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Chanelle N. Blaine, Zoning Administrator  
Howard Johnson, P & Z Coordinator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**April 2, 2020**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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1. Consideration of Minutes of the Planning Commission meeting held on March 19, 2020.

**PUBLIC HEARINGS**

2. Consideration of amendments to Article XV. Subdivision Regulations.
3. Consideration of amendments to Chapter 110. Zoning Ordinance.

## ARTICLE XV. - SUBDIVISION REGULATIONS

### Sec. 104-592. - Declaration of purpose.

(a) The regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by the ordinance from which this article is derived are hereby deemed by the board of commissioners to be desirable and necessary in order to help ensure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. **The board of commissioners desire to provide this development framework to enable the property owners' reasonable reliance upon the manner in which subdivisions are developed.** Further, the purposes of the regulations of the subdivision of land are, among others:

- (1) To encourage and ensure the development of economically sound and stable neighborhoods;
- (2) To ensure the adequate provision of required streets, utilities, and other facilities and services to new land developments;
- (3) To ensure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation;
- (4) To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservations of land for recreational, educational, and other public purposes;
- (5) To ensure land is developed with reasonable safeguards for environmental protection;
- (6) To provide accurate, uniform records for identification and location of real estate boundaries; and
- (7) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the county.

**(b) The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the ordinances and regulations which govern the development of land. To the extent a conflict exists between these subdivision regulations and the zoning ordinance of Fayette County the subdivision regulations shall control.**

(Code 1992, § 8-500; Ord. No. 2010-05, § 1, 6-24-2010)

### Sec. 104-593. - Definitions.

For the purpose of this article, the following words, terms, phrases, and their derivations shall have the meaning given in this section. Words and terms not explicitly defined in this article shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

*Comprehensive plan* means the comprehensive plan for the county, approved by the board of commissioners and maintained by the county planning and zoning department.

*Construction plans* means any plans required for the review, permitting and construction of a subdivision, including, but not limited to: Site; grading; street profiles; stormwater management; floodplain management, utility; soil erosion, sediment, and pollution control; soil surveys; and construction details.

*County engineer* means the official to whom the responsibilities normally associated with this title have been delegated.

*County thoroughfare plan* means the thoroughfare plan for the County of Fayette, Georgia, approved by the board of commissioners, indicating the designation of street type and is maintained by the county planning and zoning department.

*Cul-de-sac* means a street, or segment of a street, with only one way in or out and which terminates at a turnaround constructed in accordance with the county development regulations.

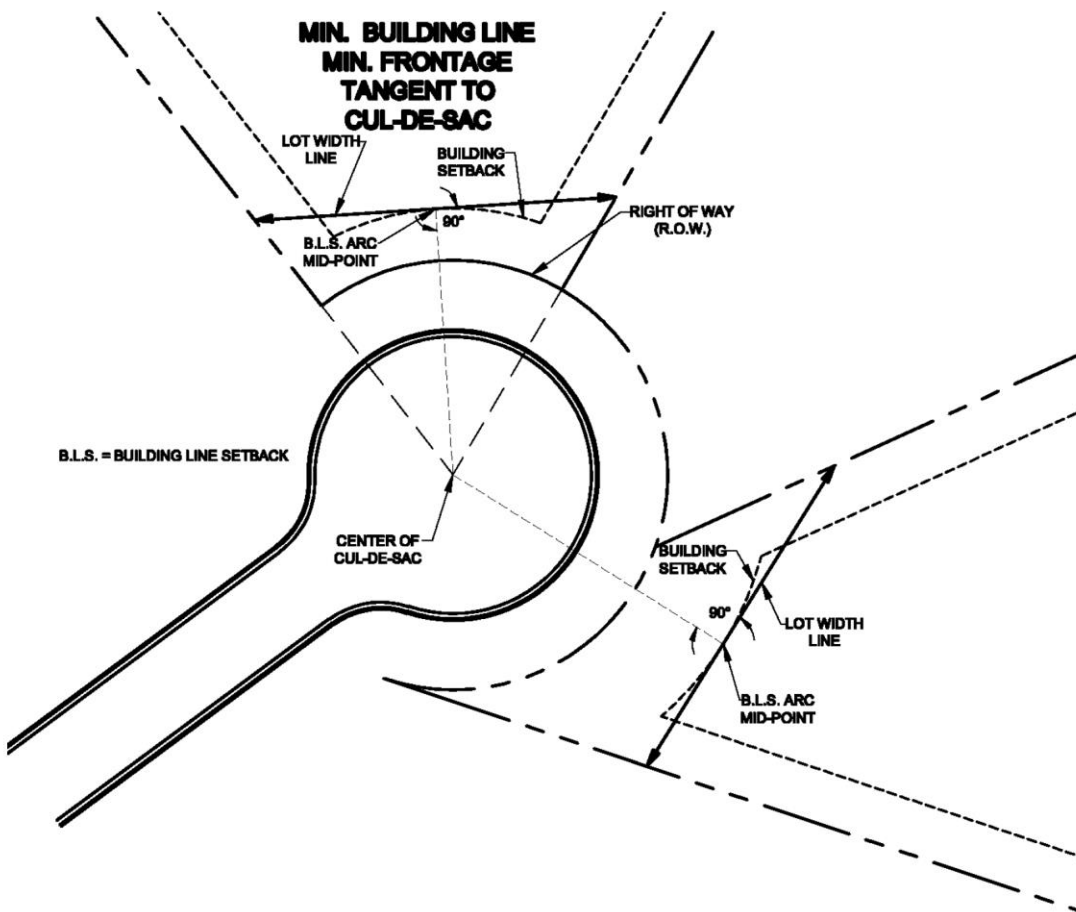
*Development* means a manmade change to improved or unimproved real estate, including, but not limited to any activity, action, or alteration that fundamentally alters the current use and/or density on the property and/or construction of buildings or other structures.

*Easement* means an interest in land granted by a land owner to another person, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose, such as to cross for access to a public road.

*Environmental health county manager* means the official responsible for all matters within the subdivision regulations pertaining to health regulations and who is the director of the county environmental health department.

*Lot* means a tract of land of varying sizes which is designated as a single unit of property.

*Lot width* means the minimum distance between side property lines either measured in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic below).



*Phase* means a portion or section of a larger development delineated on an approved, recorded **major or minor** final plat.

*Plat, major final*, means all divisions of a tract of land into two or more lots where ~~the lots are less than five acres in size and/or~~ new streets are created to access said lots.

*Plat, minor final subdivision*, means all divisions of a tract of land into two or more lots where ~~the lots are five acres or greater in size and~~ no new streets are created.

*Plat, preliminary*, means a conceptual subdivision plan required prior to a major final plat ~~where new streets are created~~.

*Planning commission* means the planning commission of the county.

*Right-of-way* means a strip of land, often of uniform width, that is owned by the county and used, or may be used for transportation, utilities, or similar purposes.

*Street* means a public or private thoroughfare or road used for vehicular access to other streets and/or properties. Streets may be:

- (1) **Public** - Owned and operated/maintained by the county (i.e., ~~those within a public right-of-way fee simple ownership or dedication through an instrument of conveyance~~);
- (2) **Public** - ~~Privately owned but open for public use and~~ Owned and operated/maintained by the county (i.e., those within a prescriptive easement); or
- (3) **Private** - Privately owned and maintained (i.e., a private road)

~~Public streets are designated by type on the county thoroughfare plan.~~

*Subdivider* means any person, firm, corporation, association or partnership or any agent thereof who undertakes or proposes to undertake the subdivision of land so as to create a subdivision as defined herein.

*Subdivisions* means all divisions of a tract of land into a minimum of two or more lots.

*Technical review committee (TRC)* means a committee of county staff, in regards to the subdivision regulations, that performs ~~monthly~~ the review of preliminary ~~plats~~, ~~and~~ major final plats, ~~and~~ minor final plats prior to approval by the planning commission.

*Tract* means a specified parcel of land.

*Utility* means any service available to the public by means of an overhead or underground distribution and/or collection systems such as electricity, telephone, water, wastewater, stormwater, cable, natural gas, etc.

*Zoning administrator* means the official to whom the responsibilities normally associated with this title have been delegated.

*Zoning ordinance* means the zoning ordinance enacted by the board of commissioners of the county, which is maintained and implemented by the county planning and zoning department.

(Code 1992, § 8-501; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-594. - Generally.

- (a) Zoning ordinance. No subdivision shall be approved which does not conform with the zoning ordinance ~~regulations~~ applicable to the land for which it is proposed. ~~The preliminary and/or final plat must indicate the setbacks and other dimensional requirements in such a way that the minimum requirements are met.~~
- (b) Recordation of ~~final or minor~~ subdivision plats. No ~~final plat or minor~~ subdivision plat shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission. The secretary to the planning commission shall endorse

the plat upon approval by the planning commission. ~~The planning commission approval is not required for a plat of subdivision where 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. Said plat shall contain a certification from the licensed surveyor that these provisions do not apply which shall entitle said plat to be recorded.~~

- (c) Unless noted otherwise, the county engineer shall be responsible for the implementation of the subdivision regulations.

(Code 1992, § 8-502; Ord. No. 2010-05, § 1, 6-24-2010)

#### Sec. 104-595. - Approval of subdivisions.

Subdivisions shall be reviewed and approved in stages as follows: preliminary plats (required for a major final plat), construction plans (required for a major final plat, see article III of this chapter applicable development regulations), and major final subdivision plats or minor final plat, as applicable. The requirements procedures of this section are administered by the ~~county~~ planning and zoning department administrator, unless indicated otherwise.

