavement to a standard ditch section on each side. The standard ditch section shown in the Standard Details shall be installed in the remaining right-of-way. Slopes greater than 3:1 are prohibited.
 - b. Concrete curbs and gutters are required in the cul-de-sac portion of a street (unless cul-de-sac is at the top of a drainage basin) to channel water to the storm water conveyance structure. Storm water conveyance structures may include, but are not limited to, culverts, storm drainage pipes, catch basins, drop inlets, junction boxes, and headwalls, and shall be provided for the protection of public rights-of-way and private properties adjoining project sites and/or public rights-of-way.

- c. Concrete curbs and gutters are required along any required acceleration and deceleration lanes, from the beginning of the taper to the point of intersection of the curb radius with the subdivision entrance roadway unless prohibited by Georgia Department of Transportation on state roads.
 - d. Certain tracts of land, because of topographic features or unfavorable or highly erodible soil conditions, should not be developed with grassed shoulders and waterways. Therefore, when a developer proposes to develop without curb and gutter, data and information showing that conditions are suitable for establishing permanently stabilized grassed shoulders and waterways shall be presented, together with any provisions necessary to correct any unfavorable conditions. When the County does permit development using grassed shoulders and waterways, additional provisions may be required where slopes and soil conditions are unfavorable. These requirements may include hydro-seeding of shoulders and waterways with specific grass mixtures, grass, sod, planting and erosion mats, rip-rap, concrete ditches, ditch checks, grade stabilization structures where the finished grade exceeds 5%, to insure permanent stabilization of the shoulders and waterways and to minimize erosion and future maintenance.
- (f) Slopes and Shoulder Improvements.
- a. On streets with curb and gutter, the shoulders shall slope $\frac{1}{4}$ inch to the foot toward the roadway for at least 8 feet from back of curb, and no more than $\frac{1}{2}$ inch to the foot for the remainder of the right-of way width.
 - b. On streets with swale ditch drainage, the shoulders shall slope $\frac{3}{4}$ inch to the foot away from the roadway for at least 8 feet to the drainage channel. The maximum slope and design for the drainage channel shall comply with the Standard Details for the standard ditch section.
 - c. Areas in which utility infrastructure is to be placed must have a 1% grade.
- (g) Sidewalks.
- a. Sidewalks shall be provided in accordance with the Zoning Ordinance and this Article, unless the Director of Planning and Development determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along both sides of the street internal to a major subdivision, when one of the following conditions is met:
 - i. More than one half of the total number of lots in the development are one acre or less; or
 - ii. The average street frontage per lot is 150 feet or less

- b. Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Director of Planning and Development may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.
- c. Specifications. Unless, otherwise specified in the Zoning Ordinance, sidewalks shall be a minimum of four (4) foot wide. A median strip of grassed or landscaped areas at least six (6) feet wide shall separate all sidewalks from adjacent curbs in residential areas (measured from edge of sidewalk to face of curb). Sidewalks shall be constructed in accordance with the "Standard Details."

Chapter 3.9 Street Names and Traffic Control Signs

Section 3.9.1 Street Names.

- (a) Proposed streets obviously in alignment with other existing and named streets shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate existing street names in Morgan County or any of its cities, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives.
- (b) Street names are subject to approval by the Director of Planning and Development.

Section 3.9.2 Street Name Signs.

- (a) Street name signs approved by the County as to type and design specifications are to be placed at all intersections by the developer.
- (b) Street markers shall be installed by the developer. In a private development, the design professional shall show the location of all required street markers.

Section 3.9.3 Traffic Signs.

- (a) Traffic control signs shall conform to the U.S. Manual on Uniform Traffic Control Devices, latest edition.
- (b) All non-signalized intersections shall have stop signs located according to the Manual on Uniform Traffic Control Devices, latest edition.
- (c) Stop signs for all streets other than local residential streets shall be sized so that their overall dimensions are 30 inches by 30 inches.

- (d) All other signs shall be sized according to the Manual on Uniform Traffic Control Devices, latest edition.

Chapter 3.10 Driveways and Development Entrances

All proposed subdivisions, subdivision lots and other land developments shall be provided with driveways or development entrances meeting the following requirements:

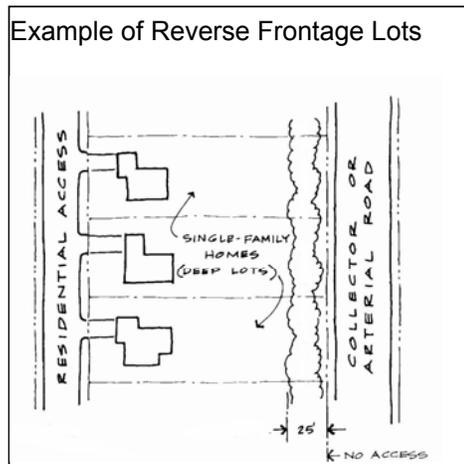
Section 3.10.1 Driveway Access to County Roads.

Where driveway access to an existing County road is allowed, a minimum separation of 300 feet shall be provided between driveways on the same side of the road (measured centerline to centerline).

Section 3.10.2 Reverse Frontage Lots.

Reverse frontage lots may be included in major subdivisions and private street subdivisions abutting a minor collector, major collector or arterial road.

- (a) An easement of at least 25 feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting any minor collector, major collector or arterial road or local street.
- (b) The backs of the adjacent houses must be screened from view as follows:
 - a. The easement may retain its natural, undisturbed vegetation if existing trees and understory shrubs will adequately screen the view of the backs of the adjacent houses.
 - b. Supplemental vegetation may be added within the easement to provide adequate screening.
 - c. The easement may be improved with:
 - i. A landscaped earthen berm of no less than 4 feet in height;
 - ii. A fence



Section 3.10.3 Residential Subdivision Entrances.

- (a) A single entrance road to a subdivision shall serve no more than 99 lots. Where the property configuration prohibits or makes impractical the installation of more than one entrance, the Director of Planning and Development may waive this requirement following sound engineering practice. When more than one entrance is required, the first additional entrance shall be provided to serve up to an additional 150 lots, and each additional entrance thereafter shall be provided for each additional 250 lots. Alternately, or in combination with additional subdivision entrances, improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., may be required based on the recommendations of a professionally prepared traffic study.
- (b) Residential major and private street subdivisions not exceeding 20 lots whose entrance is on an existing local or minor collector County road shall install offset radii and 50 foot tapers.
- (c) All major and private street residential subdivisions containing more than 20 lots shall construct a deceleration lane at each entrance to the subdivision on an existing County road. An exception to this requirement may be approved by the Director of Planning and Development based on the results of a traffic study that demonstrates that a deceleration lane is not required due to the specific conditions and level of service of the County road.
- (d) Residential major and private street subdivisions exceeding 250 lots shall be required to submit a traffic study to determine if additional improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., are required for safe traffic operations along the County road and at each entrance. If the traffic study determines that further steps should be taken to protect the traveling public, the additional requirements shall be imposed by the Director of Planning and Development.
- (e) All signage associated with residential subdivisions shall be governed by the standards set forth in Article 27 of the Zoning Ordinance.

Section 3.10.4 Non Residential Subdivision Entrances.

- (a) A deceleration lane shall be installed at all entrance roads into a commercial or industrial subdivision.
- (b) The Director of Planning and Development may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that further steps should be taken to protect the traveling public, the additional requirements will be imposed by the Director of Planning and Development.

- (c) All signage associated with commercial, industrial, office-institutional or mixed-use subdivision entrances shall be governed by the standards set forth in Article 27 of the Zoning Ordinance.

Section 3.10.5 Driveway Standards.

Each driveway shall be constructed in a manner that will not damage the adjacent roadway or hinder use of the adjacent roadway.

- (a) Driveways shall not intersect adjacent roads at an interior angle less than 80 degrees.
- (b) All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall enter onto the adjacent road surface or pavement.
- (c) At the ditchline, the driveway must be lower in elevation than the adjacent roadbed.
- (d) The finished driveway surface where it abuts the adjacent road must be no higher in elevation than the roadbed.
- (e) As far as practical, all driveways must be located and constructed so as to maximize sight distance by those traversing the driveway or the adjacent road.
- (f) In and around the first 50 feet of all driveway culverts, the slope of the land shall be at a grade of no more than 3 to 1 so as to enable the County to better maintain the culvert area.
- (g) All driveway culvert pipes shall comply with the materials and installation requirements of this Article.
- (h) On subdivided lots which access an existing County road, the driveway shall be placed as far as possible from existing road intersections to maximize sight distance.
- (i) The area from the road to the edge of the right-of-way must be treated with asphalt, concrete or other approved "hard" paving materials.

Section 3.10.6 Driveways for Commercial, Multi-Family and Mobile Home Developments.

- (a) Service stations and other commercial businesses, office institutional uses, apartment/condo and mobile home complexes shall install deceleration lanes in accordance with the requirements of the Morgan County Standard Details.

- (b) Service stations and other commercial businesses on corner lots that have frontage on interior subdivision streets shall have primary access from the main street.
- (c) Commercial businesses on corner lots that have frontage on a local or minor collector side street shall install an additional lane out to the intersection if driveway access from said side street is provided.
- (d) The Director of Planning and Development may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project and the existing County road warrants it, the Director of Planning and Development will require the additional improvements or other mitigating measures.

Section 3.10.7 Driveway Access to a State Road.

Access onto a State road shall meet existing Georgia Department of Transportation requirements, except that the entrance must be paved. A copy of the Georgia Department of Transportation permit shall be submitted to the Director of Planning and Development before the plans can be approved.

Section 3.10.8 Maintenance of Sight Distances.

The developer shall be required to upgrade the existing County road to meet the sight distance requirements of this Article. In cases involving rock cuts, deep fills or cuts, proximity to floodplain, etc., the requirements of pavement widening for full deceleration lanes may be modified or waived by the Director of Planning and Development following accepted engineering practice.

Section 3.10.9 Widening for Development Entrances.

- (a) When required, minimum pavement width (not including curbs) and right-of-way to accommodate acceleration and deceleration lanes at development entrances are shown in Table 3-9.

Table 3-9 Acceleration/Deceleration Lanes			
Street Classification	Pavement Width from Centerline (ft.)*	ROW from Centerline (ft.)	Radii (ft.)
Arterial	36+	50+	40
Major Collector	27	40	40
Minor Collector	20	30	25
Local/Unclassified	20	25	25

*To edge of pavement. Does not include curb and gutter.

- (b) Lane length is measured 200 feet from intersection centerline to beginning of taper. Tapers are 50 feet. Vertical face curb and gutter is required through the radii, excluding the tapers. The additional lane can be

stopped at the projected property line if there is inadequate right-of-way or excessive cut or fills to install the lane. In this case, the tapers would start at the projected property line unless excessive cut or fills would encroach on the right-of-way limits of the abutting property.

- (c) The cost of any catch basins that must be constructed when an existing County road is required to be developed will be paid by the developer.
- (d) Utilities and drain pipes shall be relocated at the developer's expense outside of the acceleration/deceleration lanes. Waterlines can remain beneath the additional lanes.
- (e) The area behind all curbing shall be backfilled and landscaped.

Chapter 3.11 Mailboxes

Mail boxes must be constructed and located in accordance with section 21-107 of the Morgan County code of Ordinances.

Chapter 3.12 Location of Utilities and Pavement Cuts

Section 3.12.1 Location of Utilities in Streets.

- (a) Above-Ground Utilities:
 - a. Utility lines must be placed underground. Street light poles, telephone junction boxes and other public or private utility structures required to be placed above ground within a street right-of-way must be located at least 6 feet from the rear of the street curb (or edge of pavement).
 - b. Unless otherwise prohibited in these regulations or the Zoning Ordinance, subdivisions with an average street frontage of 200 feet or more per lot may be served by above ground utilities.
- (b) Underground Utilities:
 - a. Utilities placed underground shall be placed within the right-of-way as approved by the Director of Planning and Development on construction drawings for the project.
 - b. All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.
 - c. All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
 - d. All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being ap-

plied. Installation of approved utility sleeves shall be considered as an alternate.

Section 3.12.2 Pavement Cuts.

- (a) All utility construction plans within County right-of-way shall be reviewed and, if applicable, approved by the Director of Planning and Development.
- (b) No existing County roads can be open cut unless unusual circumstances warrant it. Storm sewers 36 inches or smaller shall be bored. The developer must contact the Director of Planning and Development for written permission to open cut any existing road. If the Director of Planning and Development allows open cutting, all trenches under existing paving shall be backfilled and compacted in 6-inch lifts and excavated to allow for 6 inches of 3,000 psi concrete and 1½ inches of asphaltic concrete to be placed.
 - a. The paving cut shall be widened to a minimum of 12 inches beyond the edges of the trench and excavated to allow for the 6 inches of 3000 psi concrete and 1½ inches of asphaltic concrete to be placed.
 - b. The edges of the paving cut shall be smooth.
 - c. A final wearing surface of 1½ inches of Type “E” asphaltic concrete shall be poured and rolled after the concrete is cured.
- (c) All trenches shall be backfilled and compacted the same day the trench is opened.
 - a. Trenches under the paving shall be returned to 100% compaction.
 - b. Trenches elsewhere shall be returned to 95% compaction.

Chapter 3.13 Sight Triangle at Street and Driveway Intersections

A minimum visibility triangle shall be located at every street intersection with another street or a private driveway in accordance with the requirements contained in the Standard Details.

Minimum sight distances shall be maintained at the intersection of every driveway exit or street with another street, depending on street classification in accordance with the requirements contained in the Standard Details.

The planting of trees or other vegetation or the location of structures exceeding 3 feet in height that would obstruct the clear sight across the minimum visibility triangle shall be prohibited.

Chapter 3.14 Storm Drainage

Section 3.14.1 Applicability and Exemptions.

- (a) An adequate drainage system, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.
- (b) All persons proposing development or construction in Morgan County shall prepare a storm water management plan. No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the storm water management plan, including engineering plans and specifications, has been reviewed and approved by the Director of Planning and Development, and has been installed, except as exempt below.
- (c) Exemptions from Storm Drainage Requirements: The following development activities are exempt from the provisions of this Section and the requirement of providing a stormwater management plan:
 - a. Agricultural land management.
 - b. Additions or modifications to existing single-family detached dwellings.
- (d) Georgia Department of Transportation Standard Specifications and Details shall be used for construction of all storm water management structures and appurtenances.
- (e) Erosion Control practices shall comply with Morgan County Development Regulations.

Section 3.14.2 Hydrologic and Hydraulic Study Required.

Storm water detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge. Hydrologic and hydraulic calculations are required to specify existing and proposed conditions for storm water conveyance and detention facilities. A hydrology and hydraulic study shall be required for all storm water detention facilities.

All hydrology and hydraulic studies shall be prepared and sealed by a design professional registered to practice in the State of Georgia and must include the following:

- (a) A signed Engineer's Statement as provided here:
 - a. *I, the undersigned, hereby attest to the accuracy of the information contained in the hydrology report prepared for _____, dated _____. This report was prepared under my supervision and represents, to the best of my knowledge, a true accurate description of the storm water conditions for this site, both before and after the construction of the proposed development. The storm water run-off from the subject site after development will*

be maintain at or less than the existing run-off rate from the site prior to development. The proposed development as indicated in the report and in the plans for _____, dated _____, will not, from a storm water standpoint, adversely impact upstream or downstream property owners or existing drainage facilities.

- (b) A narrative of site description
- (c) A summary showing existing and developed conditions and allowable release rate, including any bypass or offsite sub-basins, for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events.
- (d) A detailed explanation of the methodology used for hydraulic and hydrologic calculations
- (e) The following exhibits:
 - a. Drainage area maps for existing and proposed conditions
 - b. Sub-basin delineation and identification
 - c. Drainage area, hydrologic data/parameters
 - d. Detail of outlet control structure

All hydrology and hydraulic studies shall meet the standards and employ the methods listed here:

- (a) The reservoir routing method or an equivalent method shall be used in sizing detention ponds (the bowstring method is not acceptable.)
 - a. Output from this routing is required for each design storm.
- (b) Runoff from areas that bypass detention must be shown to be less than or equal to pre-developed flow rates in the receiving waterway.
- (c) The minimum time of concentration used for hydrologic calculations shall be 5 minutes
- (d) Intensity-Duration-Frequency curves supplied by Morgan County or synthesized from Hydro-35 data
- (e) The maximum drainage area for use of the Rational Method is 100 acres.

Section 3.14.3 Standards to be Used in Designing Detention Facilities.

Permanent detention facilities will be required, and shall be designed so that the following standards shall apply:

- (a) If it is proposed to make a new or existing lake a part of a subdivision, the developer shall be required to submit a breach analysis and show the dam breach zone on the plans.
- (b) All storm water detention facilities shall be designed to for up to the 100-year storm event.
- (c) Detention facilities shall be subject to the provisions of Georgia Safe Dam Program, and the Georgia EPD Rules for Dam Safety (Chapter 391-3-8).
- (d) Detention facilities shall provide a minimum of 2 feet of freeboard between the maximum water surface elevation and the top of the detention berm.
- (e) An emergency overflow device for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam in the event the primary outlet control structure becomes obstructed.
- (f) Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff. If there is an existing storm drainage system within one hundred and fifty (150) feet of the discharge point of the outlet pipe for the pond, then the developer shall extend the outlet pipe and tie-in to the existing system.
- (g) All closed drainage systems (i.e. culverts, pipes, etc.) must have a head-wall on the inflow and outflow ends meeting DOT standards, along with the required rip rap or other erosion and sediment control device(s) found in the Manual for Erosion and Sediment control in Georgia. As part of the hydrological study, consideration should be given to the flow capacity of downstream drainage structures.
- (h) The steepest fill slopes shall be 3:1, and cut slopes shall be no steeper than 3:1. Slopes proposed to be steeper shall be reviewed by the Director of Planning and Development.
- (i) A 10-foot wide access road that runs on top of the dam shall be required around the circumference of the pond, where topography does not prohibit this.
- (j) A fence of high quality, durable material, including wood, iron or other metal, shall be required for all detention facilities. Metal fences which are prone to rust or deterioration, such as chain link, are acceptable if they are

coated with black Teflon or similar material to protect against deterioration. The fence must also comply with the following standards:

- a. The fence shall be at least 6 feet high.
- b. Fence posts shall be set in concrete 10 feet on centers.
- c. There shall be a minimum 10-foot wide gate locked for access.
- d. The fence shall not be installed across the slope of a dam or dike, but installed completely around the pond and containing the dike and access road.

Section 3.14.4 Grading and Drainage Plans.

Grading and drainage plan shall be included in all storm water management plans and shall include the items and meet the standards listed below:

- (a) The location, size and length of all existing drainage structures shall be shown on a topographic layout with two foot contour intervals. Existing and proposed contours shall be shown.
- (b) The 25-year storm even shall be used in designing all storm drains.
- (c) Calculations showing how size of each drainage structure was determined (drainage area, runoff coefficient, flow path for inlet time, etc) subject to approval of the Director of Planning and Development.
- (d) Storm sewer catch basins, drop inlets, manholes, and junction boxes shall be designed by the developer's engineer to Georgia Department of Transportation Standards and subject to the final approval of the Director of Planning and Development.
 - a. Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the Director of Planning and Development may waive this requirement.
- (e) Inlet spacing shall be designed for a maximum gutter spread of 8 feet for the 100-year storm and shall be limited to a maximum distance as follows:
 - a. Five hundred feet on grades up to 5%.
 - b. Four hundred feet on grades from 5% to 8%.
- (f) Cul-de-sacs on downhill street grades shall require catch basin throat design and cul-de-sac grading detail.
- (g) Subdrainage will be installed to control the surplus ground water by intercepting sidehill seepage or by lowering or regulating the ground water level where such conditions exist.