(1) *Preliminary plat.*

- a. *Purpose.* The preliminary plat safeguards the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat that does not conform with specifications of the subdivision regulations ordinance. The preliminary plat requires accuracy of scale and dimension. Public agencies having jurisdiction review the preliminary plat regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for clarification. The subdivider is ultimately responsible for compliance with all applicable statutes, ordinances, regulations, and rules. Approval of a preliminary plat shall not constitute a variance or authorization to violate any statute, ordinance, regulation, and/or rule.
- b. *Preliminary plat/lot layout.* The subdivider shall submit to the ~~planning and zoning department administrator~~ for the planning commission a preliminary plat, with a completed application, ~~(see preliminary plat application under forms at www.fayettecountyga.gov)~~ of the entire tract which will show the future street system and lot layout for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns.
- c. *Street names and subdivision name approval.* Prior to ~~submittal approval~~ of the preliminary plat, street names ~~(see article III of this chapter)~~ and subdivision names shall be submitted to the planning and zoning department. The planning and zoning department shall forward said names to ~~the postmaster and~~ 911 for approval. Approval by ~~911 both parties~~ is required. The planning and zoning department shall reserve the names with ~~the postmaster and~~ 911. The approved names shall be indicated on the preliminary plat.
- d. *Filing Submittal of the preliminary plat and other requirements.* Preliminary plats shall be submitted to the planning and zoning department. ~~Preliminary plats shall be reviewed and approved by the applicable county departments and the technical review committee (TRC) prior to consideration by the planning commission.~~ The preliminary plat shall be prepared, signed, and sealed in accordance with these regulations and with applicable county specifications by a registered engineer, surveyor, and/or landscape architect who is licensed under the state. The zoning administrator shall have authority to reject the ~~submittal of the~~ preliminary plat, if after study, ~~he the zoning administrator~~ finds that requirements have been omitted or misrepresented on the preliminary plat and shall return the plat to the applicant to be completed or revised ~~it does not comply with these regulations~~. If rejected, the zoning administrator shall provide subdividers with a written

statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the planning commission from such rejections.

- e. *Approval by individual agencies.* ~~The preliminary plat shall be reviewed at by the TRC meeting. The checklists/comments from the applicable department are due to the planning and zoning department within three calendar days after the TRC meeting.~~ Preliminary plats shall be reviewed and approved by the technical review committee (TRC) prior to consideration by the planning commission. Should the plat contain deficiencies and require corrections, said corrections shall be made by the design professional to satisfy all requirements of the preliminary plat, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable department shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments ~~to the planning and zoning department.~~ The applicable departments shall recommend approval with or without conditions or shall require modification of the preliminary plat to the extent that each has jurisdiction. No preliminary plat shall be placed on the planning commission agenda until it has been reviewed and approved by the TRC ~~and approved by the zoning administrator and the applicable departments.~~
- f. *Approval by planning commission.*
  - 1. The preliminary plat shall be placed on the planning commission agenda for consideration when the preliminary plat has been reviewed by the TRC and approved by the zoning administrator and all of the applicable departments. ~~The applicant shall be notified by mail of the date, time, and place of the public meeting.~~
  - 2. The planning commission shall take action on preliminary plats in their regularly scheduled meetings. For revisions to a recorded plat that requires approval of a revised preliminary plat that substantially changes a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new preliminary plat. The legal notice for which shall be advertised in at least one of the newspaper in which is carried the legal advertisements of the county in such a manner as to give at least seven calendar days' notice of the public hearing from the date of issue.
  - 3. The planning commission shall have 60 calendar days to act on a preliminary plat. The 60 calendar days begins upon approval by all of the appropriate departments. The planning commission may consider a preliminary plat at a public hearing or a workshop/public meeting (a schedule of the planning commission's monthly meetings is available through the planning and zoning department). If approval of the preliminary plat is not recommended, the reasons therefor shall be supplied to the subdivider. The approval of a preliminary plat by the planning commission shall not be deemed to constitute an acceptance by the county of any street or other real property shown upon the plat.
- g. *Approval of construction plans.* Upon approval of the preliminary plat by the planning commission, construction plans shall be submitted to the ~~stormwater environmental~~ management department for distribution to the appropriate departments for approval. The plans must be prepared in accordance with the requirements of the development regulations. Permits for grading, road construction, and/or any minimal improvements shall not be given until the county engineer, ~~stormwater environmental~~ management director, and the fire marshal have approved the construction plans as indicated by their signature and/or stamp. Construction plans and applicable permits shall expire upon expiration of the preliminary plat. Resubmitted construction plans, required as a result of an expired preliminary plat, shall be updated to comply with all applicable federal, state, and local regulations. Any plans requiring approval by a state and/or federal agency shall be submitted directly to said agency by the subdivider.

- h. *Expiration.* Preliminary plats shall include the following statement: "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless:
1. A **major** final plat for at least one phase has been approved; or
  2. Street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat has been completed and inspected."

Upon expiration of the preliminary plat, a new preliminary plat shall be submitted in accordance with all current regulations and requirements.

(2) **Major final plat or minor ~~subdivision final~~ plat.**

- a. *Conformance.* The **major** final plat shall conform **generally** with the layout indicated on the preliminary plat. If desired by the subdivider, the **major** final plat may be developed and recorded in phases; provided that each phase conforms with all requirements of these regulations and the development regulations.
- b. *Filing the **major** final plat or minor ~~subdivision final~~ plat.* A final plat shall not be submitted for review until the minimum improvements are completed subject to the provisions herein. ~~The final plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the planning and zoning department. A minor subdivision plat may be submitted at any time.~~ The number of copies required of the final plat ~~or minor subdivision plat~~ is available in the planning and zoning department. The ~~planning and zoning department zoning administrator~~ shall distribute copies of the final plat ~~or minor subdivision plat~~ to the appropriate departments for review. The final plat ~~or minor subdivision plat~~ shall be deemed filed when it has been submitted to the planning and zoning department and approved by the project case coordinator with a completed application ~~(see final plat/minor subdivision plat application under forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).~~
- c. *Approval by appropriate departments.* A final plat shall be reviewed by the technical review committee (TRC). ~~A checklist of required information from the applicable department is due to the planning and zoning department within three calendar days after the TRC meeting.~~ Should the final plat require corrections, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.
- ~~d. *Minor subdivision plat.* A minor subdivision plat shall be reviewed by the applicable departments which shall have a maximum of 14 calendar days from the submittal date for the review. Should the minor subdivision plat require corrections, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.~~
- e. *Resubmittal.* When a corrected final plat ~~or minor subdivision plat~~ is resubmitted, the applicable departments shall review the resubmitted final plat ~~or minor subdivision plat~~ for compliance with all applicable statutes, codes, ordinances, and rules. The review of a resubmitted final plat ~~or minor subdivision plat~~ shall not be limited to only those reasons identified from a previous review.
- ~~f. *Final approval.* Once the corrected copies final plat have been approved by all applicable departments, one paper vellum or Mylar shall be submitted to the planning and zoning department. Each applicable department shall be notified that the paper vellum or Mylar is available for review in the planning and zoning department. The paper vellum or Mylar~~



~~shall be available in the planning and zoning department for a total of 14 calendar days to be reviewed and/or signed by the applicable departments.~~

- g. *Approval by the planning commission.*
1. The final plat ~~or minor subdivision plat~~ shall be placed on the planning commission agenda for consideration when the final plat ~~or minor subdivision plat~~ is approved by all of the appropriate departments. ~~The applicant shall be notified by mail of the date, time, and place of the public meeting.~~ No final plat ~~or minor subdivision plat~~ shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission.
  2. The planning commission shall have 60 calendar days to approve or deny a final plat ~~or minor subdivision plat~~. The 60 calendar days begins upon approval by all of the appropriate departments. The planning commission may consider a final plat ~~or minor subdivision plat~~ at a public hearing ~~or a workshop/public meeting~~. If approval of the final plat ~~or minor subdivision plat~~ is not recommended, the reasons therefore shall be supplied to the subdivider.
  3. The secretary to the planning commission shall endorse the final plat ~~or minor subdivision plat~~ upon approval by the planning commission.
- h. *Additional requirements for final plat ~~or minor subdivision plat~~ (if applicable) for approval prior to recordations.* In addition to the above requirements, all documents, including, but not limited to: reports, environmental permits and/or variances (required for subdivision construction), bonds, irrevocable letters of credit, as-built drawings, and stormwater operation and maintenance plans and agreements, referenced in the development regulations shall be submitted to the applicable departments. One digital copy of the approved final plat or minor subdivision plat in a format that is compatible with the county's geographic information system must be submitted to the planning and zoning department for distribution to the appropriate departments. Submittal will not be accepted via an email.
- i. *Final plat ~~or minor subdivision plat~~ expiration.* A final plat ~~or minor subdivision plat~~ shall expire 90 calendar days after the date of approval by the planning commission if the final plat ~~or minor subdivision plat~~ has not been recorded by the subdivider into the county clerk of superior court records. Once a final plat ~~or minor subdivision plat~~ has expired, it and any maintenance bond and/or irrevocable letter-of-credit (see section 104-600) are void and a new final plat ~~or minor subdivision plat~~ and maintenance bond and/or irrevocable letter of credit shall be submitted. ~~The fee for the review and approval process shall be 50 percent of the original final plat or minor subdivision plat fee.~~
- j. *Revision to a recorded final plat.* ~~A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission.~~



1. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section.
2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with Sec. 110-301. - Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:
  - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
  - (ii) *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.
  - (iii) *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will more be narrow than existing lots.
  - (iv) *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.
3. *Amend setbacks increased by a condition of rezoning.* This will be administered as a rezoning under Article IX. - Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in these requests:
  - (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
  - (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed

residence or accessory structure will be out of alignment with existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

4. *Amend setbacks increased by a developer on a major or minor final plat.* Proposed revisions to a recorded final plat which reduce a setback increased by the developer shall be considered in public hearings before the planning commission. Notice of a scheduled public hearing shall be published at least 15 calendar days prior to the public hearing before the planning commission. One sign is required to be posted for each street frontage of the subject property at least 15 calendar days prior to the public hearing before the planning commission. A refundable sign deposit shall be required for each sign at the time of application. The following factors shall be considered by the planning commission when reviewing these requests:

- (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
- (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

~~k. — *Revisions to a recorded minor subdivision plat.* A revision to a recorded minor subdivision plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596, for requirements to be indicated on the revised minor subdivision plat, as applicable. Proposed revisions to a recorded minor subdivision plat of any existing residential or agricultural subdivisions which add property to, increases the number of platted lots, or changes the principal use on lots will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice.~~

† k. *Minor revisions to a recorded final plat (major or minor)-subdivision plat.* A minor revision to a recorded final plat ~~or minor subdivision plat~~ such as the combination of lots, minor shifts to lot lines, corrections of errors and/or establishment or modification of an easement that does not increase the number of lots, change the use, alter the road or utility layout, or change the outer boundary of the final plat ~~or minor subdivision plat~~ will be reviewed by the zoning administrator. Based on the nature of the minor revision, the zoning administrator shall contact the applicable departments for their input. The signature of the zoning administrator and environmental health specialist shall be required for approval of the minor revision prior to recording. See section 104-596 for requirements to be indicated on the minor revision of a final plat ~~or the minor revision of a minor subdivision plat~~, as applicable.

l. *Dimensional requirements increased by a developer on a final plat (major or minor).* Any dimensional requirements, e.g., setback, etc., specifically indicated on an approved final

plat approved prior to 4/23/2020 (the effect date of this amendment) which is greater than a minimum zoning dimensional requirement shall control over the minimum zoning dimensional requirement. For example, a front yard setback indicated on an approved final plat that is greater than the requirement of the zoning district shall control. To the extent any future lot is sought to be added to the subdivision by subdividing an existing lot or adding property to the subdivision, the future lot(s) must comply with all requirements originally set out in the final plat. No consideration will be given for any dimensional requirement, or other issue, which is more lenient in the zoning district as compared to the final plat. All final plats (major or minor), which are not applicable to the regulation above, shall not be approved after 4/23/2020 (the effect date of this amendment) with a setback that is greater than the minimum setback of the applicable zoning district unless the setback was increased by a condition of rezoning. In addition, no final plats (major or minor) shall be amended to establish a setback that is greater than the minimum setback of the applicable zoning district originally indicated on the final plat.

- m. *Requirements after the recordation of an approved final plat (major or minor) ~~subdivision plat~~*. After the final plat ~~or minor subdivision plat~~ has been recorded, ~~no building permits shall be issued until~~ the subdivider ~~has furnished~~ shall submit to the county the required number of recorded copies of the final plat ~~or minor subdivision plat~~ and, a digital media copy of the approved final plat, and a recorded ~~warranty~~ deed for any right-of-way being donated to the county ~~to the planning and zoning department~~. ~~The planning and zoning department will be responsible for distributing the materials to the appropriate departments.~~
- n. *Building permit*. No permit ~~let~~ for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the final plat ~~or minor subdivision plat of the proposed subdivision~~ has been recorded in the office of the clerk of superior court of the county, and unless the minimum site improvements, as prescribed in this article, have been made and such improvements have been inspected and approved by the applicable departments. ~~Upon recordation of the final plat or minor subdivision plat, the required number of recorded copies, a recorded copy of a warranty deed for any right-of-way dedicated to the county, and the digital media copy of the approved final plat or minor subdivision plat shall be submitted to the planning and zoning department prior to the issuance of any building permits.~~ Lots within a nonresidential subdivision shall also require an approved site plan, as applicable, for the issuance of a building permit.

(Code 1992, § 8-503; Ord. No. 2000-03, 1-27-2000; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-596. - The subdivision plat.

- (a) *The preliminary plat*. The preliminary plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements ~~(see preliminary plat checklist under forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov))~~. The following shall be indicated on the preliminary plat:
  - (1) ~~The title block shall state: "preliminary plat of \_\_\_\_\_ Subdivision," county, state, land lots, and districts.~~
  - (2) ~~Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
  - (3) ~~Name, address, telephone number, fax number of the owner and/or developer.~~
  - (4) ~~Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 100 feet, stated and shown graphically).~~
  - (5) ~~Provide legend of all abbreviations.~~
  - (6) ~~Provide an index of sheets if more than one sheet is provided.~~

- ~~(7) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~
- ~~(8) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.~~
- ~~(9) Show exterior property lines with bearings and distances of subject property. (10) Provide zoning district and property owner's name and/or subdivision name of all adjacent properties.~~
- ~~(11) Show location, purpose, and width of any easement of record. Provide a note if there are no existing easements associated with the property.~~
- ~~(12) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
- ~~(13) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
- ~~(14) All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.~~
- ~~(15) Provide the area of each lot to the 1/100th acre and contiguous area (if applicable, see section 104-597) to the 1/100th acre; label the lot numbers; and show the dimensions of all lot lines.~~
- ~~(16) Indicate how lots will be served by water and sewage disposal. Indicate the proposed layout of waterlines, fire hydrants, and sewer lines (if applicable). If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(17) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(18) Indicate the location of a cemetery (if applicable, see chapter 106, cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(19) The plat shall show all parcels of land to be dedicated to the county for public use.~~
- ~~(20) Indicate the boundaries and enhancement areas for any proposed common areas including signage. Label as "Common Area Not a Building Lot" and/or "Signage."~~
- ~~(21) Indicate the boundaries and area to 1/100 th acre for any proposed developed residential recreational/amenity areas. Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."~~
- ~~(22) Show all existing and/or proposed streets on and/or adjacent to property. Label right-of-way widths. Label proposed street names. Provide right-of-way dedication, as needed.~~
- ~~(23) Corner lots. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~
- ~~(24) Street length. Indicate the length of each street in the subdivision.~~
- ~~(25) Entrances. Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street). Provide appropriate data on the plat (article III of this chapter).~~
- ~~(26) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.~~

- ~~(27) Show existing (dashed) and proposed (solid) contour at ten two foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.~~
- ~~(28) Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~
- ~~(29) Show location of all specimen trees within 100 feet of the centerline of all right-of-ways, stormwater management structures, and utility and drainage easements.~~
- ~~(30) Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal.~~
- ~~(31) Delineate and label each drainage basin within the project boundaries. Provide drainage areas and existing and proposed CN values. Show offsite area and peak flow ( $Q_{-16}$  and  $Q_{-100}$ ) for drainage areas passing through site.~~
- ~~(32) Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria will be satisfied or why any exemptions may apply.~~
- ~~(33) Delineate any base flood elevations as required in the floodplain management ordinance. For any streams with 100 acres or greater drainage area provide the future conditions flood elevations. Provide a note if there is no floodplain on the property. Reference the FIRM panel number and date.~~
- ~~(34) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(35) Delineate all jurisdictional wetlands. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers.~~
- ~~(36) Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~
- ~~(37) Statements and/or certifications. Provide the following statements and/or certifications, if applicable:~~
- ~~a. "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless a final plat for at least one phase has been approved; or street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat."~~
- ~~b. "This preliminary plat has been reviewed and approved by the planning commission on \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_."~~
- ~~c. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area (in acres) on each individual lot or in a legend."~~
- ~~d. Wetland delineation.~~
- ~~I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property ☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.~~

_____ Signature of Wetland Delineator	
_____ Company Address & Telephone	

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~~e. Soil classification delineation.~~

~~I, \_\_\_\_\_ (name) do hereby certify that the Level III soil survey information provided on this plat was performed by \_\_\_\_\_ (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

_____ Signature of Soil Classifier	_____ Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers
_____ Company Address & Telephone	

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~~(38) Completeness. If any of the above facts are omitted or misrepresented on the plat, the zoning administrator may refuse to review the plat and shall return the plat to the subdivider to be completed or revised.~~

1. The title block shall state: "Preliminary Plat of ..... Subdivision", and within the title block include County, State, land lot(s), and district(s).
2. Indicate date of plat preparation; provide scale of drawing (not to exceed 1 in. = 100 feet, stated and shown graphically)
3. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
4. Provide legend of all abbreviations.
5. Provide an index of sheets if more than one (1) sheet is provided.
6. Provide name, address, and telephone number of the owner and/or developer



7. Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design professional must be licensed in the State of Georgia.
8. Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
9. Show exterior property lines with bearings and distances of subject property.
10. Provide zoning district and property owner(s) name and/or subdivision name of all adjacent properties
11. Show location, purpose, and width of any easement of record or provide a note if there are no existing easements associated with the property.
12. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
13. Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
14. Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.).
15. All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77 of the Zoning Ordinance).
16. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots.
17. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
18. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
19. The plat shall show all parcels of land to be dedicated to the County for public use.
20. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".