- (h) A certification by the supplier of the pipe specifications for each pipe shall be required before installation.
- (i) Bridges shall be designed for a 100-year storm event.
- (j) Energy dissipation devices, such as splash pads, rip rap, stilling basins, shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices. If riprap is used, the area of riprap shall be designed in accordance with the Manual for Erosion and sediment control in Georgia, but in no case shall be less than 6 times the pipe diameter for the length and 3 times the pipe diameter for the width.

Section 3.14.5 Cross Drain Pipes:

- (a) Cross drains under streets shall not be less than 18 inches in size.
- (b) Minimum Clearances:
 - a. Eighteen inches between the bottom of the street base and the exterior crown of the culvert. In all cases at least 24 inches of cover shall be provided.
 - b. A minimum of 6 inches between underground utilities and exterior crown of culverts.
- (c) The inlet and outlet end of all storm drain pipes including driveway pipe shall have either flared-end sections or concrete headwalls that meet the standards of the Georgia Department of Transportation 1120 or 1125.
- (d) All storm drainage shall extend to the detention facility.
- (e) Maximum continuous length of pipe shall be 300 feet for pipes less than 42 inches.
- (f) Junction boxes having access to the pipe shall be constructed to meet the requirements of Georgia Department of Transportation Standard 1030D (or most current).

Section 3.14.6 Storm Drain Profiles

All stormwater management plans shall include storm drain profiles that show:

- (g) Existing and proposed grade
- (h) Scale – Horizontal: consistent with Grading and Drainage Plan
- (i) Vertical: factor of 5 to 10 with respect to Horizontal scale
- (j) Structure Number from Grading and Drainage Plan
- (k) Show Hydraulic Grade Line (HGL)
- (l) Pipe Material
- (m) Length
- (n) Upstream and downstream invert elevations

All stormwater management plans shall include a pipe chart showing the following information:

- (a) Upstream and downstream structure numbers
- (b) Drainage area
- (c) Runoff coefficient
- (d) Sub-basin time of concentration
- (e) System time of concentration
- (f) Rainfall intensity
- (g) Incremental flow at each basin
- (h) Cumulative flow conveyed in the system to that point
- (i) Pipe diameter, material, length and slope
- (j) Velocity at design flow
 - a. Minimum 3 fps
- (k) Velocity at full flow
- (l) Upstream and downstream invert elevations

- (m) Upstream and downstream HGL elevations
 - a. Minimum 1 foot between HGL and throat
- (n) Elevation of throat of structure
- (o) Provide a minimum of 0.2 feet drop between inverts across the structure
- (p) When pipe sizes increase, match crowns of pipes

Section 3.14.7 Open Channels.

All open channels shall be profiled at the same scale as the storm drain conduits. The stormwater management plan shall include a typical section of the channel, provided for each reach if the cross-section changes. A maximum slope of 3% along the centerline of the channel is permitted. Exit velocities from storm drain pipe for the 100-year storm shall not exceed 3fps for vegetative channel lining, or 5fps when rocks or cobbles are used for channel lining. Other materials may not be used for channel lining.

Section 3.14.8 Materials and Installation.

- (a) Table 3-10 sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.
- (b) Georgia DOT Standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation.
- (c) Only reinforced concrete pipe shall be used within street rights-of-way for arterial roads, and major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating, or corrugated aluminum alloy pipe (AASHTO M-196).
- (d) Corrugated high density polyethylene (HDPE) pipe, smooth lined type "S", may only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P HDPE applications shall not exceed 36 inches in diameter.
- (e) Pipe installation shall conform to Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

- (f) Storm drainage pipe shall be bedded in Type 57 gravel.

Section 3.14.9 Driveway Culverts.

- (a) Where a wet weather drainage ditch exists between the proposed road and 20 feet into the lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on that lot. The construction plans shall show the minimum driveway pipe size required.
- (b) Driveway culverts may be any of the types of pipe materials shown on Table 3-10 for longitudinal pipe installation.
- (c) The inlet and outlet end of all driveway culverts shall have either flared-end sections or concrete headwalls that meet the standards of Georgia Department of Transportation 1120 or 1125.

Section 3.14.10 Field Changes

Minor changes in construction plans caused by field conditions shall be made at the direction of the Road Superintendent and the Director of Planning and Development with the cost of such changes to be paid by the developer. All changes are to be documented as revisions to the approved development plans and correctly shown on the as-built surveys. Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

Table 3-10
Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert Per Ga. DOT Standards
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corr. High Density Polyethylene Smooth Lined	
LONGITUDINAL Grade less than 10%	YES	YES	YES	YES	See Note 1	n/a
LONGITUDINAL Grade 10% or more	NO	YES	YES	YES	See Note 1	n/a
CROSS DRAIN Local Street	YES	YES	YES	YES	NO	n/a
CROSS DRAIN Collector or Arterial St.	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Flowing stream appl.	YES	See Note 3	NO		NO	n/a
CROSS DRAIN 25 year flow >200 cfs Fill depth > 18 feet	See Note 2	See Notes 2 & 3	NO	See Note 2	NO	YES
Note 1	Corrugated high density polyethylene pipe, smooth lined type "S", can only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P. HDPE applications shall not exceed 36 inches in diameter.					
Note 2	Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the County engineer's assessment of existing conditions and future maintenance requirements.					
Note 3	The addition of a Type "A" full bituminous coating is required for application. (AASHTO M-190)					

ARTICLE 4 OPEN SPACE STANDARDS

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ARTICLE 4 OPEN SPACE STANDARDS

Chapter 4.1 Purpose

This Article sets out requirements concerning the protection or conservation of valuable historic and natural resources associated with the development of subdivisions. The purpose of this Article is to define what is meant by permanent open space conservation, to establish guidelines for the preservation of open space and to promote the protection of critical natural, cultural and historic resource areas.

Chapter 4.2 RESERVED

Chapter 4.3 Designation of Conservation Areas

Section 4.3.1 State and Federal Protected Conservation Areas.

Protected conservation areas are areas that are required to be preserved or protected by State or Federal law. These areas may be included in a Conservation Area and shall be indicated on the preliminary plat as undisturbed buffers or unbuildable areas. The areas include:

- (a) Floodways within the 100-year Floodplain: These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.
- (b) Required State Water Greenways: Undisturbed greenways extending 100 feet from the banks of all perennial streams and other state waters are required by these development regulations (except for activities that are exempt from the soil erosion and sedimentation control provisions of Article 6). Greenways (vegetative buffers) of greater width may be required under Article 23 of the Zoning Ordinance within watershed protection areas.
- (c) Wildlife Habitats of Threatened or Endangered Species: The following have been identified by the Federal and/or the State governments as threatened or endangered species in Morgan County:

Table 4-1
Threatened or Endangered Species Identified in Morgan County

Common Name	Biological Name	Habitat
ANIMALS		
Bald eagle	<i>Haliaeetus leucocephalus</i>	Inland waterways and estuarine areas in Georgia. Active eagle nests were located in Morgan County 1994 and 1997.
Red-cockaded woodpecker	<i>Picoides borealis</i>	Nest in mature pine with low understory vegetation (<1.5m); forage in pine and pine hardwood stands >30 years of age, preferably >10" dbh.
PLANTS		
Bay star-vine	<i>Schisandra glabra</i>	Twining on subcanopy and understory trees/shrubs in rich alluvial woods.
Piedmont barren strawberry	<i>Waldsteinia lobata</i>	Rocky acedid woods along streams with mountain laurel; rarely in drier upland oak-hickory-pine woods.

Source: U.S. Fish and Wildlife Service.

- (d) Cemeteries. Any cemetery or place of burial recognized by the Morgan County Tax Commissioner as tax exempt (under O.C.G.A. §48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. §36-72-1 *et seq.*). State law currently defines "burial ground" and "cemetery" as follows:

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

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- b. "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

- (e) Wetlands and Hydric Soils Classified as "Unsuitable:" Wetlands are illustrated generally on the Wetlands Inventory Maps published by the U.S. Fish and Wildlife Service, and are delineated by the U.S. Corps of Engineers. Soils classified as "unsuitable" often coincide with wetlands and include all soils designated under Group 6 on the Appendix to Article 23, Chapter 23.1 of the Zoning Ordinance. Soils in Morgan County are shown on the Soil Survey Maps prepared by the USDA Natural Resource Conservation Service (formerly the Soil Conservation Service).

- (f) Additional Flood Hazard Areas: All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated Conservation Area fall under this category. The boundaries of the 100-year floodplain are designated as the “flood hazard area” on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.

Section 4.3.2 Additional Conservation Areas.

Additional conservation areas are areas that are encouraged to be preserved as open space, but are not required to be preserved or protected under State or Federal law.

These include:

- (a) Areas with steep slopes over 25%, which comprise 5,000 square feet or more of contiguous area. Slopes greater than 25% are to be identified from the topographic data required for the Preliminary Plat. Areas comprising 5,000 contiguous square feet or less are not considered Conservation Areas.
- (b) Areas with slopes of 15% to 25% greater than 40,000 square feet: Slopes between 15% and 25% are to be identified from the topographic data required for the Preliminary Plat. Areas comprising 40,000 square feet or more of contiguous are not considered Conservation Areas.
- (c) Soils with exposed bedrock or rock outcroppings of 40,000 sf or greater: Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising less than 40,000 contiguous square feet are not considered Conservation Areas.
- (d) Areas with soils classified as “poorly drained” greater than 80,000 square feet: Soils classified as “poorly drained” include those designated as such under Group 4 and all soils listed under Group 5 on the Appendix to Article 23, Chapter 23.1 of the Zoning Ordinance. Soils in Morgan County are shown on the Soil Survey Maps prepared by the USDA Natural Resource Conservation Service. Such areas comprising 80,000 contiguous square feet or less are not considered Conservation Areas.
- (e) Buffer areas around wetlands and habitats of endangered species: Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective buffers are recognized as Conservation Areas. To qualify, a wetland buffer must extend at least 100 feet from the wetland, and a buffer around a wildlife habitat must be at least 100 feet deep.
- (f) Mature timber stands or significant trees as specified in Article 20 of the Morgan County Zoning Ordinance: Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance

through their size, age, species or historic value may be designated as a Conservation Area to the extent of the tree's dripline.

- (g) Registered Historic or Archeological Assets: Sites or areas registered with the State or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.
- (h) Viewshed Protection Areas: These areas are set aside either to screen the view of the subdivision development from abutting roadways or to protect existing scenic views into the subdivision site of rural heritage features. Examples of rural heritage features include the following:

Rural Heritage Features Include:

Groves of mature trees	Hedgerows	Rock outcroppings
Cultivated fields	Ponds	Woods
Pastures	bridges	fence lines
Rolling hills	farm buildings	curves in rural roads

If intended to screen the subdivision development, the viewshed buffer must be adequately vegetated with trees and understory growth to provide an adequate screening effect. If intended to preserve a scenic view, the viewshed protection area must provide an adequate width or orientation in order to preserve the view.

- (i) Village Greens & Parkways: These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.
- (j) Passive Recreational Areas: Common areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as Conservation Areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered conservation uses or Conservation Areas.

Chapter 4.4 RESERVED

Chapter 4.5 Permitted Uses of Open Space

The following requirements apply only to land set aside as permanent open space consistent with the provisions of this Article.

Section 4.5.1 Undisturbed Areas.

Certain areas by their very nature must remain in their natural, undisturbed state. Such undisturbed areas include floodways, state water greenways, viewshed buffers, critical wildlife habitats, and wetlands.

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Section 4.5.2 Permitted Uses in Other Areas.

The following uses are permitted in open space land areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed.

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- (a) Conservation of open land in its natural state (for example, woodland, open field, or managed meadow).
- (b) Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- (c) Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted.
- (d) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.
- (e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports fields and courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.
- (f) Pathways and trails, and passive recreation activities such as fishing, picnicking, and nature interpretation.
- (g) Water supply and sewage disposal system reserve fields and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space. The septic tank and drain field required for on-site sewage disposal must be located on the lot of the house it serves. Areas within the open space used for water supply, reserve fields or stormwater detention must be established by easements between the appropriate parties and recognized in the conservation easement covering the open space.

- (h) Easements for drainage, access, sewer or water lines, or other public purposes.
- (i) Above-ground utility and street rights-of-way may traverse open space areas but shall not count toward the minimum required open space land.

Chapter 4.6 Open Space Design Criteria

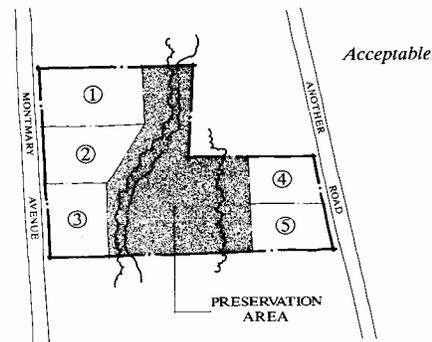
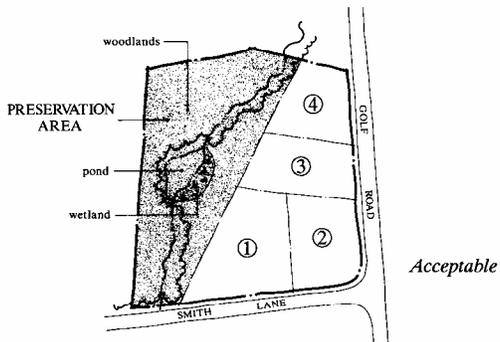
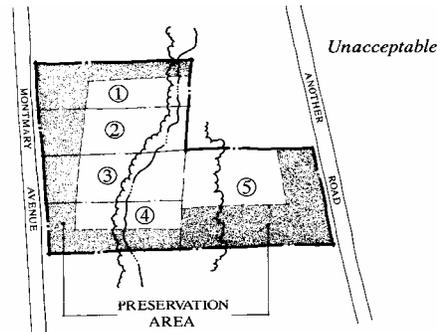
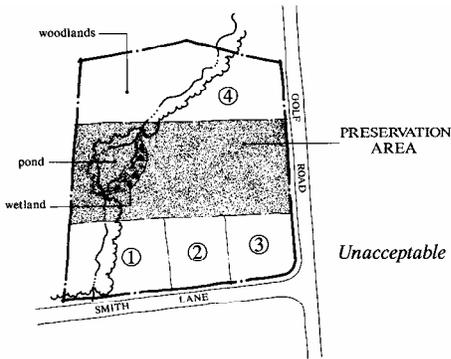
Section 4.6.1 Design Principles.

The following principles shall guide the layout of permanent open space set aside consistent with this Article.

(a) Open space areas must be designed to preserve valuable natural resources, such as stream greenways and wetlands, to the greatest extent practical. For instance, the following examples from *Growing Greener: Putting Conservation into Local Plans and Ordinances* by Randall Arendt, illustrate acceptable and unacceptable approaches to protection of important conservation resources.

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(b) Fragmentation of open space land must be minimized so that these re-



source areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practical, the open

space land should be designated as a single block with logical, straight-forward boundaries. Long, thin strips of conservation land should be avoided unless necessary to connect other significant areas or when they are designed to protect linear resources such as streams, steep slopes or trails.

- (c) Open space areas should be designed as part of larger continuous and integrated open space systems. Whenever possible, they should connect with existing or potential open space areas on adjoining parcels.

Section 4.6.2 Design Requirements.

The following are minimum requirements that apply to the layout of open space set aside.

- (a) Minimum Width: The minimum width of any open space area shall be 100 feet, as measured perpendicular to the centerline between the boundaries of the open space, except for the following:
 - a. Any portion of a Conservation Area that, by the very nature of its designated boundaries, is less than 100 feet in width. Examples include strips of steep slopes and “fingers” of floodplains that extend up drainage swales.
 - b. Parkways between road travelways designated as Conservation Areas, which must be at least 26 feet in width.
 - c. Viewshed buffers intended to screen the view of the subdivision development, which must be at least 150 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
- (b) Minimum Size: The minimum size of any open space area shall be two acres of contiguous land, except for the following:
 - a. A portion of a Conservation Area that adjoins the site and extends into the site covering an area of less than two acres.
 - b. An isolated strip of steep slope, provided that such an area having a slope greater than 25% must comprise at least 5,000 square feet, and such an area having between 15% and 25% must comprise an area of at least 40,000 square feet.
 - c. Buffer areas around wetlands or habitats of endangered or threatened species, provided that the combination of the buffer area and the wetland or wildlife habitat must contain at least two acres of contiguous area.
 - d. Historic or archeological assets and specimen trees that can be adequately protected by an area of less than two acres.

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- e. Parkways between road travelways that are limited in size due to intersecting roads.
- (c) Minimum Separation from Buildings: Residences and other buildings in the subdivision should comply with minimum set backs per the site's zoning district from any open space boundary.
- (d) Path/Street Crossings: Where path systems cross an internal subdivision street, the access points must be directly across from each other and clearly identified both to the motorist and pedestrian by signage and cross-walk striping. Where a path crosses any County road, the path must be grade separated (i.e., by a tunnel or bridge), or located at a traffic control device such as a regulated intersection or flashing light approved by the Morgan County Road Superintendent.

Chapter 4.7 Ownership of Open Space

Section 4.7.1 Conservation Easement Required.

- (a) All open space areas in subdivisions shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement. The conservation easement shall be approved by the Board of Commissioners and shall be one of the following: 1) co-signed on behalf of the Board of Commissioners and donated to a private nonprofit conservation organization or land trust; 2) co-signed on behalf of the Board of Commissioners and donated to a non-profit homeowners association; or 3) donated to Morgan County if accepted by the Board of Commissioners.
- (b) The following guidelines are required to be incorporated into any conservation easement:
 - a. The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph.
 - b. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
 - c. The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or location on a final subdivision plat.
 - d. The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions

against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.

- e. The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- f. The easement provides for the maintenance of the open space.
- g. The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 4.7.2 Open Space Ownership.

In addition to a conservation easement, the open space areas in subdivisions shall be permanently protected through ownership either by a non-profit homeowners association, a private non-profit conservation organization or land trust, or by Morgan County, if accepted by the County, in accordance with the following:

- (a) Homeowners Association: Open space may be owned and managed in common by a non-profit homeowners association, subject to the following requirements:
 - a. The developer of the subdivision shall obtain approval, prior to the approval of a preliminary plat, of a description of the homeowners association, including bylaws and methods for maintaining open space.
 - b. The homeowners association shall be established by the subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property. The amount of the financial subsidy shall be no less than that required by the plan for maintenance of open space and operation of common facilities approved for the subdivision or development (see Article 6). The amount of the financial subsidy shall include an amount no less than the estimated taxes, operation and maintenance costs for the open space to be incurred for a period of no fewer than 3 years from the time at which control of the association will be turned over to the purchasers of the subdivision lots or homes.
 - c. Membership of each non-open space lot owner in the subdivision shall be mandatory and automatic.
 - d. The homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the subdivision. The association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space development and maintenance as indicated in

bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.

- e. The homeowners association shall not be dissolved without the consent of the Board of Commissioners. If common ownership of the open space by a homeowners association is proposed and approved, then the open space shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of the open space, in addition to the requirement of a conservation easement.
 - f. The Board of Commissioners may require that the homeowners association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.
- (b) Private Nonprofit Conservation Organization or Land Trust: With the County's approval, the open space may be transferred, in whole or in part, to a private nonprofit conservation organization or land trust, provided that:
- a. The organization is a bona fide conservation organization intended to exist indefinitely. Formatted: Bullets and Numbering
 - b. The conveyance contains appropriate provisions for proper reverter or transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - c. The organization demonstrates to the satisfaction of Morgan County that the organization is financially capable of executing its responsibilities, including stewardship and maintenance of the open space.
 - d. The developer provides to the organization a financial subsidy for the maintenance and operation costs of the open space and any associated facilities prior to the approval of a final plat on the property. The financial subsidy shall include an amount no less than the estimated taxes, operation and maintenance costs for the open space to be incurred for a period of no fewer than 3 years from the time at which ownership of the open space will be turned over to the organization.
- (c) Fee Simple Dedication to Morgan County: Dedication in fee simple ownership to the public for recreational and/or open space use, is a possible mechanism for the permanent retention and maintenance of some or all of the open space within the subdivision, at the sole discretion of the Board of Commissioners.
- (d) Fee Simple Dedication to the County shall only be approved if the Board of Commissioners finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary. Formatted: Bullets and Numbering

- a. The decision to accept open space for fee simple public ownership shall be at the sole discretion of the Board of Commissioners.
- b. The Board of Commissioners generally will require dedication of all open space or park and recreation areas indicated for acquisition in the County's Comprehensive Plan or capital improvement program. Adequate compensation shall be made to the property owner in the event of such acquisition.
- c. The Board of Commissioners may require a maintenance bond or other financial security with a duration of 12 months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Board shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Board shall return the maintenance bond to the subdivider.
- d. In addition to the required conservation easement, a deed for open space lands in a form acceptable to the County Attorney in favor of Morgan County shall be signed and recorded prior to or along with recordation of any final plat pertaining to land within the subdivision.
- (e) Multiple Ownership: In some cases, different parties, depending on the actual use of the open space and the resources that are being protected, may own different portions of the open space. For instance, the portion of the open space that may provide important assets to the life of the neighborhood—village greens, passive recreation areas, horse riding pasturage or open vistas, may be most appropriately owned and maintained by a homeowners association, while critically important features requiring non-use preservation, such as a forested floodplain or the habitat of endangered wildlife, may be best donated to a conservation organization.

Section 4.7.3 Maintenance.

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- (a) The cost and responsibility for maintenance of the open space and any facilities located in the open space shall be the responsibility of the property owner, unless that responsibility is specifically transferred as part of the conservation easement.
- (b) The applicant shall, at the time of preliminary plat submission, provide a plan for maintenance of open space and operation of common facilities in accordance with the following requirements:
 - a. The plan shall define ownership.
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space.

- c. The plan shall establish staffing responsibility, insurance requirements, and associated costs and define the means for funding the maintenance of the open space and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 - d. Any changes to the maintenance plan shall be approved by the County.
- (c) In the event that the organization established to maintain the open space and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance, in which case any escrow funds shall be paid to Morgan County and any prior existing maintenance agreements shall be revoked or suspended. The County thereupon may enter the premises and take corrective action, including extended maintenance. The costs of such corrective or continuing action may be charged to the owner of the open space or common facilities and/or to the individual property owners of the subdivision. Such costs may include administrative costs and penalties. Costs may be recovered as follows:
- a. Through Property Assessments: The County may apportion the costs among the property owners in the subdivision as an assessment, payable over one or more years. Such assessment shall become a lien on said properties until satisfied. Notice of such lien shall be filed by the County in the office of the Clerk of the Superior Court.
 - b. Through Special Taxes: The County may establish a special tax district encompassing the subdivision and levy an *ad valorem* property tax annually in an amount adequate to fund maintenance and operations of the open space.

ARTICLE 5 FLOOD DAMAGE PROTECTION

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ARTICLE 5 FLOOD DAMAGE PROTECTION

Chapter 5.1 Purpose of Article

This Article contains the requirements that apply to flood hazard areas, including land disturbing activities and building construction in flood hazard areas.

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Section 5.1.1 Findings of Fact.

Flood hazard areas are subject to periodic inundation that can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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These flood losses are caused by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damage, and by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities.

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Section 5.1.2 Statement of Purpose.

It is the purpose of this Article 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:

(a) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

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(b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

(c) Control filling, grading, dredging and other development which may increase erosion or flood damage.

(d) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(e) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.

Section 5.1.3 Objectives.

The objectives of this Article are to:

(a) Protect human life and health.

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(b) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in flood plains;

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(c) 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.

(d) Minimize expenditure of public money for costly flood control projects.

(e) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

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(f) Minimize prolonged business interruption.

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(g) Insure that potential property buyers are notified that property is in a flood area.

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Chapter 5.2 Definitions

In addition to the definitions included in Article 2 of these Development Regulations, the following definitions shall apply to this Article.

Addition (to an existing building): 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 independent perimeter, load-bearing walls is new construction. Any expansion to an existing building that is not walled and roofed, such as an open porch or deck, is not considered an "addition" for flood damage prevention purposes.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed 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 1 percent or greater chance of flooding in any given year.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway Wall: 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 foundation system.

Development: (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment;

or (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

Elevated Building: A non-basement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of fill; solid foundation perimeter walls; pilings, columns, posts and piers, shear walls; or breakaway walls.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before September 9, 1997.

Existing manufactured home park or subdivision: For the purposes of flood damage prevention requirements, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before September 9, 1997.

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.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the:

1. Overflow of inland or tidal waters; or
2. Unusual and rapid accumulation or runoff of surface waters from any source.

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Flood Plain: Any land area susceptible to flooding.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

The term does not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic Structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for 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.

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Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of these regulations.

Manufactured or Mobile Home: A manufactured home or a mobile home as defined in these regulations. For the purpose of flood damage prevention, the term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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 flood plain. For purposes of these regulations, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

New Construction: Any structure for which the start of construction commenced after September 9, 1997, and includes any subsequent improvements to the structure.

New Manufactured Home Park or Subdivision: For the purposes of flood damage prevention requirements, 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 September 9, 1997.

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

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Start of Construction: The initiation of new construction or a substantial improvement, as follows:

- (a) For New Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured or mobile home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.)
- (b) For a Substantial Improvement: The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

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Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building should be:

- (a) The appraised value of the building prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred “substantial damage,” regardless of the actual amount of the actual repair work performed.

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For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of these Development Regulations and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision: A manufactured home park or subdivision where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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Chapter 5.3 Basis for Establishing Areas of Special Flood Hazard

Section 5.3.1 Official Sources of Data.

The areas of special flood hazard identified by the Federal Emergency Management Agency in any Flood Insurance Study (FIS), with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of these Development Regulations.

Section 5.3.2 Warning and Disclaimer of Liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of Morgan County or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

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Chapter 5.4 Establishment of Flood Area Permit

A Flood Area Permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within an area of special flood hazard. See the Procedures and Permits Article of these Development Regulations for application and approval requirements.

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Chapter 5.5 Administration

Section 5.5.1 Director of Planning and Development—Designated as Administrator.
The Director of Planning and Development is hereby appointed to administer and implement the provisions of this Article.

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Section 5.6.2 Director of Planning and Development—Duties and Responsibilities.
The duties of the Director of Planning and Development regarding any land within an area of special flood hazard shall include, but not be limited to:

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- (a) Review all Flood Area Permits to assure that the permit requirements of this Article have been satisfied.
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or 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.
- (c) When base flood elevation data or floodway data have not been provided or cannot be obtained from any official source, then the Director of Planning and Development shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, whether public or private, in order to administer the provisions of this Article.
- (d) Verify 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, as provided by the permit holder.
- (e) Verify and record the actual elevation, in relation to mean sea level (or highest adjacent grade), to which the new or substantially improved structures have been floodproofed, as provided by the permit holder.
- (f) When floodproofing is utilized for a structure, the Director of Planning and Development shall obtain certification of design criteria from the owner's Professional Engineer or architect, in accordance with this Article.
- (g) Notify adjacent communities and the EPD prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (h) For any altered or relocated watercourse, submit engineering data/analysis within 6 months to the Federal Emergency Management

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Agency to ensure accuracy of the community flood map. Assure flood-carrying capacity of any altered or relocated portion of a watercourse is maintained.

- (i) 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 Director of Planning and Development shall make the necessary interpretation. Any aggrieved person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in these Development Regulations.
- (i) All records pertaining to the provisions of this Article shall be maintained in the office of the Director of Planning and Development and shall be open for public inspection.

Chapter 5.6 Provisions for Flood Hazard Reduction

Section 5.6.1 Floodways—Encroachments Prohibited.

Located within areas of special flood hazard are areas designated as Floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Encroachments are prohibited, including earthen fill, new construction, substantial improvements and other developments.

Section 5.6.2 Floodplains—Adverse Effects Prohibited.

No buildings, structures or development activity, such as grading, filling, cutting or displacement of earth, shall be allowed within the area of special flood hazard that could result in any of the following:

- (a) A rise in the base flood elevation beyond the boundaries of the property being developed is prohibited. The Director of Planning and Development may waive this restriction if the owner of the downstream property agrees to the rise in flood elevation and records floodplain easements on the property delineating the new base flood elevation.
- (b) Reduction in flood storage capacity is prohibited. Compensation must be provided for any earthen fill, structure or building placed within the floodplain such that the total flood storage capacity on the property is not reduced. An analysis prepared by a qualified registered Professional Engineer shall be submitted utilizing rigorous hydrologic methods such as HEC I, USGS model E431, or HEC II, as appropriate, which consider overbank storage effects. All required compensation shall occur within the boundaries of the property being developed.

- (c) Methods of providing compensation include:

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- a. Lowering of the natural ground elevations within the floodplain (while maintaining positive flow characteristics).
- b. Lowering of adjoining land areas to create additional floodplain.
- c. Raising the base flood elevation within the boundaries of the property (without increasing velocity at the downstream property line). A step-backwater analysis will be required to determine the volume of flood storage so created.
- (d) Impeding the movement of floodwaters is prohibited.
- (e) Changing the flow characteristics of the base floodwaters as they pass the ownership boundary of the property, either in volume or velocity, is prohibited.
- (f) Creation of hazardous or erosion-producing velocities, or that result in excessive sedimentation, are prohibited.

Section 5.6.3 General Standards.

In all areas of special flood hazard the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (c) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (d) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (e) Manufactured or mobile 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.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

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- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Any alteration, repair, reconstruction or improvement to a structure which is not in compliance with the provisions of this Article shall be undertaken only if such non-conformity is not furthered, extended, or replaced.

Section 5.6.4 Specific Standards.

In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required.

- (a) **New Construction or Substantial Improvement:** New construction or substantial improvement of any building (or manufactured or mobile home) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with standards for elevated buildings, below.
- (b) **Nonresidential Construction:** New construction or the substantial improvement of any structure located in A130, AE, or AH zones, as established by FEMA, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director of Planning and Development.
- (c) **Standards for Manufactured or Mobile Homes and Recreational Vehicles:**
 - a. All manufactured or mobile homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured or mobile home parks or subdivisions, (3) in expansions to existing manufactured or mobile home parks or subdivisions, or (4) on a site in an existing manufactured or mobile home park or subdivision where a manufactured or mobile home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

- b. Manufactured or mobile homes placed or substantially improved in an existing manufactured or mobile home park or subdivision may be elevated so that either:

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- c. The lowest floor of the manufactured or mobile home is elevated no lower than one foot above the level of the base flood elevation, or
 - d. The manufactured or mobile home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - e. All manufactured or mobile homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement
 - f. All recreational vehicles placed on sites must either:
 - i. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
 - g. The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of this Article.
- (d) Elevated Buildings: All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than 1 foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. 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.

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i. New construction or the substantial improvement of a nonresidential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus 1 foot, above 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 Director of Planning and Development.

ii. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

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Section 5.6.5 Standards for Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is less.

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ARTICLE 6 LAND DEVELOPMENT ACTIVITIES

Chapter 6.1 Purpose of Article

This Article contains the requirements that apply to carrying out the land development process, including site grading and land disturbance activities; the installation of streets, drainage facilities and public utilities; and building construction.

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Chapter 6.2 Overview—Project Construction

Section 6.2.1 Development Activity.

- (a) Pre-construction Activity: Following the issuance of a development permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural buffers or stream greenways, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the Director of Planning and Development prior to the commencement of any clearing or grading activities.
- (b) Grading:
 - a. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
 - b. Required erosion and sedimentation control measures and storm water drainage facilities are to be installed in accordance with the approved plans as development progresses.

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Section 6.2.2 Development Phase Inspections.

Requests for inspections shall be made by the owner or contractor to the Director of Planning and Development at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

- (a) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas is required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- (b) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- (c) Upon installation of storm drainage pipe, detention, or other storm water facilities.
- (d) Inspections of public water and sewerage systems shall be requested of and performed by the City of Madison and/or Morgan County.

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- (e) Street curbing and gutter (if provided). Inspection shall be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.
- (f) Sub-grade of streets. The sub-grade shall be roll tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Road Superintendent.
- (g) Street base. The street base shall be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Road Superintendent.
- (h) Paving. The Road Superintendent may be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores may be required to be delivered to the Road Superintendent prior to approval of a final subdivision plat or certificate of occupancy.

Section 6.2.3 As-Built Surveys.

- (a) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Director of Planning and Development for review and approval a complete set of record drawings showing "as-built" conditions prepared by a registered land surveyor. These drawings shall show the location, vertical and horizontal alignment, and finished elevations of:
 - a. Drainage system pipes and channels.
 - b. Storm water detention facilities.
 - c. Public sanitary sewerage system (if any).
 - d. Public water system (if any).
 - e. Streets, including street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (b) The as-built surveys shall be certified and sealed by the registered land surveyor, subject to the tolerances of accuracy indicated in the survey certification.
- (c) For projects involving a public water or sanitary sewerage system, the water and sewerage as-built surveys shall be forwarded to the City of Madison and Morgan County for review and acceptance. No final plat can be

recorded or certificate of occupancy issued until the Director of Planning and Development has received confirmation of approval from the City of Madison and Morgan County.

Section 6.2.4 Final Development Inspection.

- (a) Following submission and review of the as-built surveys, the Director of Planning and Development shall conduct a final development inspection of the project.
- (b) At the time of the final inspection, all elements of the final erosion and sedimentation plan shall have been implemented and final clean-up of the project shall have been completed.
- (c) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

Section 6.2.5 Maintenance Surety.

- (a) Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, a maintenance bond or letter of credit in a form acceptable to the Director of Planning and Development is required for all public street and drainage improvements shown on the as-built surveys. The owner shall be responsible for maintenance of all such public improvements for 3 years from the date of issuance of the certificate of occupancy or final subdivision plat approval, as applicable.
- (b) The value of the Maintenance Bond shall be determined by the Director of Planning and Development.

Chapter 6.3 Site Clearing and Grading

Section 6.3.1 Development Permit Required.

- (a) Clearing and grading shall not proceed until issuance of an approved development permit by the Director of Planning and Development. See the Article 7 - Procedures and Permits of these development regulations for details.
- (b) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.

Section 6.3.2 Limits of Clearance.

- (a) Timbering, clearing, grubbing and grading of a site for development of a residential subdivision shall be limited to those areas necessary to construct the streets and utilities, the storm water detention facilities, and necessary erosion and sedimentation control devices, along with related easements, rights-of-way and slopes. Clearance beyond these limits to

balance cut and fill for the streets, drainage or utilities may be approved administratively by the Director of Planning and Development based on a grading plan and cut/fill calculations prepared by a Georgia registered professional engineer qualified in site work, provided that the additional clearance is kept to the minimum deemed necessary by the Director of Planning and Development. Any additional clearing or grading prior to issuance of a building permit may be approved only upon application to the Board of Commissioners and its finding of unusual or extenuating circumstances warranting such additional clearance or grading.

(b) The limits of clearance for any subdivision or multi-family or nonresidential project shall be clearly shown on the grading plan, and a copy of the approved grading plan shall be maintained on site while the improvements are under construction. Failure to restrict clearance or grading activities to the approved limits is a violation of the development regulations and will result in issuance of a stop work order until the violation has been addressed to the satisfaction of the Director of Planning and Development.

(c) Clearance and grading for a residence or subdivision amenity (such as a community center or recreation facility) shall be approved only upon issuance of a building permit for such structure or improvements.

Section 6.3.3 Erosion and Sedimentation Control Measures.

Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any land-disturbing activity and as development progresses.

Section 6.3.4 Storm Water Drainage Facilities.

Required storm water drainage facilities are to be installed in accordance with the approved storm water management plan as development progresses.

Section 6.3.5 Clearing and Grubbing.

The entire area within the typical street grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner.

Section 6.3.6 Protection of Vegetation and Topsoil.

- (a) Protection of Vegetation from Mechanical Injury: Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields, or other significant vegetation or site features, the County may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
- (b) Protection of Vegetation from Grading Change: Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions that would adversely affect existing vegetation to be re-

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tained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

(c) Protection of Vegetation from Excavations:

a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. Where possible, directional drilling should be used as an alternative to digging trenches for utility lines or similar uses.

b. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

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c. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period November 1 to April 1 when re-vegetation of exposed ground surfaces is difficult, avoiding soil compaction.

(d) Protection of Topsoil:

a. No topsoil shall be removed from the site.

b. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.

c. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydro-seeding on slopes of less than 10 percent and by sodding, hydro-seeding, or rip-rap on slopes exceeding 10 percent.

d. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

Section 6.3.7 Earthen Embankments.

(a) Earthen embankments shall be placed in uniform layers not to exceed a compacted thickness of 6 inches per layer.

(b) Fill slopes shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99 in all areas where structures, parking lots and drives, and utilities are to be placed.

(c) Street sub-grade areas shall achieve 98% compaction. If necessary in order to obtain this compaction, the contractor shall add moisture to the material as it is placed.

- (d) All other embankments are to be compacted to at least 90 percent.
- (e) Flood-proofing shall be accomplished prior to placement of embankments to detect soft spots.

Depth of Cut or Fill	Cut Slopes*	Fill Slopes*
2 feet or less	3 to 1	3 to 1
2 feet to 5 feet	3 to 1	3 to 1
Over 5 feet	3 to 1	3 to 1

*Maximum distance of run to rise.

Section 6.3.8 Slopes.

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(a) **Maximum Slope:** The maximum slope for all cut or fill slopes shall be as shown on Table 6-1. The depth of cut referenced in the table shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, slope may be changed to vertical slope upon the written approval of the Director of Planning and Development.

(b) All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure.

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Chapter 6.4 Soil Erosion and Sedimentation Control

Section 6.4.1 Purpose and Intent.