21. Indicate the boundaries, the square footage area and area to 1/100th acre for any proposed Developed Residential Recreational/Amenity Areas (see Sec 100-169 of the Zoning Ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
22. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3))
23. Statements and/or Certifications. Provide the following statements and/or certifications, as applicable:
- a. "Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless a Final Plat for at least one (1) phase has been approved; or street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat .".
- b. "This Preliminary Plat has been reviewed and approved by the Planning Commission on \_\_\_\_/\_\_\_\_/\_\_\_\_."
24. Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems. The requirements for a Soil Classifier are located in said manual
25. Label street(s) with approved street names.
26. SOIL CLASSIFICATION DELINEATION - Include the following statement:  
I, \_\_\_\_\_ do hereby certify that the Level III soil name survey information provided on this plat was performed by \_\_\_\_\_ in \_\_\_\_\_ (company name) accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.
- \_\_\_\_\_  
Signature of Soil Classifier \_\_\_\_\_  
Georgia Department of Public Health, Professional  
Geologist, or Professional Engineer  
Registration No.  
Registration Numbers/License Numbers
- \_\_\_\_\_  
Company Address & Phone Number
27. Show all existing and/or proposed streets on and/or adjacent to property. Label road names (as available), right-of-way widths. Provide right-of-way dedication, as needed.

28. Street Length – Indicate the length of each street in the subdivision.
29. Corner Lots – Fillet (20 foot radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
30. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development Regulations – Article III.)
31. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.
32. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
33. Show existing (dashed) contours at ten (10) two (2) foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.
34. Traffic Calming. Maximum tangent length between horizontal curves is 750'. (Development Regulations – Article III, Sec. 8-82.1.6)
35. Road Intersections – All new roadways shall intersect as nearly to 90 degrees as possible. Not less than 80 degrees. (Development Regulations – Article III, Sec. 8-52.1.7)
36. Minimum roadway centerline radius – 175 feet for internal local roads. (Development Regulations – Article III, Sec. 8-52.1.6)
37. Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as “Watershed Protection Buffer,” and “Watershed Protection Setback.”
38. Show location of all specimen trees within 100 feet of the centerline of all right-of ways, stormwater management structures, and utility and/or drainage easements
39. Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal. Tree Protection Plan (TTP) must be submitted in accordance with the Tree Retention, Protection, and Replacement Ordinance
40. Delineate and label each drainage basin within the project boundaries. For each basin, provide drainage areas and existing and proposed CN values. Show offsite area and peak flows (Q10 and Q100) for drainage passing through the site
41. Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria as

referenced in the GA Stormwater Management Manual will be satisfied or why any exemptions may apply

42. Delineate any Areas of Special Flood Hazards on or adjacent to the property as required in the Floodplain Management Ordinance. For any streams with 100 acres or greater drainage area provide the future-conditions flood elevation. (Some future conditions flood elevations are available at the Stormwater Management Department.) Provide a note if there are not Areas of Special Flood Hazards on or adjacent to the property. Reference the FIRM panel number and date
43. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there are no groundwater recharge areas on the property
44. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
45. Delineate all jurisdictional wetlands and provide the source of the wetland determination or provide a note if there are no wetlands on the property. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers
46. Include the following statement:

**WETLAND DELINEATION**

I, \_\_\_\_\_ of \_\_\_\_\_ (name organization) do hereby certify that I have field inspected the property known as \_\_\_\_\_ (subdivision name) on \_\_\_\_\_ (date) and determined that the property contains does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

\_\_\_\_\_(Signature of Wetland Delineator)

\_\_\_\_\_(Company Address & Telephone)

47. Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
48. Indicate the proposed layout of waterlines and sewer lines (if applicable.)

- (b) *The major final plat.* The *major* final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. ~~(see final plat checklist under forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).~~ Sheet design: The *major* final plat and/or a revision to a recorded *major* final plat shall conform in general with the preliminary plat and shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. ~~shall be drawn in permanent ink on one or more sheets of reproducible plastic measuring 17 inches by 22 inches. When two or more sheets are used, a key map shall be shown with each sheet.~~ The following shall be indicated on the final plat:
- ~~(1) The title block shall state: "final plat of \_\_\_\_\_." A revision to a final plat must state "revised final plat of \_\_\_\_\_"; purpose and date of revision; and date, plat book, and page number of the previously recorded final plat.~~
  - ~~(2) The title block shall show the name of the proposed subdivision, county, state, land lots, and districts.~~
  - ~~(3) Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
  - ~~(4) Name, address, telephone number, fax number of the owner and/or developer.~~
  - ~~(5) Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 100 feet), stated and shown graphically. The zoning administrator may approve a different scale.~~
  - ~~(6) Provide legend of all abbreviations.~~
  - ~~(7) Provide an index of sheets if more than one sheet is provided.~~
  - ~~(8) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~
  - ~~(9) Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.~~
  - ~~(10) Show property lines with bearings and distances of the subject property. Provide a matching warranty deed and legal description of property (if applicable).~~
  - ~~(11) Provide zoning district and property owners name and/or subdivision name of all adjacent properties.~~
  - ~~(12) Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.~~
  - ~~(13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
  - ~~(14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
  - ~~(15) Provide information regarding the preliminary plat, including date of approval by the planning commission and exact wording of any related conditions of approval.~~
  - ~~(16) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line.~~
  - ~~(17) Provide the area of each lot and the contiguous area (if applicable, see section 104-597) to the 1/100 th acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.~~

- ~~(18) — Indicate how lots will be served by water and sewage disposal. Indicate the location of fire hydrants (if applicable). If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(19) — Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(20) — Indicate the location of a cemetery (if applicable, see chapter 106: cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(21) — The plat shall show all parcels of land to be dedicated to any Local, State, or Federal governmental agency for public purpose (i.e., public parks, fire stations, public schools, etc.).~~
- ~~(22) — Indicate the boundaries and area to 1/100 th acre for any common areas including signage. Label as "Common Area—Not a Building Lot" or "Signage."~~
- ~~(23) — Indicate the boundaries and area for any Developed Residential Recreational/Amenity Areas. Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."~~
- ~~(24) — Show all existing streets on and/or adjacent to property. Label right-of-way widths. Label street names. Provide right-of-way dedication, as needed.~~
- ~~(25) — Georgia Plat Act. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position that can be identified or relocated from maps, plats, and other documents on public record.~~
- ~~(26) — Georgia Plat Act. State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.~~
- ~~(27) — Surveying. Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the area length, radius, chord length, and chord bearing.~~
- ~~(28) — Surveying. Street centerline curve data shall include the deflection angle (delta), radius, length, and tangent.~~
- ~~(29) — Surveying. The final plat shall contain the location, bearing, and length of every street line, lot line, boundary line, and easement line, whether curved or straight. All dimensions shall be shown in feet and decimals to the nearest 1/100 th of a foot, and all angles shall be shown to the nearest second. The error of closure shall require accuracy of at least one in 10,000.~~
- ~~(30) — Corner lot. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~
- ~~(31) — Street length. Indicate the length of each street in the subdivision.~~
- ~~(32) — Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.~~
- ~~(33) — Delineate and label all stormwater easements as required in article XIV of this chapter.~~
- ~~(34) — Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~
- ~~(35) — Delineate and label all base flood elevations, both natural and manmade. Reference the sources of any flood hazard data shown on the final plat.~~



- ~~(36) Establish a minimum finished floor elevation (MFFE) as required in the floodplain management ordinance.~~
- ~~(37) Delineate all jurisdictional wetlands. Identify the source of the wetland delineation.~~
- ~~(38) Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on common property.~~
- ~~(39) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(40) The final plat shall show the accurate location, material, and description of all monuments. A permanent master bench mark shall be established within the site. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.~~
- ~~(41) Statements and/or certificates. Provide the following statements and/or certificates, if applicable:~~
- ~~a. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area on each individual lot or in a legend.~~
  - ~~b. Georgia Plat Act. Show the closure precision of the field survey. "The field data upon which this map or 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."~~
  - ~~c. Georgia Plat Act. Show the closure precision of the data shown on the plat. "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet."~~
  - ~~d. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."~~
  - ~~e. "As per Flood Insurance Rate Map Number \_\_\_\_\_ dated \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, this site (does or does not) lie within a flood hazard zone."~~
  - ~~f. Stormwater management inspection and maintenance.~~

~~The property conveyed herein is subject to the restrictive covenants of the Homeowners Association and an Inspection and Maintenance Agreement for stormwater management Controls recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the county, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County stormwater management department.~~
  - ~~g. Wetlands.~~

~~Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.~~
  - ~~h. Owner's certificate.~~

~~We, the undersigned owners of the \_\_\_\_\_ Subdivision, hereby dedicate the rights-of-way for public use, and/or reserve for public use the easements and other ground shown on this plat.~~

~~We, the undersigned owners, understand this Final Plat and any Maintenance Bond and/or Irrevocable Letter-of-Credit shall expire and thus become void if the Final Plat is not recorded into the Fayette county Clerk of Superior Court records within 90 calendar days ( \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ ) of the date of approval by the Planning Commission.~~

_____	_____
Owner	Date
_____	_____
Owner	Date

-

~~i. Surveyor's certificate.~~

~~I hereby certify 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 and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.~~

By:	
_____ GA Registered Land Surveyor Signature and Registration/License Number	_____ Date

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~~j. Engineer's certificate.~~

~~I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.~~

By:	
_____ GA Professional Engineer Signature and Registration/License Number	_____ Date

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~~k. Wetland delineator's certificate.~~

~~I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property ☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.~~

~~\_\_\_\_\_  
Signature of Wetland Delineator~~

~~\_\_\_\_\_  
Company Address & Telephone~~

~~l. Level III soil survey.~~

~~I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

<del>_____ Signature of Soil Classifier</del>	<del>_____ Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers</del>
<del>_____ Company Address &amp; Telephone</del>	