The purpose of this Section is to control erosion and sedimentation by requiring proper provisions for storm water runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of the county. This Section is adopted pursuant to and in conformity with O.C.G.A. 12-7-1 *et seq.*, the Georgia Erosion and Sedimentation Act of 1975, as amended.

Section 6.4.2 Definitions.

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The following words, terms and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Best Management Practices (BMP's): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Board of Natural Resources: The Board of Natural Resources of the State of Georgia.

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."

Cutting: The removal of any soil or other solid material from a natural ground surface.

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

DNR Department: The Georgia Department of Natural Resources.

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

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

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

Erosion and Sedimentation Control Plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

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 excavation.

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

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.

Greenway: An 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.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Issuing Authority: The Morgan County Board of Commissioners, acting through its Director of Planning and Development as its designated representative, which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or EPD in those instances where an application for a permit is submitted directly to EPD.

Jurisdiction: That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

Land-Disturbing Activity: Any activity that 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 that are exempt under the Erosion and Sedimentation Control Section of the Land Development Activities Article of these Development Regulations.

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

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 extend of turbidity in water in which colloiddally dispersed particles are present.

One-Hundred-Year Flood Plain: A land area subject to a 1 percent or greater statistical occurrence probability of flooding in and given year.

Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

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

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, 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 organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

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

Soil and Water Conservation Commission: The Soil and Water Conservation Commission of the State of Georgia.

Soil and Water Conservation District: The Piedmont Soil and Water Conservation District.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District.

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

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

Structural Erosion and Sedimentation Control Measures: Measures 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 sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(a) Permanent seeding, sprigging or planting, producing long-term vegetative cover

(b) Temporary seeding, producing short-term vegetative cover

(c) Sodding, covering areas with a turf of perennial sod-forming grass

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

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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 reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that 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 freshwater areas.

Wetlands, protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

Section 6.4.3 Exemptions.

The following land-disturbing activities are exempt from the requirements of this Chapter (6.4 Soil Erosion and Sedimentation Control):

- (a) Surface mining, as the same is defined in O.C.G.A. 12-4-72.
- (b) Granite quarrying and land clearing for such quarrying.
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, which result in minor soil erosion.
- (d) Single-family detached dwellings, as follows:
 - a. The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy; or
 - b. The construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth under the minimum requirements for erosion and sedimentation control in this Section, below.
- (e) Agricultural operations as defined in O.C.G.A. 1-3-3 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 chicken, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock,

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poultry, eggs, and apiarian products; forestry land management practices, including harvesting; and farm buildings and farm ponds.

- (f) 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 greenway, as established in this Section, no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (h) Any project involving 1.1 acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any state waters. For purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round. Any person responsible for a project which involves 1.1 acres or less, which involves land-disturbing activity and which is within 200 feet of any such excluded channel or drainageway, 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 regulation of any such project that is not specifically exempted by this Subsection.
- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth under this Section, below; provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1.
- (j) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth under this Section, below.

Where this Subsection requires compliance with the minimum requirements set forth in this Section, the County shall enforce compliance with the minimum requirements as if a

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development permit had been issued and violations shall be subject to the same penalties as violations by development permit holders.

Section 6.4.4 Minimum Requirements for Erosion and Sedimentation Control (general).

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities that are not excluded by this Section shall contain provisions for application of soil erosion and sedimentation control measures. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures shall conform to the requirements of this Section. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

Section 6.4.5 Minimum Requirements: Best Management Practices.

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- (a) Best management practices as set forth in this Section 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 EPD Director or to any other allegation of noncompliance with this subsection or any substantially similar terms contained in a development permit for the discharge of storm water issued pursuant to O.C.G.A. 12-5-30(f), the *Georgia Water Quality Control Act*. As used in this subsection, the terms “proper design” and “properly designed” mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.
- (b) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed and maintained shall constitute a separate violation of any development permit issued by a local issuing authority or by EPD or of any general permit for construction activities issued by EPD pursuant to O.C.G.A. 12-5-30(f), 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 25 nephelometric turbidity units. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD Director.
- (c) Failure to properly design, install or maintain best management practices shall constitute a violation of any development permit issued by a local issuing authority or by EPD or of any general permit for construction activities issued by EPD pursuant to O.C.G.A. 12-5-30(f), the *Georgia Water Quality Control Act*, for each day on which such failure occurs.
- (d) The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

Section 6.4.6 Minimum Requirements for Erosion and Sedimentation Control (specific).

The holder of a development permit and exempt persons who are required to comply with this Subsection shall follow as a minimum 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* in effect at the time the land-disturbing activity was permitted, as well as the following:

- (a) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.
- (b) Cut-fill operations must be kept to a minimum.
- (c) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (d) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
- (f) Disturbed soil shall be stabilized as quickly as practical.
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- (h) Permanent vegetation and structural erosion control measures shall be installed as soon as practical.
- (i) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 *et seq.*
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- (k) Cuts and fills may not endanger adjoining property.
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.

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- | (m) Grading equipment must cross flowing streams by 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.
- | (n) Land-disturbing activity plans for erosion and sedimentation 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 by more than 25 nephelometric turbidity units.
- | (o) When a pond, either new or existing, is incorporated into a development, the developer shall note on his plans if the pond is to be used for sediment control and/or storm water detention during construction. If the pond is to be used for sediment control, the developer will be required to dredge, clean and grass the pond upon completion of construction of the project. Further, sediment control devices shall be required to protect downstream property during construction.
- | (p) Lakes, either new or existing, incorporated into a development shall not be used for sediment control and will be classified and used as adjacent property. Siltation of a lake therefore will be treated as a violation of this Section.
- | (q) Hazardous sediment basins and floodwater retention structures shall be fenced and posted to avoid danger to life or property.
- | (r) All erosion and sedimentation control measures, whether temporary or permanent, shall be maintained until the areas affected by such measures are permanently stabilized.
- | (s) Land-disturbing activities shall not be conducted within the 100-year flood plain except in compliance with the Flood Damage Prevention Article of these Development Regulations.

Section 6.4.7 Greenways.

- | (a) A greenway is to be established for a distance of 100 feet along the banks of any state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action. Greenways (vegetative buffers) of greater width may be required under Article 12 of the Zoning Ordinance within watershed protection areas.
- | (b) Land-disturbing activities shall not be conducted within a greenway, except:
 - | a. Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment

b. Where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8

c. Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that greenways of at least 50 feet established pursuant to part 6 of article 5, chapter 5 of title 12, of the Official Code of Georgia, the *Georgia Water Quality Control Act*, shall remain in force unless a variance is granted by the EPD Director.

(c) Protection of Greenways:

a. No land disturbing activities shall be conducted within a greenway and a greenway shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed.

b. A greenway may be included within a conservation easement that meets the requirements of the Resource Conservation Article of these Development Regulations.

c. Once the final stabilization of the site is achieved, a greenway may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation easement, 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.

d. 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 greenway at any time, consistent with the terms of any applicable conservation easement, 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.

e. Notwithstanding any other provisions of this article, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas.

f. Notwithstanding any other provisions of this article, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

Chapter 6.5 Installation of Storm Water Drainage Facilities

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Section 6.5.1 Timing of Installation.

Construction of the storm water system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate.

Section 6.5.2 Maintenance Responsibilities.

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- (a) It shall be the responsibility of the developer to maintain all facilities required by the storm water management plan during construction and for a 3-year maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.
- (b) The owners of the property shall be responsible for maintaining the permanent facilities identified by the storm water management plan to remain after construction is complete, following the 3-year maintenance period.
- (c) Should an owner or developer, whichever is the responsible party, fail to maintain the storm water management facilities in a state of service intended by the storm water management plan, then the Director of Planning and Development shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.
- (d) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum) then the owner shall be in violation of the provisions of these regulations.

Chapter 6.6 Installation of Streets and Utilities

Section 6.6.1 Grading.

- (a) All streets shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed in the future, can be constructed on the same level plane.
- (b) Before grading of a roadway is started, the entire area to be paved shall be first cleared of all stumps, roots, brush and other objectionable materials. In all areas to be graded or filled, the developer shall stockpile the topsoil later to be spread in all disturbed areas not paved.
- (c) Grading shall be done in accordance with the Site Clearing and Grading Section of this Article.

- (d) Sub-surface drainage installations may be required by the Road Superintendent, to provide a stable sub-surface and base for fills and base course construction over wet weather springs, soft spots, swamps and other unsuitable soils. The Road Superintendent may require the owner to have a soil analysis and drainage design performed at the sub-dividers expense by an engineering firm if such conditions are encountered.
- (e) The street right-of-way shall be graded at least 8 feet beyond the roadbed, measured from the back of curb or edge of pavement on both sides of the street to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, and to provide walkways off the paved vehicular surface.
- (f) Topsoil stripped and stockpiled before paving shall be spread at a minimum depth of 4 inches on the shoulder in preparation of the seedbed. The soil shall be thoroughly broken, well pulverized, smoothed and firm before planting. All shoulders shall be seeded with bermuda applied at a rate of 40 pounds per acre. Mulch shall be used on seeded areas. The mulch material may consist of rye, oat or wheat straw of good quality free of seeds of competing species. Shoulders shall be sloped and backfilled as necessary following paving and curb and gutter installation as required by the Road Superintendent. All curbs and gutters shall be backfilled according to the design in these regulations. All eroded areas shall be reconstructed and maintained to the original final grade. Re-grassing shall be required for bare spots, areas of insufficient stand and reconstructed areas.

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Section 6.6.2 Installation of Utilities (general).

- (a) After grading is completed and approved, the curb lines shall be staked by the developer's Registered Land Surveyor. Before any base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto—shall be installed completely and provided throughout the length of the street and across the flat section. Service connections for sanitary sewer and water (if required) shall be extended to the right-of-way lines.
- (b) Underground utilities including sewer services, all water lines and any cable conduits under the pavement shall be placed in the ground before the base material is in place.
 - a. All trenches shall be thoroughly compacted in six-inch layers with approved mechanical compacting equipment and tested.
 - b. All fire hydrants, utility poles, street lights, transformer boxes and pedestals shall be set at a distance not less than 6 feet from the back of curb or edge of pavement.

| c. The sub-grade shall be scarified to a depth of 6 inches and compacted to 98% by Standard Proctor density test.

| (c) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.

| (d) All utility locations shall correspond to the typical layout shown in the Standard Details.

| (e) No private improvements, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way.

Section 6.6.3 Street Installation.

(a) Preparation of Sub-Grade: After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the sub-grade shall be brought to the lines, grades and cross section shown on the plans.

a. All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The sub-grade shall be properly shaped, rolled and uniformly compacted to conform to the lines, grades and typical cross-sections as shown on the drawings approved by the County. The sub-grade must pass a compaction test prior to beginning construction of the base course.

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b. Compaction shall be 98% percent by Standard Proctor Density Test. Sub-grade compaction will be field tested through the use of a "Compaction Test," as specified under testing requirements below.

(b) Installation of Base.

a. All base course material shall be deposited and spread by means of spreader boxes, or approved mechanical equipment.

b. Immediately following the spreading of the coarse aggregate, all material placed shall be compacted to the full width by rolling with a smooth wheel power roller weighing seven to ten tons. Rolling shall progress gradually from the sides to the center, parallel with the center line of the street and lapping uniformly each preceding track by one-half the width of such track, and shall continue until all the surface has been rolled and has been thoroughly keyed, the interstices of the stone reduced to a minimum and until it ceases to creep or wave ahead of the roller.

c. Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these places and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately as required to maintain a uniform compacted base until a surface or treatment has been applied to the base. Along curbs, headers and walls and at all places not accessible to the roller, the base course material shall be tamped thoroughly with mechanical tampers or approved hand tampers.

d. Once the base course is complete, and after required compaction testing and an approved "Roll Test" verified by the Road Superintendent, a bituminous prime coat shall be applied to the base course at a rate of 0.2 to 0.3 gallons per square yard.

- e. No base material shall be deposited or shaped when the sub-grade is frozen or thawing or during unfavorable weather conditions.
- (c) When the street is to be used for construction traffic before the paving work is completed, a layer of No. 3 stone can be laid as a traffic surface if the developer so desires.
 - a. This material shall not be used as part of the base material.
 - b. It may be worked into the sub-grade; or it shall be removed before the base course is set up for paving.
 - c. Provision shall be made to drain low points in road construction when the final paving surface is delayed.
 - i. Provide break in the berm section when the curbing has not been constructed.
 - ii. Use 6-inch pipe sections to provide drainage under curb to side slopes.
- (d) Abutting property shall be suitably sloped to the right-of-way line.
- (e) Street Base, Curbing and Paving: Street base, curbing and paving shall be installed by the developer in accordance with the requirements and standards of these development regulations.

Section 6.6.4 Testing Requirements; Streets.

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- (a) Testing of Sub-Grade:
 - a. The sub-grade compaction shall be reviewed by the Road Superintendent on the site when tested, or by his/her duly appointed representative, prior to construction of the graded aggregate base course. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test." The contractor shall schedule all compaction tests with the Road Superintendent, or his/her duly appointed representative no less than 24 hours in advance. The contractor shall also provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. An indentation greater than 0.75 inch as a result of the Roll Test for the subgrade will require re-mediation and re-testing. Sub-grade failure due to pumping conditions during Roll Test will be required to be reconstructed.
 - b. Compaction testing will be required at no more than 100 linear foot intervals and at every 2 foot of fill or more for all roadway sub-grades. The Road Superintendent will specify the number, location and selection of

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test areas. Additional compaction testing will be prorated for pavements wider than two lanes.

(b) Inspection of Base.

a. The compaction of the base course shall be tested prior to the application of Bituminous Plant Mix paving. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test." The contractor shall schedule all compaction tests with the Road Superintendent, or his/her duly appointed representative no less than 24 hours in advance. The contractor shall also provide an adequate testing vehicle, minimum 18-ton hauling capacity, fully loaded. An indentation greater than 0.50 inch as a result of the Roll Test for the street base will require re-remediation and re-testing. All areas or sections of the sub-grade and base course that do not pass visual live load compaction testing, shall be corrected. Once the contractor makes all necessary corrections, it shall be his/her responsibility to schedule any and all subsequent roll tests.

b. It is the responsibility of the developer to insure that all required tests shown on Table 6-3 are made and reported to the Road Superintendent. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories.

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Table 6-3
Testing Requirements

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 100 linear feet of roadway and for every 2-foot fill section	98% Max Density Compaction Field Tests
Base Compaction	Each 100 linear feet of roadway	100% Max Density Compaction Field Tests
Asphalt Density	Each 500 linear feet of roadway	92% Laboratory Density
Asphalt Thickness	Each 100 linear feet of roadway	Deficient in thickness not more than 1/4"

Section 6.6.5 Protection of Shoulders.

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(a) Immediately after grading and filling and re-spreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.

(b) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

Section 6.6.6 Traffic Control Devices and Street Lights.

- (a) Street signs, traffic control signs, and devices such as striping and signalization, shall be provided by the developer after receiving written approval from the Road Superintendent.
- (b) The installation of all street lighting fixtures within the right-of-way must be approved by the Road Superintendent prior to such installation.

Section 6.6.7 Foreign Material on Streets.

- (a) The developer, builders, and/or homeowners shall be responsible for keeping dirt, mud, building materials, concrete, etc., off of the pavement and curbing of existing county roads during construction of buildings in all developments covered by these regulations.
- (b) Before the final development inspection, all litter and trash shall be removed from the street rights-of-way and surrounding areas.

Section 6.6.8 Bridge Piling.

Bridge piling shall be driven to State DOT load standards for loading. Certification of pile load shall be by registered Professional Engineer.

Section 6.6.9 Burial of Construction Debris.

No debris of any kind shall be buried at the site of any construction or development.

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Chapter 6.7 Building Construction

Section 6.7.1 Building Permit Required.

- (a) It shall be unlawful for any building to be located, erected, moved, or added to, or structurally altered without obtaining a Building Permit issued by the Director of Planning and Development. Certificates of occupancy for all structures or interior finishes are issued after meeting the applicable requirements of the fire prevention and life safety code and the various health and building codes. A permit is also required for the movement of any house, structure or building.
- (b) For any structure served by an on-site sewage disposal system, a permit issued by the Morgan County Health Department shall be required prior to issuance of a Building permit. Said permit may first require approval by the Morgan County Health Department of a plan showing the location of the sewage disposal system and other on-site improvements, in accordance with their regulations.
- (c) Building permits shall only be issued on lots of record, as defined in these development regulations.

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Section 6.7.2 Building Inspections.

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(a) Scheduling a Building Inspection:

- a. For footing inspection, notify the Building and Zoning Department on the morning that a footing inspection will be needed, and indicate an approximate time. Notify the Building and Zoning Department again when the work is actually complete and ready for inspection.
- b. All other building inspections shall be scheduled with the Director of Planning and Development at least 24 hours before the inspection is needed. Requests for inspection should include the street address, lot number, building permit number, and type of inspection.

(b) Required Inspections:

- a. Driveway Culverts: Driveways must be installed per County standards, with gravel properly in place, prior to inspection.
- b. Silt Fence: required on lake lots, in Watershed Protection areas, and along creeks and rivers.
- c. Temporary Power: Must have GFCI outlet or breaker on all receptacles, ground rod with acorn ground clamp, and must be braced. All electrical parts must be in good working order.
- d. Footing: Must be inspected before concrete is poured. Verify minimum required building setbacks, footing minimum 8 inches thick by 16 inches wide, trenches dug and reinforcing steel in place.
- e. Under Slab Plumbing: Water supply line and sewer lateral in slab foundation. All work must be complete with a water or air test on all pipes.
- f. Slab: All preparation (gravel, moisture barrier, wire, rebar, etc.) must be complete for inspection. All slabs must have anchor bolts every 6 feet (or equivalent).
- g. Rough-in: Interior walls may not be covered until the following inspections are completed:
 - i. Framing: Completion of all rough-ins but no insulation in place.
 - ii. Mechanical: Rough-ins complete with air test on gas line.
 - iii. Electrical: Rough-ins with neutral, ground, and service cable wired.
 - iv. Plumbing: Rough-ins complete and all fixtures installed. Must have air and water test on all plumbing.

(c) Insulation: All insulation and caulking work must be complete. Exterior corners, tees, bottom plates and all holes through floors must be filled.

(d) Final Inspection: All electrical must be complete.

(e) Certificate of Occupancy: Building must be completely finished and ready for occupancy.

Section 6.7.3 Construction in Flood Hazard Area.

Construction of a structure within an area of special flood hazard for which a permit has been issued shall be governed by the following:

(a) Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Director of Planning and Development a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level.

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(b) Certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by such registered land surveyor or professional engineer. When flood-proofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the professional engineer or architect.

(c) Any work undertaken prior to submission of the certification shall be at the development permit holder's risk.

(d) The Director of Planning and Development shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the development permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections shall be cause to issue a stop-work order for the project.

Section 6.7.4 Certificate of Occupancy Required.

A Certificate of Occupancy must be obtained prior to the occupancy or use of any new or newly renovated building or structure, in accordance with the Procedures and Permits Article of these Development Regulations.

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ARTICLE 7 PROCEDURES AND PERMITS

Chapter 7.1 Purpose of Article

This Article describes the approval process for construction and recording of subdivisions and other land development projects, the procedures for amendments to the text of these development regulations, and the process for appeals from an administrative decision or for hardships.

Chapter 7.2 Overview—Land Development

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

Section 7.2.1 Major Subdivisions.

The division of land that qualifies as a major subdivision or a private street subdivision shall be conducted as follows:

- (a) Project Approval is granted by the Planning and Development Department upon review and approval of a preliminary subdivision plat.
- (b) A Development Permit is issued by the Planning and Development Department based on review and approval of development plans for construction of the subdivision.
- (c) Receipt and approval by the Planning and Development Department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a final plat.
- (d) Submission of the final subdivision plat, along with associated documents, right-of-way deeds and other legal instruments as applicable.
- (e) Approval of the final subdivision plat by the Planning and Development Department will authorize recordation of the plat and associated documents with the Clerk of the Superior Court. Right-of-way deeds and other legal instruments requiring approval by the Board of Commissioners prior to recordation will be handled by the Planning and Development Department.
- (f) After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.
- (g) No later than 3 years after recordation, all public improvements will be inspected by Morgan County. After the developer has made any required repairs, public acceptance of the improvements shall be issued by the County.

Section 7.2.2 Minor Subdivisions.

The division of land that qualifies as a Minor Subdivision shall be conducted as follows:

- (a) Approval of an Erosion and Sedimentation Control Plan, if required.

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- (b) Submission of a plat meeting all applicable requirements for a final subdivision plat under this Article. Driveway locations must meet all requirements of these development regulations.
- (c) Approval of the final subdivision plat by the Planning and Development Department will authorize recordation of the plat and associated documents with the Clerk of the Superior Court. Right-of-way deeds and other legal instruments requiring approval by the Board of Commissioners prior to recordation will be handled by the Planning and Development Department.
- (d) After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.
- (e) No further subdivision of the original tract or resulting tracts from the minor subdivision will be permitted for three (3) years after the date of final plat approval.

Section 7.2.3 Exempt Subdivisions.

Approval of a subdivision that is otherwise exempt from the provisions of these development regulations shall proceed as follows:

- (a) Submission of a plat meeting all applicable requirements for a final subdivision plat under this Article.
- (b) Approval of the final subdivision plat by the Planning and Development Department will authorize recordation of the plat and associated documents with the Clerk of the Superior Court.
- (c) After recordation of the final plat, the lots may be sold.

Section 7.2.4 Multi-family, Mixed Use and Nonresidential Projects.

- (a) Project Approval is granted by the Planning and Development Department upon review and approval of a site plan for the project.
- (b) A Development Permit is issued by the Planning and Development Department based on review and approval of development plans for construction of the project.
- (c) A Building Permit is issued by the Director of Planning and Development based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Marshall prior to issuance of the building permit.
- (d) Receipt by the Planning and Development Department of accurate surveys of the as-built condition of all required storm water drainage and public improvements is required prior to issuance of a certificate of occupancy.

- (e) Permanent electric power and occupancy of the building is authorized by the Director of Planning and Development based on final inspection and issuance of a Certificate of Occupancy.
- (f) In addition to all other requirements of this article, preliminary plat and final plat must show the following information for multi-family, mixed use and non-residential projects:
 - a. The approximate square footage of all buildings in the development
 - b. The façade elevations of all buildings that are visible from the public right-of-way
 - c. The location of all parking and total number of parking spaces created, total amount of impervious surface area, and all paving materials used for parking areas
 - d. The number, size, placement, type and wattage of all exterior lighting in the development (lighting must comply with Article 22 of the Zoning Ordinance)
 - e. The location, type, and architectural design of all signs for the development (signs must comply with Article 27 of the Zoning Ordinance)

Chapter 7.3 Definitions

The following definitions apply to the procedures outlined in this Article, in addition to any applicable definitions contained in Article 2 – Definitions of these Development Regulations.

Applicant: A property owner or their authorized representative who has petitioned the County for approval of a zoning change, preliminary plat or site plan, development permit, building permit, hardship variance, special exception or administrative appeal, or any other authorization for the use or development of their property under the requirements of these development regulations.

Application: A petition for approval of a development permit, building permit, hardship variance, or appeal, or any other authorization for the use or development of a property under the requirements of these development regulations.

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

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

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

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

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

Chapter 7.4 Approval of Major Subdivisions and Development Site Plans.

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

Section 7.4.1 Responsibility for Project Approval.

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- (a) The Director of Planning and Development is responsible for administering the review and approval process for preliminary subdivision plats and site plans. The owner or subdivider is responsible for submitting a copy of the project approval application to the Georgia Department of Transportation (DOT) for their review and comment. The developer is responsible for work with DOT as necessary to resolve all issues. The Director of Planning and Development shall forward a copy of the project approval application to other appropriate County Departments and others as appropriate, for their review and comment. The Director of Planning and Development shall provide all comments to the applicant for resolution, who shall work directly with each department as necessary to resolve all issues.
- (b) Whenever a plat proposes dedication of land to public use that the Morgan County Director of Planning and Development finds unsuitable for such public use, the Morgan County Director of Planning and Development shall refuse to approve the plat. Should the Morgan County Director of Planning and Development determine a proposed dedication of land to public use is not required, the Morgan County Director of Planning and Development shall strike such dedication from the plat prior to its approval.

Section 7.4.2 Procedure for Project Approval.

- (a) A pre-application review with a preliminary sketch is suggested.

- (b) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.
- (c) An application for project approval shall be submitted to the Planning and Development Department. The application shall include:
 - a. The name and address of the person requesting review.
 - b. A properly completed application form, as furnished by the Planning and Development Department, requesting review for project approval.
 - c. Three copies of the preliminary subdivision plat or site plan showing the entire ownership drawn to the specifications of this Section.
 - d. A maintenance of open space and operation of common facilities plan, if applicable.
 - e. Payment of the applicable application fees \$250 for the first 3 lots and \$30 per each additional lot, plus other applicable review fees such as those for tree plans, erosion control, NPDES permits etc., as established by the Board of Commissioners from time to time.
- (d) The Planning and Development Department will review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- (e) If the proposed subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. 32-6-151. The owner or subdivider is responsible for submitting a copy of the project approval application to the Georgia Department of Transportation for their review and comment. The owner or subdivider must submit a copy of any recommendation or approval letter sent by DOT to the Director of Planning and Development and must respond to the recommendations of the DOT prior to preliminary plat approval. If the written recommendations of the DOT are not made within 30 days of receipt of the preliminary plat by DOT, their approval shall be assumed by Morgan County as provided under State law.
- (f) Within 60 days following receipt of the application, the Planning and Development Department will indicate on the drawing or in writing all comments related to compliance with these development regulations.
- (g) The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

- (h) The Planning and Development Department may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance to order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
- (i) When the Planning and Development Department has determined that the preliminary subdivision plat or site plan is in compliance with the requirements, purpose and intent of these development regulations, it will be approved. The Director of Planning and Development will sign and date the CERTIFICATE OF PROJECT APPROVAL stamped or printed on a reproducible copy of the preliminary subdivision plat or site plan. One copy of the approved drawing will be transmitted to the applicant and 1 copy will be retained by the Planning and Development Department.
- (j) The Certificate of Project Approval will remain in effect for a period of 1 consecutive year after which time it will become null and void and a new Certificate shall be required if no permit has been issued or no development activity has begun.

Section 7.4.3 General Standards for Project Approval.

- (a) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the County. If shown to the contrary, the Planning and Development Department may refuse to accept such development or street names.
- (b) The preliminary plat or site plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- (c) The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director of Planning and Development may approve other sheet sizes and graphic scales as appropriate.
- (d) For property of over 100 acres, a smaller scale may be used where, in the judgment of the Director of Planning and Development, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

Section 7.4.4 Open Space Conservation Resource Inventory.

A map of the proposed major or private street subdivision site must be prepared, showing key site features and delineating Protected Conservation Areas, and other areas, as

defined in the Open Space Standards Article of these development regulations. Where different areas overlap, the most restrictive area is to be clearly delineated and given precedence over less restrictive types of areas. This map need not be submitted upon certification by a registered land surveyor that there are no Protected Open Space Conservation Areas (or other Conservation Areas if applicable) located on the subdivision site, based on their personal on-site investigation and review of appropriate documents.

- (a) Aerial photograph Required: The Open Space Conservation Resource Inventory Map may be drawn on a vertical aerial photograph of the site, prepared at the same scale as the Preliminary Plat, or an aerial photograph is to accompany the Open Space Conservation Resource Inventory Map and may be at the same or a smaller scale, but no smaller than 1 inch = 400 feet. The source of the aerial photograph and the date of the photograph are to be indicated.
- (b) Map Requirements: The Open Space Conservation Resource Inventory Map is to be prepared by a Georgia licensed land surveyor and drawn at the same scale as the Preliminary Plat (no smaller than 1 inch = 100 feet). If more than one sheet is required in order to cover the site, the sheets are to be numbered in sequence and referenced to an index sheet. The map must specifically include:
 - (c) Physical and legal features of the site, such as:
 - a. Outline of the boundary line of the subdivision site.
 - b. Political jurisdiction lines (city limits, county line).
 - c. Rights-of-way lines and names of all public roads, streets and highways on or abutting the site.
 - d. Easements that traverse the site and the purpose of each, such as electric power transmission lines (with the kilovolts indicated), liquid or natural gas transmission lines, other public or private utilities, private roads or ways, etc.
 - e. Topography of the site shown at two-foot contour intervals.
 - f. Perennial streams, creeks and rivers, and permanent water impoundments such as lakes and ponds.
- (d) Protected Open Space Conservation Areas are to be delineated for subdivisions, including:
 - a. Floodways within the 100-year floodplain.
 - b. Required stream buffers.
 - c. Wildlife habitats of threatened or endangered species.

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- d. Cemeteries and burial grounds.
 - e. Wetlands and hydric soils classified as “unsuitable.”
 - f. The limits of the 100-year flood plain.
- (e) Other Conservation Areas: Other conservation areas should also be delineated for subdivisions, including:
- a. Areas of steep slopes over 25% which comprise 5,000 square feet or more of contiguous area.
 - b. Areas with slopes of 15% to 25% greater than 40,000 contiguous square feet.
 - c. Soils with exposed bedrock or rock outcroppings greater than 40,000 contiguous square feet.
 - d. Areas with soils classified as “poorly drained” greater than 80,000 contiguous square feet.
 - e. Buffer areas around wetlands and habitats of endangered species.
 - f. Mature timber stands or significant trees.
 - g. Registered historic or archeological assets.
 - h. Viewshed protection areas.
 - i. Village greens, parkways.
 - j. Passive recreational areas.
- (f) Ownership/applicant information, including:
- a. Name of the subdivision if property is within an existing subdivision, or proposed name if not within an existing subdivision.
 - b. Name and address, including telephone number, of the legal owner of the property.
 - c. Name and address, including telephone number, of the person(s) or firms responsible for subdivision professional design, design of public improvements and surveys.
 - d. Graphic scale, north arrow and date of drawing preparation.

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Section 7.4.5 Preliminary Plat or Site Plan Requirements.

A preliminary plat or site plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally familiar with land development and project construction activities. The plat shall include:

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- (a) Proposed name of development and its acreage.
- (b) Name and address of the property owner and subdivider or developer.
- (c) Name, address, and telephone number of the applicant.
- (d) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (e) Description of existing or proposed covenants on the property, if any.
- (f) Proposed use of the property.
- (g) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre), and land area to be disturbed (indicated in acres and square feet). Land area to be disturbed includes, but is not limited to, roadways, stormwater detention facilities, and building sites.
- (h) Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. A location map may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- (i) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- (j) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (k) Rezoning or special use application number, date of approval, and conditions of approval, as applicable.
- (l) Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
- (m) Recorded deed names of adjoining property owners or subdivisions.
- (n) Natural features within the property, including:
 - a. Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.

- b. On all water courses entering or leaving the property, the direction of flow shall be indicated, the 100-year flood plain, and wetland areas
- (o) Protected groundwater recharge and watershed protection areas.
- (p) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features. The proposed project layout including:
 - a. For subdivisions, lot lines (all dimensioned) and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.
 - b. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, land area to be disturbed (indicated in acres and square feet), buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- (q) The proposed phasing of the development if it is proposed to be built in sections.
- (r) A statement as to the source of domestic water supply.
- (s) A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of percolation tests as required and approved by the Morgan County Health Department are to be shown.
- (t) The approximate location of proposed storm water detention facilities.
- (u) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application, including but not limited to the following as required by the Morgan County Zoning Ordinance.
 - a. A traffic impact study as specified in Article 25 of the Morgan County Zoning Ordinance
 - b. A lighting plan as specified in Article 22 of the Morgan County Zoning Ordinance.
 - c. Tree protection plan as specified in Article 20 of the Morgan County Zoning Ordinance.

- d. A landscape plan as specified in Article 19 of the Morgan County Zoning Ordinance.

PRELIMINARY PLAT CERTIFICATIONS

ENGINEER'S CERTIFICATION

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

By (name): _____

Signed: _____

Registered Professional Engineer No. _____

Address: _____

Telephone Number: _____

Date: _____

OWNER'S CERTIFICATION

As the owner of this land, as shown on this [preliminary plat][site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto.

Date: _____

[Owner][Agent] (name): _____

Signed: _____

Section 7.4.6 Preliminary Plat Certifications.

Each preliminary plat is to include a certification by the engineer and by the owner that read as shown herein and are signed in blue ink on the original drawing.

Section 7.4.7 Maintenance of Open Space and Operation of Common Facilities Plan.

The plan for maintenance of open space and operation of common facilities must include the following, as applicable:

- (a) Description of any proposed Homeowners Association, its bylaws, responsibilities, and endowment.
- (b) Description and documents relating to any private, nonprofit conservation organization or land trust that will hold title to any portion of the open space.
- (c) Description of lands proposed for dedication to Morgan County.

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- (d) Proposal for open space maintenance and operations escrow fund.

Section 7.4.8 Evidence of Project Approval.

Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat.

- (a) Signed approval from the County Health Department (if septic tanks will be used).
- (b) Certificate of Project Approval.

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<p style="text-align: center;">HEALTH DEPARTMENT CERTIFICATION</p> <p>The lots shown have been reviewed by the Morgan County Health Department and are approved for preliminary subdivision site work only. Dated this ____ Day of _____ 20____.</p> <p>By _____</p> <p>Title _____</p> <p style="text-align: center;">CERTIFICATE OF PROJECT APPROVAL</p> <p>All applicable requirements of the Morgan County development regulations relative to Project Approval having been fulfilled, approval is hereby granted by the Director of Planning and Development, subject to further compliance with all provisions of said development regulations.</p> <p>_____ Road Superintendent (or designee) Date _____</p> <p>_____ Director of Planning and Development (or designee) Date _____</p> <p>This approval does not constitute approval of a development permit or of a Final Sub-division plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.</p> <p style="text-align: center;">NOT FOR RECORDING</p>

Section 7.4.9 Exemption from Changes in Zoning

Any preliminary plat or site plan which has received preliminary approval shall be exempt from any subsequent amendments to the Morgan County Zoning Regulations, provided that final approval is obtained within one year of preliminary approval.

Chapter 7.5 Development Plans

Chapter 7.5.1 General Requirements.

- (a) Persons seeking to undertake land-disturbing activity (as defined in these development regulations) shall not commence or proceed until development plans are approved and a development permit is issued by the Planning and Development Department. The process for approval of a development permit is presented in the Development Permit Section, below.
- (b) The development plans for a project shall conform in all respects with the requirements of these development regulations, and shall include each of the plans in this Section as appropriate to the project. These include:
 - a. Erosion and Sedimentation Control Plan
 - b. Grading Plan
 - c. Storm Water Management Plan
 - d. Street Improvement Plan
 - e. Landscaping and Buffer Plans
 - f. Tree Protection Plan
 - g. Water and Sewerage Plans
- (c) All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the State, except that the Landscaping and Buffer plans are to be prepared by or under the supervision of a landscape architect registered in the State.

Section 7.5.2 Erosion and Sedimentation Control Plan.

- (a) Plans must be prepared to meet the erosion and sedimentation control requirements of the Land Development Activities Article of these development regulations. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*; or through the use of alternate design criteria that conform to sound conservation and engineering practices. The erosion and sedimentation control plan shall consider the interrelationship 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.

- (b) Data required for erosion and sedimentation control plan:
- a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner and the developer.
 - d. Name and phone number of 24-hour local contact who is responsible for erosion and sediment controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that “the installation of erosion and sediment control measures shall occur prior to or concurrent with land-disturbing activities.”
 - 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 practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
 - j. Maintenance statement: “Erosion and sediment control measures will be maintained at all times. Additional erosion and sediment control measures will be installed if deemed necessary by on-site inspection.”
 - k. Soil types shall be indicated on plan.
- (c) Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying or erosion and sediment control. The certified plans shall contain:
- a. Graphic scale and north point or arrow indicating magnetic north.

- b. Vicinity map showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

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

- f. Spot elevations:
 - i. For sites smaller than 1 acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
 - ii. For sites of 1 acre and larger with slopes of less than 2 percent, show contours at intervals of not more than 2 feet and spot elevations at all breaks in grade along drainage channels and swales at selected points not more than 100 feet apart.
 - g. Adjacent areas and features such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
 - h. The limits of the 100-year flood plain.
 - i. Proposed structures or additions to existing structures and paved areas.
 - j. The limits of any required Greenway adjacent to streams, rivers and other state waters.
 - k. Location of erosion and sediment control measures using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*.
- (d) Maintenance of all soil erosion and sediment control measures, whether temporary or permanent, shall be at all times the responsibility of the property owner.

Section 7.5.3 Grading Plan.

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

- (b) Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer or resource conservation area, and shall identify and describe the protective fencing or staking to be placed surrounding such area.
- (c) If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention Article of these development regulations.

Section 7.5.4 Storm Water Management Plan.

- (a) The Storm water Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.
- (b) The minimum information submitted for support of a Stormwater Management Plan shall be as follows:
 - a. Site Plan: Provide a site plan drawn to a scale of not less than one inch equals 50 feet with the following characteristics and information:
 - i. Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
 - ii. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams.
 - iii. Topography showing existing and proposed elevations in accordance with the following:
 - 1. For sites smaller than 1 acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
 - 2. For sites of 1 acre and larger, show channels or scales at selected points not more than 100 feet apart.
 - 3. For sites of 1 acre and larger with slopes of more than 2 percent, show contours with an interval of not more than 2 feet.
 - 4. Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.

- iv. Delineation of property lines and deed record names of adjacent property owners.
- v. Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
- vi. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
- vii. Location of existing buildings and other improvements.
- viii. Proposed Conditions:
 - 1. Layout of proposed streets, roads, alleys, drives, paved areas and public crosswalks, with widths and road names or designations.
 - 2. Preliminary plans of storm sewer system with grade, pipe size and location of outlet.
 - 3. Location of proposed buildings and other improvements.
 - 4. Certification by a registered professional engineer attesting that the site plan has been prepared in conformity with the minimum standards of this Section.
- b. Storm Water Management Plan: The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to Storm Water Drainage under these development regulations. The Storm Water Management Plan shall include:
 - i. Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.
 - ii. Storm water detention facility design and construction details, including pond locations, size of ponds, capacity, cross section and detailed specifications of materials used, and discharge velocity calculations.
 - iii. Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.
 - iv. The 100-year ponding limits above each street cross drain.