-

~~m. Preliminary plat certificate.~~

~~I hereby certify that all the applicable requirements of the Fayette County Subdivision Regulations relative to the preparation and submission of a preliminary plat have been fully complied with.~~

<del>_____ GA Registered Land Surveyor/Professional Engineer/Landscape Architect—Signature and Registration/License Number</del>	<del>_____ Date</del>
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~~n. Approvals. The following spaces shall be provided on the Final Plat in the form listed below for approval by all agencies having jurisdiction:~~

<del>Approved by Fayette County Environmental Health Department.</del>		
Date _____	Signed _____	_____ Environmental Health Specialist
<del>Approved by Fayette County stormwater management department.</del>		
Date _____	Signed _____	_____ Stormwater Management Director
<del>Approved by the Fayette County Engineer.</del>		
Date _____	Signed _____	_____ County Engineer
<del>Approved by the Fayette County Planning Commission on: _____.</del>		
Date _____	Signed _____	_____ Secretary
<del>Approved by the Fayette County zoning administrator.</del>		
Date _____	Signed _____	_____ Zoning Administrator
<del>Approved by Fayette County fire marshal. All fire hydrants located as shown.</del>		
Date _____	Signed _____	_____ Fire Marshal

1. The title block shall state: "Major Final Plat of . . ." A revision to a final plat must state "Revised Major Final Plat of . . ." and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
2. Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
3. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
4. Provide a legend for all abbreviations.
5. Provide an index of sheets if more than one (1) sheet is provided.

6. Provide signature blocks for County approval: Environmental Health, Environmental Management, County Engineer, Planning Commission Secretary, Zoning Administrator, and Fire Marshal (§ 5-2.3 of Subdivision Regulations).
7. Provide name, address, and telephone number of owner and/or developer.
8. Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
9. Show all land lot lines; land district lines; land section lines; and city and county boundaries intersecting or adjacent to the property
10. Show exterior property lines with bearings and distances of subject property.
11. Provide zoning and property owner name and/or subdivision name of all adjacent properties.
12. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
14. Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
15. Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
16. Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.
17. All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77).
18. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
19. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
20. Indicate all existing structures and buildings and label as “to remain” or “to be removed”. Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc.

Provide a note if there are no existing structures, buildings, or improvements on the subject property.

21. The plat shall show all parcels of land to be dedicated to the County for public use.
22. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".
23. Indicate the boundaries and area to 1/100th acre for any proposed Developed Residential Recreational/Amenity Areas (see Sec 100-169 of the Zoning Ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
24. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3)) (Note: Correct Sages checklist)
25. Provide the following statements on the face of the plat.

**OWNER'S CERTIFICATE**

We, the undersigned owner(s) and/or mortgagee(s) of the \_\_\_\_\_ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the right-of-way of all new streets and within the required right-of-way all existing streets adjacent to the subdivision as indicated hereon, are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no costs to Fayette County upon recordation of said Final Plat with the Fayette.

(Note: Correct Sages checklist)

County Clerk of Superior Court.

Owner Date Mortgagee

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

**LEVEL III SOIL SURVEY**

I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Signature of Soil Classifier \_\_\_\_\_

Company Address & Telephone \_\_\_\_\_

Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer  
Registration No.

Registration Numbers/License Numbers

\_\_\_\_\_



26. Georgia Rule – Show the direction and distance from a point of reference to a point on the boundary of the survey. 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.
27. Plat Act – The date(s) of field work, plat preparation and all subsequent revisions including a brief explanation of each revision.
28. Georgia Rule – Show the closure precision of the field survey. This may be stated as follows: “The field data upon which this map or 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.”

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.

29. Georgia Rule – Show the closure precision of the data shown on the plat. The closure may be stated as follows: “This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.”
30. Georgia Rule – For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat

When GPS equipment is used in performing the survey.

A note stating what portion (or all) of the survey was performed using GPS equipment. Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used.

Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.

A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.

31. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
32. Surveying – Street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
33. Surveying – Lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.

34. Corner Lots – Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
35. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development Regulations – Article III.) (Note: Correct Sages checklist)
36. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development Regulations – Article III.) (Note: Correct Sages checklist)
37. Show all existing and proposed streets on and adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
38. Street Length – Indicate the length of each street in the Subdivision.
39. Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
40. Provide the following statements on the face of the plat.

#### SURVEYOR'S CERTIFICATE

I hereby certify 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 and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_

GA Registered Land Surveyor – Signature and License Number    Date

#### ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_

GA Professional Engineer – Signature and License Number    Date

#### Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned

land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

41. Monuments – Show the location, material and description of all monuments.
42. Monuments – Provide a permanent benchmark on site, per §5-2.5 of the Subdivision Regulations
43. Easements – Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property
44. State Waters – Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters
45. Watershed Protection – Delineate watershed protection buffers and setbacks per Article VII of the Development Regulations. Label as “Watershed Protection Buffer” and “Watershed Protection Setback”. Show the 1,000-ft watershed protection impact boundary, if applicable
46. Floodplain – Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
47. Floodplain – Delineate and label all flood hazard areas (natural and man-made). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat
48. Floodplain – Indicate the minimum finish floor elevation (MFFE) at least 3 ft above the 100-year flood elevation or 1 ft above the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: “Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study
49. Wetlands – Delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. “Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.”

50. Stormwater – Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project’s Inspection and Maintenance Agreement for Stormwater Management Controls. Stormwater controls shall be on common property
51. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property.
52. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
53. Include the following statement: “Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.”.
54. Include the following statements on the face of the plat:

#### STORMWATER MANAGEMENT INSPECTION & MAINTENANCE

The property conveyed herein is subject to the restrictive covenants of the \_\_\_\_\_ Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book \_\_\_, page \_\_\_. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Environmental Management Department.

#### WETLAND DELINEATION

I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator\_\_\_\_\_

Company Address & Telephone\_\_\_\_\_

55. Label proposed street names and address numbers on each lot for each street frontage(s).
56. Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
57. Indicate and label the location of all water lines in the right-of way.  
(NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

- ~~e. Dedication of right-of-way. Each approved final plat shall include thereon the following statements, as applicable:~~
- ~~1. All that property contained within the right of way of (insert name of new street[s] within the subdivision), said roads having at least a minimum of (fill in) foot right-of-way as indicated hereon, are hereby deeded to the county, a political subdivision of the state, at no cost to the county, upon recordation of said final plat into the county clerk of superior court records.~~
  - ~~2. All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way, (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and are hereby deeded to the county, a political subdivision of the state, at no cost to the county, upon recordation of said final plat into the county clerk of superior court records.~~
- p. Submittals. The following submittals and checks shall be satisfied prior to final plat approval, as applicable.
1. Core sample report (development regulations, article III of this chapter).
  2. Soil density tests (development regulations, article III of this chapter).
  3. Utilities-power, gas, and water installed (development regulations, article III of this chapter).
  4. Stormwater management plan (development regulations, article XIII of this chapter).
  5. Stormwater operations and management plan (development regulations, article XIV of this chapter).
  6. Storm sewer installation report (development regulations, article III of this chapter).

7. Stormwater management inspection and maintenance agreement (development regulations, article XIII of this chapter).
  8. Stormwater as-built plan (development regulations, article XIV of this chapter).
  9. Performance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount \_\_\_\_\_.
  10. Maintenance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount \_\_\_\_\_.
  11. Engineering department final inspection. (Call department to schedule.)
  12. Submit a soil map indicating the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.
- q. Other considerations.
1. An application may be submitted to the planning and zoning department for the board of commissioners' authorization of motorized cart use in the subdivision after recordation of the final plat (see chapter 26, motor vehicles and traffic and the home page [www.fayettecountyga.gov](http://www.fayettecountyga.gov) for application).
  2. A petition may be submitted to the ~~stormwater~~ environmental management department for the board of commissioners' authorization for the subdivision to become a street light district after recordation of the final plat (chapter 20, article II, pertaining to street lights).
- (c) *The minor ~~subdivision final plat~~.* The minor ~~subdivision final~~ plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements ~~(see minor subdivision plat checklist under forms at [www.fayettecountyga.gov](http://www.fayettecountyga.gov)).~~ Sheet design: The minor ~~subdivision final~~ plat and/or a revision to a recorded minor ~~subdivision final~~ plat shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches drawn in permanent ink on one or more sheets of paper vellum or Mylar measuring 17 inches by 22 inches. ~~When two or more sheets are used, a key map shall be shown with each sheet.~~ The following shall be indicated on the minor ~~subdivision final~~ plat;
- ~~(1) The title block shall state: "minor subdivision plat of \_\_\_\_\_." A revision to a minor subdivision plat must state "Revised minor subdivision plat of \_\_\_\_\_"; purpose and date of revision; and date, plat book, and page number of the previously recorded minor subdivision plat.~~
  - ~~(2) The title block shall show the name of the proposed subdivision, county, state, land lots, and districts.~~
  - ~~(3) Name, address, telephone number, fax number of the engineer, surveyor, and/or landscape architect including seal, signature, and the state registration number.~~
  - ~~(4) Name, address, telephone number, fax number of the owner and/or developer.~~
  - ~~(5) Indicate date of plat preparation; provide scale of drawing (not to exceed one inch equals 200 feet), stated and shown graphically. The zoning administrator may approve a different scale.~~
  - ~~(6) Provide legend of all abbreviations.~~
  - ~~(7) Provide an index of sheets if more than one sheet is provided.~~
  - ~~(8) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.~~



- ~~(9) Show all land lot lines; land district lines; and city and/or county boundaries intersecting or adjacent to the subject property.~~
- ~~(10) Show property lines with bearings and distances of the subject property. Provide a matching warranty deed and legal description of property (if applicable).~~
- ~~(11) Provide zoning district and property owners name and/or subdivision name of all adjacent properties.~~
- ~~(12) Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.~~
- ~~(13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum floor area; minimum lot width at the building line; total acreage of subject property; and total number of lots.~~
- ~~(14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).~~
- ~~(15) All applicable zoning regulations shall be indicated on the minor subdivision plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each individual lot or in a legend.~~
- ~~(16) Provide the area of each lot and the contiguous area (if applicable, see section 104-597) to the 1/100 th acre; label the lot numbers; label street addresses; show the bearings and distances of all lot lines; and identify the parent tract, if applicable.~~
- ~~(17) Indicate how lots will be served by water and sewage disposal. If county water is not available, indicate how subdivision will be served (i.e., individual well/septic tank).~~
- ~~(18) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements in terms of any new property lines. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.~~
- ~~(19) Indicate the location of a cemetery (if applicable, see chapter 106, cemeteries, burial grounds, human remains, and burial objects).~~
- ~~(20) The plat shall show all parcels of land purposed to be dedicated to any local, state, or federal governmental agency for public purpose (i.e., public parks, fire stations, public schools, etc.).~~
- ~~(21) Indicate the boundaries and area to 1/100 th acre for any proposed common areas including signage. Label as "Common Area Not a Building Lot" or "Signage."~~
- ~~(22) Show all existing streets adjacent to subject property. Label street names and right-of-way widths. Provide right-of-way dedication, as needed.~~
- ~~(23) Georgia Plat Act. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, and other documents on public record.~~
- ~~(24) Georgia Plat Act. State the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.~~
- ~~(25) Surveying. Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the area length, radius, chord length, and chord bearing.~~
- ~~(26) Corner lots. Fillet (20-foot radius) or chamfer corner property lines at street intersections.~~

- ~~(27) Delineate and label all state waters requiring watershed protection buffers and setbacks within the subdivision. Delineate and label all state waters adjacent to the subdivision where any watershed buffers and/or setbacks extend into the subdivision property. Provide a note if there are no state waters requiring a buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."~~
- ~~(28) Delineate and label all base flood elevations both natural and manmade. Reference the sources of any flood hazard data shown on the minor subdivision plat.~~
- ~~(29) Establish a minimum finish floor elevation (MFFE) as required in the floodplain management ordinance.~~
- ~~(30) Delineate all jurisdictional wetlands per the national wetlands inventory. A more detailed study may be required by the stormwater management director dependent on field conditions. Provide a note if the inventory indicates there are no wetlands present.~~
- ~~(31) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.~~
- ~~(32) Indicate the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for Level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~
- ~~(33) The minor subdivision plat shall show the accurate location, material, and description of all monuments. The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.~~
- ~~(34) Statements and/or certificates. Provide the following statements and/or certificates, if applicable:~~
- ~~a. "Each residential building lot has a minimum contiguous area that is free and clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind." Indicate the contiguous area (in acres) on each individual lot or in a legend.~~
  - ~~b. Georgia Plat Act. Show the closure precision of the field survey. "The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_\_\_ foot and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule."~~
  - ~~c. Georgia Plat Act. Show the closure precision of the data shown on the plat. "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ foot."~~
  - ~~d. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."~~
  - ~~e. "As per Flood Insurance Rate Map Number \_\_\_\_\_ dated (\_\_\_\_/\_\_\_\_/\_\_\_\_), this site (does or does not) lie within a flood hazard zone."~~
  - ~~f. Wetlands. Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.~~
  - ~~g. Owner's certificate.~~

~~We, the undersigned owners of the \_\_\_\_\_ Subdivision, hereby dedicate the rights-of-way for public use, and/or reserve for public use the easements and other ground shown on this plat.~~

~~We the undersigned owners understand this Minor Subdivision Plat and any Maintenance Bond and/or Irrevocable Letter of Credit shall expire and thus become void if~~

~~the Minor Subdivision Plat is not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days ( \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ ) of the date of approval by the Planning Commission.~~

<del>_____</del>	<del>_____</del>
<del>Owner</del>	<del>Date</del>
<del>_____</del>	<del>_____</del>
<del>Owner</del>	<del>Date</del>

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~~h. — Surveyor's certificate.~~

~~I hereby certify 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 and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.~~

<del>_____</del> <del>GA Registered Land Surveyor — Signature and Registration/License Number</del>	<del>_____</del> <del>Date</del>
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~~i. — Engineer's certificate.~~

~~I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Plans; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.~~

<del>_____</del> <del>GA Professional Engineer — Signature and Registration/License Number</del>	<del>_____</del> <del>Date</del>
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~~j. — Level III soil survey.~~

~~I, \_\_\_\_\_ (name) \_\_\_\_\_ do hereby certify that the Level III soil survey information provided on this plat was performed by \_\_\_\_\_ (company name) \_\_\_\_\_ in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

<div>_____</div> <div>Signature of Soil Classifier</div>	<div>_____</div> <div>Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer</div> <div>Registration No. _____</div> <div>Registration Numbers/License Numbers _____</div>
<div>_____</div> <div>Company Address &amp; Telephone</div>	

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k. ~~Approvals. The following spaces shall be provided on the minor subdivision plat in the form listed below for approval by all agencies having jurisdiction:~~

Approved by Fayette County Environmental Health Department.		
Date _____	Signed	<div>_____</div> <div>Environmental Health Specialist</div>
Approved by Fayette County stormwater management department.		
Date _____	Signed	<div>_____</div> <div>Stormwater Management Director</div>
Approved by the Fayette County Engineer.		
Date _____	Signed	<div>_____</div> <div>County Engineer</div>
Approved by the Fayette County Planning Commission on: _____.		
Date _____	Signed	<div>_____</div> <div>Secretary</div>
Approved by the Fayette County zoning administrator.		
Date _____	Signed	<div>_____</div> <div>Zoning Administrator</div>

Approved by Fayette County fire marshal. All fire hydrants located as shown.		
Date _____	Signed _____	_____ Fire Marshal

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~~I. Dedication of right-of-way. Each approved minor subdivision plat shall include thereon the following statements, as applicable:~~

~~All that property contained within the required right-of-way of (insert name of existing street) having a minimum required (fill in) foot right-of-way (fill in) feet shall be dedicated to create a minimum (fill in) foot right-of-way as measured from the centerline. Said right-of-way shall be indicated hereon and is hereby deeded to the county, a political subdivision of the state, at no costs to the county, upon recordation of said minor subdivision plat into the county clerk of superior court records.~~

(Code 1992, § 8-504; Ord. No. 2010-05, § 1, 6-24-2010)

1. The title block shall state: "Minor ~~Subdivision~~ Final Plat of . . ." A revision to a minor subdivision plat must state "Revised Minor ~~Subdivision~~ Final Plat of . . ." and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
2. Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
3. Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
4. Provide a legend for all abbreviations.
5. Provide an index of sheets if more than one (1) sheet is provided.
6. Provide signature blocks for County approval: Environmental Health, Environmental Management, County Engineer, Planning Commission Secretary, Zoning Administrator, and Fire Marshal (§ 5-2.3 of Subdivision Regulations).
7. Provide name, address, and telephone number of owner and/or developer.
8. Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.

9. Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
10. Show exterior property lines with bearings and distances of subject property.
11. Provide zoning and property owner name and/or subdivision name of all adjacent properties.
12. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
13. Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and minimum house size.
14. Provide total acreage of tract and total number of lots.
15. Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
16. All applicable zoning regulations shall be indicated on the minor final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77 of the Zoning Ordinance).
17. Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
18. Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
19. Identify all existing structures and features and label as "to remain" or "to be removed". Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
20. Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot".
21. Contiguous Areas – Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See Sec. 104-597. (3))
22. Provide the following statement on the face of the plat.

**OWNER'S CERTIFICATE**

We, the undersigned owner(s) and/or mortgagee(s) of the \_\_\_\_\_ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the required right-of-way of all new

streets and all existing streets adjacent to the subdivision as indicated hereon, are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no costs to Fayette County upon recordation of said Minor Subdivision Plat with the Fayette County Clerk of Superior Court.

Owner Date Mortgagee Date

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

### LEVEL III SOIL SURVEY

I, (name) do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Signature of Soil Classifier \_\_\_\_\_  
Company Address & Telephone \_\_\_\_\_

Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer  
Registration No.  
Registration Numbers/License Numbers

\_\_\_\_\_  
Sec. 104-597. - Minimum standards.

23. Georgia Rule – Show the direction and distance from a point of reference to a point on the boundary of the survey. 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.
24. Georgia Rule – Show the closure precision of the field survey. This may be stated as follows: “The field data upon which this map or 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.”

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.

25. Georgia Rule – Show the closure precision of the data shown on the plat. The closure may be stated as follows: “This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.”

26. Georgia Rule – For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.  
When GPS equipment is used in performing the survey.  
A note stating what portion (or all) of the survey was performed using GPS equipment  
Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used  
Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.  
A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.
27. Surveying – Provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
28. Surveying – Street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
29. Surveying – Lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.
30. Corner Lots – Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections, including existing road intersections forming a portion of the parcel boundary being subdivided.
31. Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development Regulations – Article III.)
32. Show all existing streets adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
33. Provide the following statements on the face of the plat.