- v. The hydrologic and hydraulic analysis prepared as a basis for the system design.
- vi. When required by the Director of Planning and Development, provide a soils investigation for all sites proposed as ponds or impoundments or for storm water detention.
- vii. Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading and vegetation establishment.
- viii. Provide a plan for maintenance of the storm water facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.
- ix. Provide a cost estimate for construction of the storm water management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

Section 7.5.5 Street Improvement Plan.

- (a) Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
- (b) Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
- (c) Center line profiles covering streets that are extensions of existing streets shall include elevations at 50 foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these development regulations for street improvements, but no less than 200 feet.
- (d) All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.
- (e) A street striping plan, showing striping in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

Section 7.5.6 Tree Protection Plan and Landscaping and Buffer Plans.

All proposed landscaping as required by these regulations, the Zoning Ordinance or conditions of zoning approval in landscape strips or parking lots, in reverse frontage easements and in buffers, etc., shall be illustrated. Landscaping not otherwise required by the County need not be shown. The plans may be consolidated on one sheet, and are to show:

- (a) Scale at 1 inch = 20 feet to 50 feet.
- (b) North reference.
- (c) The location and size of all utilities on the site where landscaping is proposed.
- (d) The location of all existing and proposed parking areas, sidewalks and other paved surfaces.
- (e) The location of all existing and proposed buildings and structures.
- (f) The boundaries of each required landscape strip, buffer or other required landscaping area. Buffers, greenways, conservation areas and other screening areas that are to remain in their natural state shall be clearly identified on the plan
- (g) A planting plan showing the location, size and common name of proposed plant materials.
- (h) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements.
- (i) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.

Section 7.5.7 Water and Sewerage Plans

- (a) Public Utility Plans:
 - a. Domestic Water Supply Plan: If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by Morgan County. No water or sewer taps may be located under asphalt surfaces.
 - b. Sewage Disposal Plan: If a connection to a public system is proposed, sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by Morgan County.

- (b) On-Site Sewage Disposal: For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the County Health Department.
- (c) Private Utility Plans: Plans for any private community water system or community septic system proposed to serve the subdivision or development shall be approved by the County Health Department prior to approval of a development permit.

Chapter 7.6 Development Permit

Section 7.6.1 Responsibility for Development Actions.

- (a) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the Planning and Development Department to perform such activity, unless the activity is otherwise exempt from the soil erosion and sedimentation control provisions of these development regulations (see Article 5).
- (b) Any person proposing development not otherwise exempt shall first submit to the Planning and Development Department an application for a development permit, including all civil design and construction drawings required by these development regulations. The application must be authorized by the property owner.
- (c) The Planning and Development Department is responsible for administering the review and approval process for issuance of development permits. The Planning and Development Department shall forward a copy of the development permit application, including the civil design and construction drawings for the project, to other departments, the Soil and Water Conservation Commission District, or others as appropriate, for their review and comment. The Planning and Development Department shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of these development regulations are met.
- (d) Approval of plans by the Planning and Development Department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (e) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsi-

bility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.

- (f) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of these development regulations shall be considered to have been null and void upon its issuance.
- (g) Liability:
 - a. The approval of an erosion and sedimentation control plan or other plans under the provisions of these development regulations, the issuance of a development permit, or the compliance with any other provisions of these development regulations shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Board of Commissioners or the Soil and Water Conservation District for damage to any person or property.
 - b. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in these development regulations or the terms of the development permit.
 - c. No provision of this Section shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or rules and regulations promulgated and approved thereunder or pollute any water of the state as defined thereby.

Section 7.6.2 Development Activities Authorized.

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

Section 7.6.3 Process for Approval of Development Permit.

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

- (a) The application for a development permit shall be submitted to the Planning and Development Department and must include the following:
 - a. Application on the form furnished by the Planning and Development Department, requesting review for issuance of a development permit.
 - b. Two copies of:

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- i. The preliminary plat or site plan requesting or reflecting project approval by the Planning and Development Department.
 - ii. The civil design and construction drawings prepared in conformance with the specifications and standards in these development regulations.
- c. An indemnification agreement, indemnifying the County against claims and liability arising out of water drainage problems resulting from the development. The indemnification agreement shall be in substantial conformance with forms approved by the County (see Standard Details for an example).
- d. Payment of any development permit fee, as established from time to time by the Board of Commissioners.
- e. The application will be checked for completeness within 5 days of its submission. Incomplete applications will be returned to the applicant. After the first review, the developer will receive one copy of the application with the county's comments and the county will retain the other copy of the application. The developer must then submit five (5) copies of the preliminary plat or site plan and the civil design and construction drawings prepared in conformance with the specifications and standards in these development regulations showing where corrections have been made.
- (b) Upon acceptance of a development permit application, the Planning and Development Department shall refer the soil erosion and sedimentation control plan to the Soil & Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the plan has been approved by the District, and any variances and bonding, if required, have been obtained.
- (c) The applicant may be required by the Planning and Development Department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
 - a. Fire Marshall.
 - b. County Health Department.
 - c. Soil and Water Conservation District.
 - d. Georgia Department of Transportation.
 - e. Georgia Department of Natural Resources.

- f. US Army Corps of Engineers.
 - g. US Environmental Protection Agency.
 - h. City of Madison for public water and sewerage.
- (d) Upon receipt of comments from other departments and agencies, the Planning and Development Department will indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with these development regulations, conditions of zoning approval, and other regulations or ordinances, as appropriate.
 - (e) The Planning and Development Department will forward its comments to the applicant.
 - (f) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
 - (g) No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

Section 7.6.4 Required Performance Surety.

- (a) Storm Water Performance Surety: Upon approval of the Storm water Management Plan, but before the issuance of a building permit or subdivision plat approval, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security.
 - a. The amount of the surety shall not be less than 115% of the total estimated construction cost of the facilities required by the Storm water Management Plan.
 - b. The performance bond or other securities shall not be released until the following requirements have been met. The Director of Planning and Development Department shall:
 - i. Perform a final inspection of the facilities and determine that they have been constructed in compliance with the Storm water Management Plan.
 - ii. Determine that all provisions of the Storm water Management Plan have been faithfully executed.

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- c. A provision may be made for partial release of the amount of the bond pro rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the Stormwater Management Plan. The applicant shall notify the Planning and Development Department upon completion of each stage that is ready for inspection.
- (b) Erosion and Sedimentation Performance Surety: If the applicant has had two or more violations of previous development permits, these development regulations or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Director of Planning and Development shall refer the development permit application to the Board of Commissioners.
 - a. The Board of Commissioners may deny the development permit application; or,
 - b. The Board of Commissioners may require the applicant to post a performance 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 development permit. If the applicant does not comply with these development regulations or with the conditions of the development permit after issuance, the Board of Commissioners 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.
 - c. The Board of Commissioners may approve issuance of the development permit and waive or reduce any performance bond requirement after consideration of such factors as proof of financial ability of the developer or the record of performance of compliance by the developer since the last violation, or any other factors the Board of Commissioners considers relevant to the protection of the public from potential erosion or sedimentation violations.

Section 7.6.5 Issuance of Development Permit.

- (a) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the Planning and Development Department shall issue a development permit authorizing development activities to begin based on the approved civil design and construction drawings.
- (b) No development permit shall be issued unless the erosion and sedimentation control plan has been approved by the Soil and Water Conservation District, project approval has been granted by the Planning and Development Department, and the Planning and Development Department has affirmatively determined that the plan is in compliance with all requirements

of these development regulations. If the development permit is denied, the reason for denial shall be furnished to the applicant.

- (c) If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
- (d) The development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of these development regulations. A holder of a development permit shall notify any successor in title as to all or any portion of the land affected by the approved plan or the conditions contained in the development permit.

Section 7.6.6 Expiration of Development Permit.

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

Chapter 7.7 Flood Area Permit

Section 7.7.1 Flood Area Permit Required.

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

Section 7.7.2 Application Process for a Flood Area Permit.

- (a) Application for a flood area permit shall be made to the Planning and Development Department on forms furnished by them prior to any development activities.
- (b) The application for a flood area permit is to include the following:
 - a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
 - b. Location of existing or proposed structures, fill, storage of materials and drainage facilities.

- c. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
- d. Elevation in relation to mean sea level to which any nonresidential building will be flood-proofed.
- e. Design certificate from a registered professional engineer or architect that any nonresidential flood-proofed building will meet the flood-proofing criteria in the Flood Damage Prevention Section of the Land Development Activities Article of these development regulations.
- f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- g. Construction stage:
 - i. For all new construction and substantial improvements the permit holder shall provide to the Director of Planning and Development an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest 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 non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
 - ii. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Director of Planning and Development shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections requires hereby, shall be cause to issue a stop-work order for the project.

Chapter 7.8 Roadway Access Permit

Section 7.8.1 Permit Required.

It shall be unlawful for any person or other entity desiring to construct a driveway, road, street, or thoroughfare upon or adjacent to any public road within unincorporated Morgan County so as to intersect with and/or gain access to said public road unless such person or entity shall first obtain a roadway access permit to construct such driveway, road, street or thoroughfare.

- (a) Application: Any person or entity wishing to construct a driveway, road, street, or thoroughfare accessing any public road or private street within unincorporated Morgan County, shall make an application to the Director of Planning and Development and pay a fee with said application as established from time to time by the Morgan County Board of Commissioners.
 - a. The Road Superintendent will review and consider the application and will instruct the applicant of the requirements necessary to permit construction of access to the said public road or private street using the standards and guidelines contained in these development regulations.
 - b. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to County approval.
 - c. A permit shall expire for work not started within 90 days or completed within 6 months after issuance of a permit, and a new permit shall be required before beginning or completing the work.
- (b) Inspection.
 - a. The proposed location of any driveway, road, street, or thoroughfare to be constructed which will provide access to an existing County road or to any private street shall be subject to inspection prior to issuance of a roadway access permit.
 - b. The Road Superintendent shall consider any plans or other evidence deemed necessary to determine the intended construction of any such access. Any roadway access permit to construct any driveway, road, street or thoroughfare will include specifications for grade, gravel, size and length of pipe or other construction specifications so as to provide for the orderly management of the public roads within Morgan County and their connection to private ways for access.
 - c. Where any driveway to be constructed is part of a building permit project, such driveway should be properly installed prior to pouring a foundation for said building project.
- (c) Issuance of Roadway Access Permit: The Director of Planning and Development shall issue the roadway access permit upon recommendation of the Road Superintendent and determination of compliance with the provisions of these development regulations.

Section 7.8.2 Construction of Access.

Any driveway, road, street or thoroughfare must allow for all water to flow into roadway ditches and not onto county roads. The applicant must make repairs to the proposed

driveway to Insure safety of the County road in all weather conditions. Additionally, any driveway, road, street, or thoroughfare must conform to the Morgan County Standard Details.

Section 7.8.3 Indemnification Agreement.

Prior to the commencement of any work and issuance of any roadway access permit, the person or entity desiring to construct access to Morgan County roadways shall file with the Morgan County Board of Commissioners an indemnification agreement, indemnifying the County against any and all claims and liability arising out of that person or entity's construction of access to such Morgan County roadway. Additionally, the person or entity shall agree to repair or reimburse Morgan County for necessary repairs caused by such person or entity's damage to such Morgan County roadway. The indemnification agreement shall be in a form approved by the County.

Chapter 7.9 Final Subdivision Plat.

Section 7.9.1 Responsibility.

- (a) The Director of Planning and Development shall be responsible for coordination of the approval process for all final subdivision plats.
- (b) The final subdivision plat shall be certified and sealed by a registered land surveyor.
- (c) The owner is responsible for compliance with all requirements of these development regulations. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.
- (d) Whenever a plat proposes dedication of land to public use that the Morgan County Director of Planning and Development finds unsuitable for such public use, the Morgan County Director of Planning and Development shall refuse to approve the plat. Should the Morgan County Director of Planning and Development determine a proposed dedication of land to public use is not required, the Morgan County Director of Planning and Development shall strike such dedication from the plat prior to its approval.
- (e) Final plats for minor and major subdivisions must be submitted in hard copy and electronic format. Electronic submittals must conform with the Morgan County Electronic Survey Data Submittal Guidelines as found in appendix 1 of this Article.

Section 7.9.2 Procedures for Final Plat Approval.

- (a) Prior to submission of an application for final subdivision plat approval, all public improvements shall have been properly installed and completed in accordance with all requirements and standards of these development regulations (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the Director of Planning and Development as required in the Land Development Activities Article of these regulations.

- a. Guarantee in lieu of completed improvements:
 - i. A final subdivision plat may be approved by the Director of Planning and Development upon receipt of an approved contract for installation of the improvements by a qualified contractor and a performance bond which meets the following terms and conditions.
 - 1. The applicant must present a performance bond or cash for 110% of the cost of the required improvements which are incomplete.
 - 2. The incomplete improvements are limited to final pavement topping for streets, grassing of street shoulders, landscaping, and street and/or parking lot striping.
 - 3. The executed contract shall be in a form satisfactory to the Board of Commissioners and require completion of the improvements within 1 year of approval of the final subdivision plat.
- (b) An application for a final subdivision plat approval shall be made to the Planning and Development Department. The application shall include:
 - a. The name and address of the person to whom the notice of approval shall be sent.
 - b. A properly completed application form, as furnished by the Planning and Development Department, requesting final subdivision plat review.
 - c. For a major or private street subdivision, five copies of the final subdivision plat drawing prepared in conformance with the specifications in this Section, the original of which shall be drawn in permanent ink on cloth or film. Only two copies need be submitted for an exempt or minor subdivision. A digital file in .pdf (or similar transferable format) and applicable CADD format should also be provided on CD to accompany any submittal of final subdivision plats.
 - d. As-built surveys of any new streets, drainage facilities or public utilities.
 - e. Draft of conservation easement, if applicable.
 - f. Evidence of establishment of escrow fund for open space maintenance and operations, if required.
 - g. Documents required to establish a homeowners association, if applicable.
 - h. Executed deeds for the dedication of all street rights-of-way, easements and other public properties.

- i. Payment of all applicable final subdivision plat filing and recording fees, as established by the Board of Commissioners from time to time.
 - j. Payment for materials and installation of traffic signs and street name signs. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.
 - k. A maintenance bond or cash providing adequate surety for the maintenance of all public street and drainage improvements required by these development regulations in the subdivision for a period of 3 years following the date of approval of the final plat.
 - l. A signed Developer Agreement, whereby the applicant personally guarantees the proper completion of all public street and drainage improvements required by these development regulations in the subdivision and compliance with all other provisions in these regulations. The Planning and Development Department shall provide the form for the Developer Agreement to the applicant.
- (c) The Planning and Development Department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
 - (d) If the subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. 32-6-151. If the subdivision is an exempt or minor subdivision or otherwise was not submitted for review as a preliminary plat, the owner or subdivider is responsible for submitting a copy of the final plat to the Georgia Department of Transportation (DOT) for their review and comment. The owner or subdivider must submit a copy of any recommendation or approval letter sent by DOT to the Director of Planning and Development and must respond to the recommendations of the DOT prior to approval of the final plat. If the written recommendations of the DOT are not made within 30 days of receipt of the plat by DOT, their approval shall be assumed by Morgan County as provided under State law.
 - (e) Within 45 days following receipt of a complete application, the Planning and Development Department shall indicate on the drawing or in writing all comments related to compliance with these development regulations. The Director of Planning and Development shall have sole authority to determine the applicability of any provisions of these development regulations to the final plat.
 - (f) The owner shall be responsible for compliance with all codes, regulations and zoning requirements, and for the satisfaction of all the noted and writ-

ten comments of the Planning and Development Department. Resubmission of all revised drawings shall be made to the Planning and Development Department.

- (g) When all of the requirements of these development regulations, and any conditions of zoning approval, have been met, the Road Superintendent and the Director of Planning and Development shall sign and date the CERTIFICATE OF FINAL PLAT APPROVAL stamped or printed on a reproducible copy of the final subdivision plat.
- (h) Once the final subdivision plat has been so certified, it shall be recorded by the applicant with the Clerk of the Superior Court, along with all documents establishing a homeowners association, escrow fund, covenants and other documents not requiring approval by the Board of Commissioners.
- (i) The Director of Planning and Development will forward the executed deeds for the streets, easements and dedication of other public properties, and the conservation easement, if applicable, to the Board of Commissioners for approval and recording. The Director of Planning and Development will also coordinate the creation of any special tax district by the Board of Commissioners as may be required by these development regulations for a community water or septic system, or other stated reason.
- (j) Subsequent to the recording of the final plat, one copy on cloth or film and one additional copy with all certificates endorsed thereon shall be filed with the records of the Planning and Development Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

Comment [MSOffice2]: Waiting on language from County regarding community sewage plants.

Section 7.9.3 General Standards for Final Plats.

- (a) The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the Clerk of the Superior Court.
- (b) Final subdivision plats must be at least 8½ inches by 11 inches in size to be recorded. The maximum sheet size is 18 inches by 24 inches to the sheet edge, with a maximum image area of 17 inches by 22 inches.
- (c) The final subdivision plat shall substantially conform to the preliminary subdivision plat and may constitute only that portion of the approved preliminary subdivision plat that the owner proposes to record at any one time, provided that such portion conforms to the requirements of these development regulations.

- (d) Electronic files meeting the criteria of Appendix 7-1 must be submitted at the time of final plat submission.

Section 7.9.4 Final Plat Requirements.

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

- (a) Caption: The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:
 - a. The county, land district, GMD, land lot, and subdivision, if the property lies within a particular subdivision;
 - b. The date of plat preparation;
 - c. The scale, stated and shown graphically;
 - d. The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
 - e. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.
- (b) Plat Data: Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:
 - a. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;
 - b. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
 - c. All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;

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- d. All maps or plats shall show easements and apparent encroachments, if pertinent;
 - e. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;
 - f. All land lot lines, land district lines, land section lines, and city and county state boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;
 - g. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone;
 - h. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
 - i. All linear distances shown on maps or plats shall be horizontal;
 - j. All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and
 - k. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.
- (c) Additional Data: The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:

- a. Street names including both the name and the suffix, such as "street," "avenue," etc.
- b. Accurate location, material and description of monuments and markers.
- c. Name of the former subdivision if any or all of the property has been previously subdivided.
- d. Location sketch.

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- e. Lot lines with dimensions to the 1/100 (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners.
 - f. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way.
 - g. Lots or sites numbered in numerical order and blocks lettered alphabetically.
 - h. Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use.
 - i. A listing of the private covenants recorded with each lot or a statement of the location of such covenants, if applicable.
 - j. The extent of any area of special flood hazard, as defined in these development regulations.
- (d) Curve data shall be required for all roadway centerline curves of greater than ten degrees on new roads. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting roads.

Section 7.9.5 Statement of Private Covenants.

- (a) A statement of the private covenants, if they are brief enough to be put directly on the plat; otherwise, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes part of this plat";

Section 7.9.6 Surveyor and Owner Certificates.