#### SURVEYOR'S CERTIFICATE

I hereby certify 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 and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: \_\_\_\_\_

GA Registered Land Surveyor – Signature and License Number    Date

#### ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved



Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: \_\_\_\_\_

GA Professional Engineer – Signature and License Number    Date

Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

34. Monuments – Show the location, material and description of all monuments.
35. Monuments – Provide a permanent benchmark on site, per §5-2.5 of the Subdivision Regulations
36. Easements – Show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property
37. State Waters – Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters
38. Watershed Protection – Delineate watershed protection buffers and setbacks per Article VII of the Development Regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback". Show the 1,000-ft watershed protection impact boundary, if applicable
39. Floodplain – Provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
40. Floodplain – Delineate and label all flood hazard areas (natural and man-made). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat
41. Floodplain – Indicate the minimum finish floor elevation (MFFE) at least 3 ft above the 100-year flood elevation or 1 ft about the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette

County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study

42. Wetlands – Delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. “Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.”
43. Stormwater – Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.).
44. Delineate any groundwater recharge areas as required in the Groundwater Area Protection Ordinance. Provide a note if there is no groundwater recharge areas on the property
45. Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
46. Include the following statement: “Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.”
47. Include the following statement on the face of the plat:

#### WETLAND DELINEATION

I, (name) of (organization) do hereby certify that I have field inspected the property known as (subdivision name) on (date) and determined that the property contains (?) or does not contain (?) jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

Signature of Wetland Delineator\_\_\_\_\_

Company Address & Telephone\_\_\_\_\_

48. Indicate and label the location of all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
49. Indicate and label the location of all water lines in the right-of way.  
(NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)

The following design standards are in addition to applicable federal, state, and local ordinances, including, but not limited to: the county zoning ordinance, the county development regulations, and the county sign ordinance.

- (1) *Subdivision access.* Where the subdivision does not immediately access an existing public street (county or state owned and/or maintained), the subdivider shall provide access via a new public street or private street which complies with the minimum county standards to an existing public street. Any upgrades to existing public streets to provide adequate access to the subdivision shall be the responsibility of the subdivider. The county engineer or public works director shall determine if any necessary upgrades to the existing public streets are required prior to approving construction of the subdivision.
- (2) *Easements.* All easements shall be shown on the final plat or minor subdivision plat and meet the following standards where applicable.
  - a. Where possible, water lines shall be located outside the curb line on the west and south sides of streets; sewer and gas lines shall be on the east and north sides;
  - b. Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of 20 feet. The water system may require a greater width if determined necessary for maintenance or construction;
  - c. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
  - d. Drainage easements shall be provided as required in article VIII of this chapter.
- (3) *Contiguous areas for residential development.* Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. ~~The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.~~ **(Note: coordinate any changes with zoning ordinance.)**

Zoning District	Minimum Contiguous Area (ac)
District	Free & Clear (ac)
A-R	<del>2.0</del> 0.6
EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50,	<del>1.3</del> 0.3

R-45, R-40, R-20, DR-15, & C-S	
<del>R-85, R-80</del>	<del>1.5</del>
<del>R-78, R-75, R-72, R-70</del>	<del>0.9</del>
<del>R-55, R-50, R-45, R-40, R-20, DR-15, C-S</del>	<del>0.6<sup>1</sup></del>
<del>R-55, R-50, R-45, R-40, R-20, DR-15, C-S</del>	<del>0.3<sup>2</sup></del>

~~<sup>1</sup>Where public water is not available (lots have individual wells)~~

~~<sup>2</sup>Where public water is available~~

- (4) *Corporate limits.* Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.
- (5) *Street layout and design.*
  - a. *Subdivision entrances and street length.* No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the county engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.
  - b. *Right-of-way.* Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the development regulations.
  - c. *Corner lots.* Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two, non-parallel property lines with a third beveled line). The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
  - d. *Curb radius.* The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are dictated by the county development regulations and/or the state department of transportation.
  - e. *Dead-end streets, half-street and alleys.* Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
  - f. *Elbows.* Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The "elbow" portion of the intersection shall be

designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.

- g. *Intersections.* The center lines of no more than two streets shall intersect at any one point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.
  - h. *Stub street.* Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the subdivision up to the property line creating a stub street. Said stub street shall be indicated on the preliminary plat and final plat and labeled "Temporary Stub Street." Connecting stub streets shall maintain the same name and be terminated with a temporary turnaround as necessary.
- (6) *Subdivision names.* A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous **and internally connected by a street** to the subdivision bearing the proposed name and with the same or more restrictive zoning, ~~and covenants and restrictions as the subdivision previously bearing such name.~~ In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the planning commission. Whenever a new subdivision is permitted by the planning commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.
- (7) *Additional right-of-way.* If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the county thoroughfare plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the county by the subdivider.
- (8) *Provisions for public use.* In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land shall be located in accordance with the comprehensive plan. The acquisition of such land shall rest with the proper authority.

(Code 1992, § 8-505; Ord. of 3-23-2006; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-598. - Minimum requirements.

- (a) *General.* The subdivider shall provide public improvements as required by all applicable county regulations, specifications, and requirements.
- (b) *Curbs and gutter.* The subdivider shall install curb and gutter and proper drainage as required by county specifications.
- (c) *Monuments.* The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18-inches long and driven to a minimum depth of 12 inches.
- (d) *Water supply and sanitary sewerage.* Every lot within a proposed subdivision shall have an approved supply of adequate water and an approved sewage disposal system, as determined by the county water system and the environmental health county manager.
- (e) *Public water facilities.* Where public water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.

Number of	Minimum Distance from
-----------	-----------------------

Lots	Water Line*
6 or more	2,500 feet

For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.

\*Measured along public right-of-way to closest point on property.

Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system. (Ordinance No. 2000-14)

- (f) *Fire hydrants.* Standard fire hydrants will be provided at the spacing specified by chapter 12, Fire Prevention and Protection. Design standards shall be as specified by the American Water Works Association.
- (g) *Sanitary sewer.* When a public sewage disposal system is not available, the county environmental health department shall review the preliminary and final plat of a subdivision to determine the feasibility for individual on-site sewage disposal systems. After approval of the final plat ~~or minor subdivision plat~~ of the subdivision, on-site sewage disposal system permit applications must be submitted to the county environmental health department for each individual lot for review and approval. If the lots of a subdivision are to be served by individual subsurface wells, the on-site sewage disposal permit application must indicate the location of the well and on-site sewage disposal system. The subsurface well must be setback at least 100 feet from any on-site sewage disposal system and drainfields.
- (h) *Stormwater drainage.* The subdivider shall provide adequate stormwater drainage in accordance with all applicable county regulations and specifications.
- (i) *Grassing and erosion control.* Proper erosion control measures must be in place throughout the entire phase of construction and must also be in place prior to final plat approval. Permanent grass must also be established on all disturbed areas prior to final plat approval. However, proper temporary erosion control measures and performance bonds can be substituted for a permanent stand of grass during the final plat inspection.
- (j) *Approval of permits.* Building permits may be issued for a phase of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the applicable departments approves the improvements in said phase and it is determined that the lots to be built upon are completely served by the improvements in the completed phase as if it were a separate subdivision.
- (k) *Utilities.* The subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable county requirements. The utilities shall be located as specified by the development regulations. Power and water utilities must be installed, if available in the area, prior to final plat approval. All of the minimum improvements listed in this section of the article must be completed and inspected prior to final plat approval with the exceptions of the installation of utilities in nonresidential subdivisions.

(Code 1992, § 8-506; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-599. - Provisions for recording of final plats prior to completion of minimum improvements.

(a) *Performance bond or irrevocable letter of credit.* The following improvements shall be made after the recordation of a **major** final plat if a performance bond or irrevocable letter-of-credit is provided that meets the standards set hereafter.

- (1) Paving the top layer (top course) of asphalt on one or more roads within the subdivision; and/or
- (2) Meeting permanent stabilization requirements within the proposed right-of-way.

Other than those items listed above, all minimum improvements within the subdivision shall be completed and accepted in accordance with the approved construction plans, the county development regulations, and the subdivision regulations prior to the recordation of a final plat, acceptance shall be determined by the county engineer, the director of utilities, and the **stormwater environmental** management director based on a field inspection of the project and/or review of required submittals. Work to be completed after the recordation of a **major** final plat shall be guaranteed by either a performance bond or an irrevocable letter of credit and the documents shall be filed with the county engineer prior to his signature on the **major** final plat.

(b) *Criteria for performance bonds or irrevocable letter of credit for paving.* The amount of the bond or irrevocable letter-of-credit needed for paving shall be the sum of material, labor, equipment, and repair estimates, as determined by the county engineer, using the following guidelines:

- (1) Material costs equal 150 percent of current cost estimate for tack and asphalt;
- (2) Labor and equipment equals 20 percent of material costs; and
- (3) Repairs to binder and base equals 20 percent of material cost.

Additional costs shall be included for unusual circumstances. Performance bonds/irrevocable letters of credit for paving shall be considered only if coring of the asphalt binder and base, as required by the development regulations, demonstrate the work was completed per the approved construction plans and county standards. Paving work shall be completed within two years of recording the **major** final plat unless an extension is provided by the county engineer. The bonds/irrevocable letters of credit shall not be released until all repairs and paving work are done in accordance with the approved construction plans and the work is accepted by the county engineer.