Each final subdivision plat shall carry the following certificates printed or stamped on the plat. The original certificates on the reproducible copy of the final plat shall be signed and dated.

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

SURVEYOR'S CERTIFICATE

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

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

The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat:

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

By (name): _____
Registered Georgia Land Surveyor No. _____
Address: _____
Telephone: _____
Date: _____

OWNER'S CERTIFICATE

State of Georgia
County of Morgan

The undersigned certifies that he or she is the fee simple absolute owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Morgan County Development Regulations.

Owner's name: _____
Owner's address: _____
_____ Date _____

(Owner's signature)

Section 7.9.7 Certification by Health Department.

Certification by the Health Department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the Health Department is to read as shown and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.

For a subdivision with lots 5 acres in size or smaller:

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Morgan County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit.

Dated this ____ Day of _____ 20____.

By _____

Title _____

For a subdivision with lots larger than 5 acres in size:

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Morgan County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit. A level III soil report from an approved soil scientist is required at the time of permit application.

Dated this ____ Day of _____ 20____.

By _____

Title _____

Section 7.9.8 Certificate of Final Subdivision Plat Approval.

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

For Exempt and Minor Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL

FOR RECORDATION

All requirements of the Morgan County Development Regulations having been represented as being fulfilled by this plat, the undersigned acting under authority of the Board of Commissioners of Morgan County hereby approves this plat for recordation by the Clerk of the Superior Court.

_____ Date _____
(Signature, Morgan County Director of Planning and Development)

For Major and Private Street Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL

FOR RECORDATION

All requirements of the Morgan County Development Regulations having been represented as being fulfilled by this plat [and the related as-built surveys approved on (date)], the undersigned acting under authority of the Board of Commissioners of Morgan County hereby approve this plat for recordation by the Clerk of the Superior Court [along with the accompanying deeds of dedication of all streets, easements and other public areas and improvements shown thereon, subject to maintenance and guarantee by the owner for five years from the date of this approval].

This approval recognizes the receipt of appropriate surety by the Board of Commissioners of Morgan County in the amount of \$_____ to assure the completion and maintenance of all streets and drainage facilities appurtenant to this subdivision.

_____ Date _____
(Signature, Morgan County Road Superintendent)

_____ Date _____
(Signature, Morgan County Director of Planning and Development)

Section 7.9.9 Creation of Homeowners Association.

If required by provisions of these development regulations, a homeowners association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. A copy of the recorded instruments shall be filed with the Planning and Development Department.

Section 7.9.10 Acceptance of Public Improvements.

- (a) Prior to expiration of the 3-year maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Planning and Development Department.
- (b) The owner must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements.
- (c) Upon certification by the Director of Planning and Development that the public improvements depicted on the as-built surveys are in conformance with the specifications of these development regulations and are in good repair, the Board of Commissioners shall release the maintenance bond and accept the public improvements into perpetual maintenance.

Chapter 7.10 Building Permitting

Section 7.10.1 Procedures to Obtain a Building Permit.

A building permit issued by the Director of Planning and Development is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance with the provisions of the building code. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with these development regulations. No building permits shall be issued on a lot within a subdivision before approval of the final plat. All structures shall comply with the requirements of these development regulations, whether or not a building permit is required.

- (a) Procedure for Approval: The Director of Planning and Development is responsible for administering and enforcing the building codes of the County.

- a. Prior to issuance of a building permit the owner shall have received a development permit if required by these development regulations.

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- b. Zoning verification shall be obtained from the Planning and Development Department. The following shall be attached to the Zoning Verification Application:

- i. For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.

- ii. For a multi-family or nonresidential building, the site plan upon which was granted project approval by the Planning and Development Department.
 - iii. A street address number as shown on the final plat or as assigned by the Planning and Development Department.
- c. Application for a building permit shall be made to the Director of Planning and Development. The application shall include:
- i. Application on the form furnished by the Director of Planning and Development, requesting issuance of a building permit.
 - ii. A copy of the zoning verification approved by the Planning and Development Department.
 - iii. Two sets of the building plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot if buildings already existing, if any; and the location and dimensions of the proposed building or alteration.
 - iv. The application shall include such other information as lawfully may be required by the Director of Planning and Development, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations.
 - v. For principal multi-family or non-residential buildings prepared in conformance with these development regulations and the applicable building codes, plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.
 - vi. County Health Department Approval if an on-site sewage disposal system has been allowed
 - vii. Payment of the building permit application and review fee.
 - viii. Water meter receipt issued by the City of Madison.
 - ix. For applications to move a house, structure or building, the following additional information is required:
 - 1. The name of the person performing the moving;

2. The origin and destination of the moving;
 3. The names of the owners of the property from which the house is removed and of the property to which it is moved;
 4. A detailed outline of the route to be followed and the equipment to be used; and
 5. An estimate of the time involved, including the time of the day when said operation shall be conducted.
 6. Any application for a permit must be made at least 48 hours prior to the proposed moving.
 7. In addition to a fee charged for permits, the mover of any house, building or structure shall deposit with the Director of Planning and Development a bond of \$2,500 for each house, to be returned to the mover within 5 days after such moving if no damage is done to public property.
 8. The Sheriff shall furnish a police escort if he deems it necessary
- d. The application will be checked by the Director of Planning and Development for completeness within 5 days. Incomplete applications will be returned to the applicant.
 - e. Within 45 days following receipt of a complete application, the Director of Planning and Development shall indicate on the building plans approval or disapproval and attest to same by his signature. One copy shall be returned to the applicant and the original copy shall be retained by the
 - f. The owner shall be responsible for compliance with these development regulations and all building code requirements, regulations, and for the satisfaction of all of the comments of the Director of Planning and Development.
 - g. At such time as the owner has addressed the comments to the satisfaction of the Director of Planning and Development and the State Fire Marshall, a building permit will be issued for the structure.
 - h. Plumbing, electrical and mechanical permits shall be issued separately by the Director of Planning and Development or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.

- (b) If the work authorized by a building permit has not begun within 6 months from the date of issuance the permit shall expire, unless it is renewed under the provisions of the building code.
- (c) Standards for Approval:
 - a. Building permits shall be issued only on buildable lots of record, as defined in these development regulations.
 - b. Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the County's building code. Conformance to these development regulations are also required as a prerequisite to issuance of a building permit.

Section 7.10.2 Certificate of Occupancy.

- (a) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and these development regulations.
- (b) A certificate of occupancy shall be required for any of the following:
 - a. Occupancy and use of a building or structure constructed or enlarged.
 - b. Change in use of existing buildings to uses of a different classification.
 - c. Any change in use of a nonconforming use, lot or building.
- (c) A record of all certificates of occupancy shall be maintained by the Director of Planning and Development and a copy shall be furnished upon request to any person.

Chapter 7.11 Sign Permits

Section 7.11.1 Applications for Sign Permit.

- (a) An application for a sign permit shall be made to the Planning and Development Department and shall be accompanied by written approval of the property owner, site plans, and specifications as may be required by the Director of Planning and Development, along with any required fees.
- (b) The application for a sign permit must include the following:
 - a. An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.

- b. An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
- c. A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
- d. An estimated cost of construction for each proposed sign.
- e. An agreement wherein the applicant shall indemnify the County against all damages, demands, or expenses of any kind caused by the sign or sign structure.
- f. Any other information as may be reasonably required by the Director of Planning and Development to determine compliance with all provisions of this Article.

Section 7.11.2 Multi-Tenant Nonresidential Projects.

- (a) A uniform sign plan is required for any multi-tenant nonresidential development, such as a shopping center, before any signs for the development or the development's tenants may be erected on the property.
- (b) The uniform sign plan shall govern the placement and design of all signs within the development as to their location, number, materials, size, letter style, and color.
- (c) A uniform sign plan shall be submitted and approved as follows:
 - a. The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
 - b. The uniform sign plan is to be submitted to the Planning and Development Department. The uniform sign plan shall be approved upon a finding by the Director of Planning and Development that:
 - i. The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
 - ii. The signs proposed in the uniform sign plan shall comply in all respects with the requirements of the Morgan County Zoning Ordinance relating to signs.

- (d) The requirements of the approved uniform sign plan shall be recorded by the owner in the office of the Clerk to Superior Court prior to issuance of a Certificate of Occupancy or connection to permanent power for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
- (e) All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

Section 7.11.3 Issuance of Sign Permit.

Once a complete application for a sign permit has been received, within 30 days the Director of Planning and Development shall review the application and either (a) issue the permit or (b) inform the applicant of the reasons why the permit cannot be issued. Upon determination that the application fully complies with the provisions of this Article, the Building Code, and all other applicable laws, regulations, and ordinances, the sign permit shall be issued by the Director of Planning and Development.

Section 7.11.4 Permit Identification to be Placed on the Sign.

Every sign for which a permit is issued shall be plainly marked with the name of the permittee and shall have the number of the sign permit affixed on the framework in the lower right hand area of the sign or on the sign face using a durable material so that it is easily seen and weatherproof.

Section 7.11.5 Expiration of Sign Permit for Uncompleted Construction.

A sign permit shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the permit application) within six months of issuance.

Chapter 7.12 Developments of Regional Impact.

Section 7.12.1 Types of Approvals Covered.

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

Section 7.12.2 Thresholds for Regional Review.

Any development project for which any governmental action is requested that meets or exceeds any of the following thresholds shall be considered a Development of Regional Impact (DRI):

- (a) Office: greater than 125,000 gross square feet.
- (b) Commercial, Wholesale and Distribution: greater than 175,000 gross square feet.
- (c) Hospitals: greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day.

- (d) Housing: greater than 125 new lots or units.
- (e) Industrial: greater than 175,000 gross square feet, or employing more than 500 people; or covering more than 125 acres.
- (f) Hotels: greater than 250 rooms.
- (g) Mixed Land Use: total gross square footage greater than 125,000 or covering more than 40 acres.
- (h) Airports: Any new airport with a paved runway, or runway additions of more than 25% of existing runway length.
- (i) Attractions and recreational facilities: greater than 1,500 parking spaces or a seating capacity of more than 6,000.
- (j) Post-Secondary Schools: New school with capacity of more than 750 students, or expansion of this type school by at least 25% of capacity.
- (k) Waste Disposal: New facility, or expansion of use of an existing facility by 50% or more.
- (l) Quarry, Asphalt or Cement Plants: New facility or expansion of existing facility by more than 50% and within one-half mile of a jurisdictional boundary.
- (m) Wastewater Facilities: New facility or expansion of existing facility by more than 50% and within one-half mile of a jurisdictional boundary.
- (n) Petroleum Storage Facilities: Storage greater than 50,000 barrels, if within 1,000 feet of any water supply; otherwise, storage greater than 200,000 barrels.

Section 7.12.3 Submission to the Regional Development Center.

- (a) First Request for Project Approval: Any Development of Regional Impact (DRI) shall be submitted by the applicant to the Northeast Georgia Regional Development Center (RDC) prior to submission of the first application for governmental action to the Planning and Development Department. Once the RDC has accepted the completed form, and has made an official determination that the project is a DRI (within 5 calendar days), the 30-day review period officially begins.
- (b) Subsequent Requests for Project Approval: Once the development project has been reviewed by the RDC and the first governmental action has been granted, no further reviews by the RDC of subsequent governmental actions need to be reviewed by the RDC unless the project is significantly or substantially revised.

Section 7.12.4 Final Action by the County.

Approval of the first request for governmental action by the County shall not be made on a Development of Regional Impact until either:

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

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Chapter 7.13 Amendments.

These development regulations may be amended from time to time in whole or in part by the Board of Commissioners under the provisions of this Section.

Section 7.13.1 Initiation of Amendments.

A proposed change to the text of these development regulations may be proposed when public necessity, general welfare or good zoning practice justify such action.

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Chapter 7.13.2 Amendment Process.

Before the Board of Commissioners may take final action on a proposed amendment, the Board of Commissioners shall hold a public hearing on the proposal.

- (a) Public Notice: At least 15 days but not more 45 days prior to the public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.
- (b) Public Hearing: The public hearings held by the Board of Commissioners for an amendment shall be conducted in the following manner:

- a. The public hearing is to be convened at the scheduled time and place by the Presiding Official.
- b. The Presiding Official will call for each proposed amendment to be presented to the Board of Commissioners.
- c. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.
 - i. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed amendment.
 - ii. No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

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- iii. If reasonable time limitations permit, any member of the general public may speak at a hearing.
 - d. During the public hearing, the members of the Board of Commissioners may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
- (c) Board of Commissioners Decision:
 - a. At the next meeting following the public hearing on the amendment, action shall be considered by vote of the Board of Commissioners.
 - i. A motion to approve or deny an amendment must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
 - ii. If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
 - iii. A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 - iv. If no action is taken on an amendment, it shall be considered tabled and action deferred to a specific date and time as determined by the Board of Commissioners.
 - b. In taking action on an amendment, the Board of Commissioners may:
 - i. Approve, approve with changes, or deny the proposal; or,
 - ii. Table the proposal for consideration at its next scheduled meeting.

Section 7.13.3 Effect of Amendment Approval.

- (a) Approval of an amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
- (b) For a property on which a use, building, structure or other improvements existed in conformity with these development regulations prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be held harmless and not affected by the amendment. Future expansion or further development of the property, however, must comply with the new requirements.

- (c) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with these development regulations prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be held harmless and not affected by the amendment. Future expansion or further development of the property, however, must comply with the new requirements.

Chapter 7.14 Appeals

Section 7.14.1 Types of Appeals.

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

- (a) When aggrieved by an administrative action or interpretation of the Director of Planning and Development or any other administrative official of the County made under these development regulations.
- (b) When compliance with the requirements of these development regulations would create a particular and unique hardship.
- (c) When the requirements for flood protection affect an historic structure.

Section 7.14.2 Initiation of Appeals.

- (a) All requests for relief shall be taken as an appeal to the Board of Commissioners, as provided in this Section.
- (b) If denied, an application for a hardship variance or special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial.

Section 7.14.3 Appeals of an Administrative Decision.

- (a) Appeals of an administrative action or interpretation under this Section to the Board of Commissioners may be initiated by any person aggrieved by the decision. Such appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Director of Planning and Development.
- (b) It is the intention of these regulations that all questions arising in connection with the enforcement of these regulations shall be presented first to the Director of Planning and Development and that such question shall be presented to the Board of Commissioners only on appeal from the decision of the Director of Planning and Development.
- (c) The holder of or applicant for a development permit or a building permit may appeal any of the following actions taken by an administrative official:

- a. The suspension, revocation, modification or grant with condition of a development permit by the Director of Planning and Development upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.
- b. The determination that the holder is in violation of development permit or building permit conditions.
- c. The determination that the holder is in violation of any other provision of these development regulations.
- (d) Interpretations: The Board of Commissioners, upon appeal of an aggrieved party or at the request of Director of Planning and Development shall:
 - a. Interpret the use of words or phrases within the context of the intent of these development regulations.
 - b. Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of these development regulations, where a misinterpretation or misapplication of the requirements or other provisions of these development regulations are alleged.
 - c. Interpret such other provisions of these development regulations as may require clarification or extension in specific or general cases.
 - (e) An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the Director of Planning and Development certifies to the Board of Commissioners, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which must be granted by a court of competent jurisdiction.

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Section 7.14.4 Process for Granting an Administrative Appeal.

- (a) Upon receiving notice of and a documented request for an administrative appeal, the Director of Planning and Development shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (b) A documented request for an administrative appeal shall include such written descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Director of Planning and Development may request such additional information from the applicant as necessary to provide a full understanding of the appellant's request.

- (c) Once the record has been assembled, the Director of Planning and Development shall schedule the appeal for administrative hearing at a meeting of the Board of Commissioners and shall notify the applicant of the date, time and place of such hearing. The Director of Planning and Development shall transmit the notice of said appeal to the Board of Commissioners specifying the grounds thereof.
- (d) Administrative Hearing:
 - a. At the meeting of the Board of Commissioners, the Director of Planning and Development shall present such memos, papers, plans, or other documents as may constitute the record for the appeal, and the documented request from the applicant including such written descriptions, maps or drawings as submitted.
 - b. The applicant may appear in person or may be represented by counsel. The applicant or his representative may introduce additional written information, maps or drawings pertinent to the appeal, and may present oral arguments.
 - c. All parties participating in the administrative hearing shall introduce only relevant evidence. All parties participating shall have the right to present witnesses and to cross-examine witnesses. Oaths may be required of all participants.
 - d. Minutes of the meeting will be taken by the Morgan County Clerk. An audio recording is made and minutes of the meetings are taken. A complete tape recording or a copy of the minutes of the public hearing may be requested and will be available in a timely manner upon written request and at the expense of the party making the request.
- (e) A decision of the Board of Commissioners shall be final and may be appealed only to the Superior Court of Morgan County if filed therein within thirty (30) days of the rendering of the decision by the Board of Commissioners and served upon the Board of Commissioners pursuant to O.C.G.A. section 9-11-4 within five (5) days of filing. A decision is deemed "rendered" on the date that the Board of Commissioners votes on the matter at issue, not the date that the Board approves the Minutes from the meeting during which the vote was taken. An appeal from the decision of the Board of Commissioners under this subsection is the exclusive remedy for anyone aggrieved by a decision of the Board.

Section 7.14.5 Hardship Variances.

- (a) General:
 - a. Relief from the application of the provisions of these development regulations may be granted by the Board of Commissioners upon a finding that

compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare, and the need for consistency among all properties similarly zoned.

- b. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.
- (b) Standards for Approval: A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that:
- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
 - b. The application of the development regulations to this particular piece of property would create an unnecessary hardship.
 - c. There are conditions that are peculiar to the property involved which adversely affect its reasonable use or usability as currently zoned.
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these development regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by these regulations.
- (c) If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Board of Commissioners may reduce the waiting period under extenuating circumstances or on its own motion.
- (d) In no case shall a variance be granted for any of the following:
- a. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
 - b. A change in the conditions of approval imposed through a rezoning granted by the Board of Commissioners.
 - c. Reduction of a minimum lot size required by a zoning district.
 - d. A use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.

- e. Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

Section 7.14.6 Flood Protection Variances.

- (a) Flood protection variances may be approved for the reconstruction, rehabilitation or restoration of buildings listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation or restoration will not result in the building losing its historical designation.
- (b) In passing upon a flood protection variance, the Board of Commissioners shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these development regulations relating to flood damage prevention, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others
 - b. Danger to life and property due to flooding or erosion damage
 - c. Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner
 - d. Importance of the services provided by the facility to the community
 - e. Necessity of the facility to a waterfront location, in the case of a functionally dependent facility
 - f. Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use
 - g. Compatibility of the use with existing and anticipated development
 - h. Relationship of the use to the comprehensive plan and flood plain management program for that area;
 - i. Safety of access to the property in times of flood for ordinary and emergency vehicles
 - j. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges

- (c) Upon consideration of the factors listed above, and the purposes of these development regulations, the Board of Commissioners may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Conditions for variances are as follows:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.
 - b. Variances Shall Only be Approved Upon:
 - i. Showing of good and sufficient cause; and
 - ii. Determination that failure to grant the variance would result in exceptional hardship; and
 - iii. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or these development regulations.
- (f) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (g) The Planning and Development Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 7.14.7 Process for Granting a Variance.

- (a) Upon receiving a notice of an appeal for a variance, the Director of Planning and Development shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (b) An application for such an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested.

The Director of Planning and Development may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.

- (c) Once the record has been assembled, the Director of Planning and Development shall schedule the appeal for consideration at a meeting of the Board of Commissioners for which adequate public notice can be given.
- (d) Public Notice.
 - a. At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing, the location of the property, the present zoning classification of the property, and the nature of the requested action.
 - b. At least 15 days prior to the public hearing, the applicant at his expense shall post a sign or signs furnished by Morgan County stating the date, time and place for the public hearing, the present zoning classification and the nature of the requested action. One such sign shall be placed in a conspicuous location along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.
- (e) Any applicant wishing to withdraw an appeal for a variance prior to the meeting of the Board of Commissioners shall file a written request for such withdrawal with the Director of Planning and Development. The appeal shall thereupon be removed from the Board's agenda and the variance request shall have no further effect.
- (f) Board of Commissioners Public Hearing:
 - a. The public hearing shall be convened at the scheduled time and place by the Presiding Official.
 - b. The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.
 - c. The Director of Planning and Development shall submit the assembled record of the appeal to the Board of Commissioners. The Director of Planning and Development shall provide such information or explanation as appropriate to the circumstances of the appeal.
 - d. At the public hearing, the applicant may appear in person or may be represented by counsel. The following rules shall obtain in the conduct of the public hearing:

- i. The Presiding Official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required. A goal is a fair hearing.
 - ii. The applicant shall first present evidence to the Board. After the applicant has completed the presentation of evidence, opponents shall present such relevant evidence as they think appropriate after being recognized by the Presiding Official.
 - iii. All parties participating in the public hearing shall introduce only relevant evidence.
 - iv. All parties participating shall have the right to present witnesses and to cross-examine witnesses.
 - v. The applicant shall have an opportunity to present rebuttal evidence, but such evidence shall be limited to points or issues raised by the opponents.
 - vi. Minutes of the meeting will be taken by the Morgan County Clerk. An audio recording is made and minutes of the meetings are taken. A complete tape recording or a copy of the minutes of the public hearing may be requested and will be available in a timely manner upon written request and at the expense of the party making the request.
- e. Within 30 days of the public hearing, the Board of Commissioners shall provide a written decision with reasons supporting the decision. Such decision shall reflect the vote of the Board, as follows:
- i. A motion to approve or deny an appeal must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
 - ii. If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.
 - iii. A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
- f. In taking action on an appeal for a variance, the Board of Commissioners may:
- i. Approve, approve with changes, or deny the request; or,

- ii. Table the appeal for consideration at a future scheduled meeting;
or,
 - iii. Allow withdrawal of the appeal at the request of the applicant.
- (g) A decision of the Board of Commissioners regarding a variance shall be final and may only be appealed to the Superior Court of Morgan County if filed therein within thirty (30) days of the rendering of the decision by the Board of Commissioners and served upon the Board of Commissioners pursuant to O.C.G.A section 9-11-4 within 5 days of filing. A decision is deemed "rendered" on the date that the written decision of the Board of Commissioners is either hand-delivered or mailed to the applicant, whichever occurs first. An appeal from a decision of the Board of Commissioners under this subsection is the exclusive remedy for anyone aggrieved by a decision on a variance request by the Board.

Section 7.14.8 Process for Requesting an Administrative Variance.

- (a) Certain regulations are eligible for an administrative variance by the Building & Zoning Department. An administrative variance is defined as a variance to setbacks not to exceed a reduction of 20 % of the existing regulation.
- (b) Administrative variances must be requested in writing by the property owner. A written request must be accompanied by a justification for the request as well as a visual aid to depict the impact of the requested variance. Morgan County Planning and Development staff shall render a decision within 15 days of receipt of a complete request for variance.
- (c) Conditions for an Administrative Variance are as Follows:
 - a. Showing of good and sufficient cause; and
 - b. Determination that failure to grant the variance would result in exceptional hardship; and
 - c. Determination that granting of the variance will not result in a threat to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or these development regulations.
- (d) In no case shall a variance be granted for any of the following:
 - a. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
 - b. A change in the conditions of approval imposed thru a rezoning granted by the Board of Commissioners.
 - c. Reduction of a minimum lot size required by a zoning district.

- d. Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.
- e. Reduction of an environmental regulation established by the State of Georgia or Morgan County.

Chapter 7.15 Temporary Suspension of Permitting

Upon submission of a valid application for a rezoning or conditional use approval, or for the granting of an appeal on a property under the Zoning Ordinance or these development regulations, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

APPENDIX 7-1

MORGAN COUNTY Electronic Survey Data Submittal Guidelines

I. INTRODUCTION

This document provides information regarding the standard requirements for survey and drawings submissions to Morgan County.

Morgan County has adopted geographic information systems (GIS) technologies to store, manage, and maintain spatially related data for use by all county departments. Because development plans are now created using computer aided design and drafting (CAD) software, it is the goal of Morgan County to leverage such advanced techniques to expedite the design and plan review processes with the County. For such an effort to be successful, standards must be implemented that allow CAD data to be integrated into the County GIS while preserving the referential and positional accuracy of the original measurements.

These data submission standards are intended to improve the process of plan review, create records required by the State of Georgia for taxation purposes, and help maintain a digital database of geographic information for the County. As the GIS program develops and base data are established, the County will offer these layers to the development and engineering communities in digital format. The data are expected to provide users with descriptive information that will be invaluable in planning and property valuation.

The mission of the GIS Department is to establish a foundation of geographic information to support community decision making. The resulting fundamental geographic data elements will be a representation of community features and are not intended to convey legal boundaries of any kind.

II. FORMAT OF DATA FOR DIGITAL SUBMITTAL

In addition to the standard as-built paper documents, each engineering document or plan delivered to Morgan County will be accompanied by several digital files related to that submission. To insure that electronic data deliverables are compatible with the County GIS, data submittals must be in a format that is recognizable by ESRI's ArcGIS software. Digital files to be submitted include:

- A completed original drawing in one of the formats listed below that contains all layers and graphic elements included in the submitted paper document (text, legend, scale, labels, etc.), i.e., the digital version must match the submitted hard copy. The file will include features classified in the standard layers defined in Attachment A. If the drawing contains layers that are not included in Attachment A,

then a list of these layers shall also be submitted (ASCII text file labeled: lyr-spec.txt). The acceptable formats for these data are as follows:

- AutoCAD Release 14 or later (.dwg or .dxf)
 - ESRI ArcView shapefile (.shp)
 - ESRI Personal geodatabase
- A metadata ASCII text file containing information listed in Attachment B. This file includes submittal information as well as technical parameters that may be necessary in the event that problems occur during data conversion. The ASCII text file will be labeled 'metadat.txt'.
 - An ASCII text file containing elevation points. When submitting plans that include surveyed ground surfaces, a separate ASCII text file containing all elevation points shall be delivered. Each line of the file shall contain values (in State Plane Coordinates) for a single point as follows:

Easting, Northing, Elevation
267520.66, 3714741.98, 448.25
267523.55, 3714874.65, 358.96
.... etc.

- A .PDF file that is an exact replica of the original mylar.

General Notes:

- Drawing features shall include layer names as indicated in Attachment A. Features other than those thematically defined by the individual layer name/description shall not be included in the layer.
- No annotation shall be included in any feature layer and no feature shall be included in any annotation layer. Annotation for each layer shall be placed in annotation layers as specified in Attachment A.
- Closure is critical in converting GAD elements to GIS features. As such, all polygonal features and parcels shall be snapped closed. Closure precision of the survey should be indicated as required by the Georgia Plat Act, O.C.G.A 15-6-67.
- Individual files are required for each hard copy plan intended for registration; two subdivision plans cannot be included in one digital submission.
- Lines and arcs must start and stop at each angle of a parcel and at intersections with traverse lines such as a traverse along a natural boundary. All layers are spatially relevant, i.e. the coordinate locations of all line endpoints and vertices must be correct. The line elements that together define a parcel shape must form a closed polygon.
- No duplicate or coincident lines are allowed, i.e. lines are never duplicated on a different layer.

- Additional layers (not identified in Attachment A) may utilize any open layer beyond the reserved layers. As outlined above, a list of these layers shall also be submitted (ASCII text file labeled "xlyrspec.txt").

III. BASIS OF BEARINGS AND COORDINATE REFERENCE

The basis of bearings and all coordinates of data submitted to the County must reference Georgia State Plane Coordinates, specifically, the Georgia Coordinate System West Zone (FIPS 1002) based on ties to the North American Horizontal Geodetic Control Network survey monuments, as mandated by section 44-4-25 of the Official Code of Georgia. The coordinate ties in the digital submission must meet third order accuracy from the control monuments to the project boundary. The submitted plan must show all ties made to survey monuments, all intermediary stations, and the measurements (distance and bearing) between them. The County has prepared a digital file available in AutoCAD .DWG and .DXF formats that delineates all National Geodetic Survey monuments in Morgan County, referenced to the Georgia Coordinate System West Zone (FIPS 1002). These data can be obtained from Planning and Zoning, Tax Assessor, and GIS Departments. Additional information concerning NGS survey monuments can be obtained at <http://www.ngs.noaa.gov/>.

Features in drawing files that are stored in drawing units must be translated to represent real world locations as referenced by the Georgia Coordinate System West Zone. Elements referencing Georgia Coordinate System West Zone will utilize the North American Datum of 1983 (NAD83) for horizontal control and be measured in the U.S. Survey Foot (Official Code of Georgia Section 44-4-22 and 44-4-24). Vertical control will reference the North American Vertical Datum of 1988 (NAVD88) and shall include measurements using the U.S. Survey Foot. Caution must be exercised in performing all conversions involving submitted data to ensure the correct use of the Survey Foot. Errors in conversion can exceed four linear feet. Conversion of distances between the meter and the American Survey Foot will be based upon the length of the meter (exactly) equals 39.37 inches or 3.2808333333 1/3 feet. It is not the intent of Morgan County to replicate legal surveys. With this in mind, control of plan features may be tied to the Georgia Coordinate System West Zone using traditional surveying or GPS methods. The method employed to gain geodetic control shall be identified in the submitted 'metadat.txt' files.

IV. ACCEPTABLE MEDIA

To facilitate the conversion of CAD data into the County GIS, the following requirements shall be met:

- Standard transfer media will be accepted. Such media include standard PC formatted 3.5 HD floppy diskette and PC formatted CD-ROM.
- Magnetic media recording of drawing file that require more stage space than one diskette can provide shall be recorded using a self-extracting zip file format.

All media will be submitted with labels indicating the following information:

- Project Name/Number
- Type of Drawing (As-built, Preliminary, etc.)
- Date Created/Submittal Date
- Company
- Contact Name/Telephone Number/Email
- File Names

V. ACCURACY STANDARDS

Data submitted to the County for inclusion into the GIS system must meet National Map Accuracy Standards for the scale at which the data were created. This equates to +/- 6.67' for data published at a scale of 1":200' and +/- 13' for 1":400' scale. To meet an accuracy level, at least 90% of all positions randomly selected on a map must fall within the accuracy limits for the respective map scales. Additional information regarding National Map Accuracy Standards can be obtained at <http://www>.

Attachment A.

Layer Number	Layer Name	Feature Type	Layer Description
1	BLDG-EX	Polyline	Existing building/structure outline or footprint
2	BLDG-PROP	Polyline	Proposed building/structure outline or footprint
3	PARCEL	Polyline	Parcel/lot boundaries
4	SUBDIV	Polyline	Subdivision boundaries
5	ROW-EX	Polyline	Existing right of way delineating private/public land boundary
6	ROW-PROP	Polyline	Proposed right of way delineating private/public land boundary
7	COMAREA	Polyline	Public areas such as street islands/community entrances
8	GCP	Point	Ground control points (existing, surveyed, or GPSed)
9	POLE	Point	Lamp poles, power poles, traffic light poles, etc.
10	TREES-EX	Point	Existing trees
11	TREES-PROP	Point	Proposed trees
12	GAS	Polyline	Gas pipe
13	ELECTR	Polyline	Electrical Lines
14	TELCOM	Polyline	Phone Lines
15	CTVFIBR	Polyline	Cable TV and/or fiber data lines
16			
17			
18	EOP-EX	Polyline	Existing edge of pavement
19	EOP-PROP	Polyline	Proposed edge of pavement
20	CL	Polyline	Street/road centerlines
21	SIDEWLK	Polyline	Sidewalks
22	CURB	Polyline	Curb/gutter
23	CARPRK	Polyline	Parking lots
24	RAIL	Polyline	Railroads
	HYDLIN	Polyline	Linear hydrography, creeks/streams
	HYDPOLY	Polyline	Polygonal hydrography, lakes/ponds

	EAS	Polyline	Utilities, wildlife, transp., storm/drainage, etc.
	EASBLD	Polyline	Building setback
	BUFFER	Polyline	Buffers (riparian, vegetation, etc.)
	FP	Polyline	Flood plain
	WETLAND	Polyline	Wetlands
	EROSION	Polyline	Erosion control
	SDLINK	Polyline	Storm drain culvert, ditch, pipe, etc.
	SDNODE	Point	Storm drain structure (manhole, junction box, etc.)
	SDTEXT	Text	Annotation describing storm drainage (SD) features
	SSLINK	Polyline	Sanitary sewer pipe
	SSNODE	Point	Sanitary sewer manholes, pumps, junctions, etc.
	SSTEXT	Text	Annotation describing sanitary sewer (SS) features
	WTRLINK	Polyline	Water Pipe
	WTRNODE	Point	Water access/junction box, valves, etc.
	FIREHYD	Point	Fire hydrant
	WTRTEXT	Text	Annotation describing water service (WTR) features
	CONT-EX	Polyline	Existing contour lines
	CONT-PROP	Polyline	Proposed contour lines
	LOTNUM	Text	Proposed parcel lot number
	LOTDIM	Text	Bearings ,distances, acreage, and x/y of POB
	SUBNAM	Text	Subdivision name
	RDNAME1	Text	Street/road name
	RDNAME2	Text	Road number

	PAVTYPE	Text	Pavement type
	HYDNAME	Text	Hydrographic feature name
	EASTYPE	Text	Type of easement
	CTOURVAL	Text	Elevation of individual contours

**Attachment B.
Metadata Text File (metadat.txt) Specifications Example**

Subdivision/Project Name:

Submittal Date:

Parent Parcel #:

Number of Lots:

Closure Precision: This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet.

Geodetic Control:

Traverse to Monument

Referenced Monument Name/Number:

Distance to Monument:

GPS

Unit Type:

PDOP of Control Points:

Differentially Corrected: Y/N

Elevation Reference: Y/N

Prepared by/ Firm Name:

Engineer of Record:

Drawing/File Name:

Software/Version Used:

ARTICLE 8 ADMINISTRATION AND ENFORCEMENT

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ARTICLE 8 ADMINISTRATION AND ENFORCEMENT

Chapter 8.1 Purpose of Article

This Article sets out the structure for administering and enforcing these development regulations, including the responsibilities and procedures of the Director of Planning and Development in carrying out enforcement activities.

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Chapter 8.2 Schedules and Fees

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by these development regulations, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by these development regulations.

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Chapter 8.3 Inspection and Enforcement

Section 8.3.1 Permitting Agent.

The Director of Planning and Development is responsible for the receipt, review and processing of all applications for permits related to land-disturbing activity, the subdivision of land and construction of development projects, the construction of streets and stormwater facilities, and the construction of buildings and structures.

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Section 8.3.2 Enforcement Officer.

(a) The Director of Planning and Development shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of these development regulations, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.

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(b) No person shall refuse entry or access to any authorized representative or agent of the County, the Georgia Soil & Water Conservation Commission, the Soil & Water Conservation District, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Section 8.3.3 Land Development Activities.

(a) Periodic Inspections: The Director of Planning and Development will periodically inspect the sites of land-disturbing activities for which development permits have been issued to determine if the activities are being conducted in accordance with the erosion and sediment control plan and if the measures required in the plan are effective in controlling erosion and sedimentation.

- (b) Notice of Violation: If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of these development regulations, a written notice to comply shall be served upon that person (which notice may consist of a stop-work order). 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 these development regulations. If the developer was required to post a performance bond under the provisions of these development regulations, the County may call the performance bond or any part thereof and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance with these development regulations.
- (c) Stop-Work Orders: For the first and second violation of any of the provisions of these development regulations, the Director of Planning and Development 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 of Planning and Development 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 a development permit, the Director of Planning and Development shall issue an immediate stop work order in lieu of a warning. For a third and each subsequent violation, the Director of Planning and Development shall issue an immediate stop work order. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

Chapter 8.4 Violation and Penalties

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Section 8.4.1 Violation a Misdemeanor.

Violation of any provision of these development regulations, including violation of conditions of approval established in connection with grants of variance or zoning changes, shall constitute a misdemeanor punishable by fine or imprisonment, or both, in addition to civil penalties. Except as provided under this Section below, the maximum punishment shall not exceed \$1,000.00 or imprisonment for 60 days or both.

Section 8.4.2 Failure to Obtain a Development Permit for Land-Disturbing Activity.

If any person commences any land-disturbing activity requiring a development permit as prescribed in these development regulations without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a

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business and associated work activities within the jurisdictional boundaries of the County.

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Section 8.4.3 Violation of Soil Erosion or Sedimentation Provisions.

Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. § 12-7-1 *et seq.*) shall be subject to the following penalties or fines:

- (a) **Civil Monetary Penalties:** Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by Morgan County. 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 these regulations shall be payable to Morgan County, shall commence on the date of issuance of any stop work order, cease and desist 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 County in an amount equal to double the cost of any and all corrective work to be determined by the Director of Planning and Development; further, any civil penalty imposed pursuant to these development regulations may, at the discretion of the County, be waived or reduced if, in the discretion of the County, the violator has taken sufficient and timely curative and corrective action. No inspections, certificates of occupancy, building permits or soil erosion permits will be granted to any person who has an outstanding fine for violating these regulations. Any person who violates any provisions of these regulations, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to these regulations or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning and Development issued as provided in these regulations shall be liable for a civil penalty not to exceed \$2,500.00 per day.
- (b) **Alternative Penalties:** Any soil erosion or sedimentation violation may also be enforced by a citation or accusation returnable to the Magistrate Court of Morgan County. Notwithstanding any limitation of law as to penalties that can be assessed for violations of County ordinances, the Magistrate Court of Morgan 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.
- (c) **Additional Remedies:** Nothing contained in this section shall prevent the County from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

Chapter 8.5 Liability

- (a) Neither the approval of a plan under the provisions of these regulations, nor the issuance of a permit, nor the compliance with provisions of these regulations, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.
- (b) The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in these regulations or the terms of the development permit.
- (c) No provision of these regulations 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 by said Acts.
- (d) These regulations and all inspections conducted and permits issued there under are hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health and general welfare - through structural strength, stability, sanitation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. Quality control of materials and workmanship is not within the purview of these regulations except as it relates to the purposes stated herein. The inspection or permitting of any building, system or plan, under the requirements of these regulations shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the Morgan County Board of Commissioners nor any County Official nor county employee shall be liable for damages to any entity for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such which may occur subsequent to such inspection or permitting.

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