(c) *Criteria for performance bonds for permanent stabilization.* The amount of the performance bond or irrevocable letter of credit needed for permanent stabilization shall be the sum of material, labor, equipment, and repair estimates, as determined by the **stormwater environmental** management department. At a minimum, the cost estimate shall include all best management practices required to bring the project into compliance with the approved soil erosion and sediment control plan. Additional costs may be included for unusual circumstances. Performance bonds/irrevocable letters of credit for stabilization will be considered only if the **stormwater environmental** management director determines that current weather patterns and the season make permanent stabilization infeasible at this time. Stabilization work shall be completed within one year of recording the **major** final plat. The performance bonds/irrevocable letters of credit shall not be released until all areas of concern are stabilized in accordance with the approved construction plans and the work is accepted by the **stormwater environmental** management director.

(d) *Conditions thereof.*

- (1) Performance bonds or irrevocable letters of credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to this section, shall be accepted by the county engineer provided that the subdivider, his heirs, successors and assigns, and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these regulations. The subdivider will save the county from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and



installation. Before acceptance of any performance bond or irrevocable letter-of-credit for paving, the county engineer may, at his direction, have the county attorney review said instrument. A bond shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

- (2) Duration and release. Performance bonds and/or irrevocable letters of credit posted pursuant to the regulations shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted.
- (3) Default. If the construction or installation of any improvements or facilities for which a bond or irrevocable letter of credit is posted is not completed within three months after substantial completion of any building or structures which said improvements of facilities are designed to serve, or if said construction or installations not in accordance with the applicable specifications and requirements, the county may proceed to construct, install, or modify said improvements of facilities in accordance with the applicable specifications and requirements. In either the case of a bond or an irrevocable letter of credit, the county shall make whatever claims and/or drafts are necessary in order to obtain the funds necessary to so construct or install said improvements of facilities. The default provisions of this section, shall not apply when the governing body acts to permit the subdivider to remove his subdivision from the land records of the county in accordance with the provisions of these regulations.

(Code 1992, § 8-507; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-600. - Acceptance and guarantee of completed minimum improvements; completion.

The following requirements shall be satisfied prior to approval of the final plat by the applicable departments:

- (1) *Submittals.* The subdivider shall provide to the county all applicable submittals as required in the county's development regulations. A detailed list of the specific submittals and contact information for the applicable departments responsible for review and approval of each submittal is available from the county ~~stormwater environmental~~ management department.
- (2) *Final inspections.* Upon completion of all minimum improvements, the subdivider shall notify the departments listed on the final plat checklist and request a field inspection. The subdivider is responsible for correcting all deficiencies identified during the final inspections. Improvements shall not be accepted unless they conform to the approved construction plans and all applicable federal, state and local requirements (see forms for final plat checklist at [www.fayettedecountyga.gov](http://www.fayettedecountyga.gov)).
- (3) *Maintenance bond/irrevocable letter of credit.* The subdivider shall provide to the county engineer, a maintenance bond or an irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two years. For purposes of bond/irrevocable letter of credit determination, "minimum improvements" includes all materials and work within the proposed right-of-way plus any part of the storm sewer infrastructure serving the subdivision. This includes, but is not limited to: storm pipe, open ditches, headwalls, stormwater management ponds, etc. The subdivider shall be responsible for making any needed repairs to the road or other "minimum improvements" as defined above within the two-year bonding period. Notification of needed repairs may be provided by the county to the subdivider at any time during the bonding period. If the subdivider does not make the necessary repairs within 90 calendar days of said notification, the county engineer shall claim funds from the bond or irrevocable letter of credit to adequately reimburse the county for its cost associated with having the repairs made by a contractor or the appropriate county department. Regardless of project size, the minimum maintenance bond/irrevocable letter of credit is \$5,000.00. If a final plat becomes void, as may happen if not recorded into the county clerk of superior court records within 90 calendar days of approval by the planning commission,



the existing maintenance bond/irrevocable letter of credit is also void and a new maintenance bond/irrevocable letter of credit will be required prior to approval of the new final plat.

- (4) *Ownership.* Upon recordation of the final plat ~~or minor subdivision plat~~, subsequent to approval by the planning commission, the county shall accept ownership of any street ~~right-of-way~~ or other real property shown upon the final plat ~~or minor subdivision plat~~.
- (5) *Attorney review.* Before acceptance of any maintenance bond or irrevocable letter of credit, the county engineer may, at his direction, have the county attorney review said instrument. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

(Code 1992, § 8-508; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-601. - Violations and penalties.

(a) *Violations.*

- (1) It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.
- (2) It shall be unlawful to record a subdivision plat, or once recorded, to make any changes, with the exception of minor revisions to a recorded plat or minor subdivision plat, thereon whatsoever which have not been approved by the planning commission in accordance with the provisions of all applicable regulations.

- (b) *Penalties.* Any person or persons, firm or corporation or association of persons who shall knowingly divide and offer for sale any real estate in violation of the terms or provisions of this article shall, upon conviction therefore in state court, be punished as provided by this Code.

(Code 1992, § 8-509; Ord. No. 2010-05, § 1, 6-24-2010)

Sec. 104-602. - ~~Legal status.~~ Amendment.

- ~~(a) Amendment.~~ The board of commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the county at least 15 calendar days prior to such meeting.

Sec. 104-603. - Variance or appeal.

- (a) *Variance ~~or appeal~~.* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance ~~to the subdivision regulations. or an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement. If the planning commission does not grant the variance or appeal, the property owner may then appeal to the board of commissioners.~~ A variance may be granted in an individual case upon a finding by the planning commission that all of the following criteria as applicable to the request exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
  - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and

- (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.
- (b) *Appeal*. A property owner may petition the planning commission for an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement of the subdivision regulations.
- (c) *Writ of certiorari" (appeal)*. An appellant/petitioner has 30 calendar days from the date of the planning commission's decision to seek a "writ of certiorari" (appeal) with the superior court of the county.

(Code 1992, § 8-510; Ord. No. 2010-05, § 1, 6-24-2010)

**Sec. 110-60. - Conflicting requirements.**

The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the regulations and ordinances which govern the development of land. To that end it is understood there may be conflicting requirements between the Fayette County Zoning Ordinance and the Subdivision Regulations and/or the Development Regulations. Should any requirements of the Subdivision Regulations and/or Development Regulations conflict within this chapter, the Subdivision Regulations and/or Development Regulations shall control. Should any requirements conflict within this chapter ~~or with any other county requirements~~, the most restrictive shall apply.

**Sec. 110-79. - Residential accessory structures and their uses.**

- (a) The following residential accessory structures are permitted in A-R, all residential zoning districts and properties regulated under Sec. 110-169, pertaining to "Conditional use approval - Single-family residence and residential accessory structures and/or uses".

- (1) Well/pump house;
- (2) Guesthouse;
- (3) Greenhouse, permanent or temporary (see (n) temporary greenhouse);
- (4) Swimming pool, hot tub, pool deck, pool equipment enclosure **structure**, and pool screen enclosure;
- (5) Garage;
- (6) Recreational court;
- (7) Gazebo;
- (8) Cabana/pool house, boat house, **detached** covered patio, and **detached** covered deck;
- (9) Storage building;
- (10) Carport;
- (11) Solar panel (ground-mounted);
- (12) Wind turbine/windmill (ground-mounted);
- (13) Aircraft hangar, detached (see article V of this chapter);
- (14) Dog house and dog pen/run;
- (15) Playhouse/**treehouse**;
- (16) Outdoor kitchen and/or fireplace;
- (17) Patio; and
- (18) Underground storm shelter.

These regulations shall not apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and Sec. 110-169, pertaining to "Conditional use approval", of this chapter. A semi-trailer/box truck utilized as a farm outbuilding as regulated under Sec. 110-125, pertaining to "A-R, Agricultural-Residential District", and horse quarters, as regulated under

Sec. 110-169, pertaining to "Conditional use approval". These regulations shall not apply to structures associated with nonresidential uses allowed in A-R and residential zoning districts.

- (b) *Structure limitations.* Construction of a residential accessory structure shall occur concurrently with or after the construction of the principal structure. Residential accessory structures shall not be used as dwelling units or for lodging purposes, except a guesthouse.
- (c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.
  - (1) Residential accessory structures shall be limited to one of the following options:
    - a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or ~~three residential accessory structures, per individual lot,~~ that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres ~~and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind.~~ One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure:
    - b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or
    - c. One residential accessory structure, per individual lot with a minimum of five acres ~~and a minimum contiguous area of two acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100-year floodplain area, and easements of any kind,~~ footprint not to exceed 3,600 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure. ~~Under this option, a residential accessory structure shall be located only to the rear of the principal structure.~~
  - (2) At least 50 percent of the square footage of a residential accessory structure building shall be fully enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.
  - (3) A well/pump house, ~~pool equipment enclosure structure,~~ dog house, or playhouse/~~treehouse~~ consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure or one semi-trailer/box truck (as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District", and section 110-169, pertaining to "Conditional use approval"); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen,

fireplace; patio; underground storm shelter; horse quarters (as regulated under section 110-169, pertaining to "Conditional use approval"), **temporary greenhouse (see (o) below)**, or beehive shall not be included in determining the number of residential accessory structures provided herein.

- (d) *Location on lot.* Residential accessory structures shall conform to the dimensional requirements within each zoning district. A well/pump house of 70 square feet or less may be located within the setbacks.
- (e) *Residential accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of residential accessory structures.

**No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential accessory structure on a lot in the A-R zoning district which consists of five or more acres.**

- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot.* Said detached garage shall meet the following requirements:
  - a. The detached garage shall not be located more than 35 feet from the principal structure.
  - b. The design of the detached garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
  - c. The detached garage shall have at least one opening for vehicular access.
  - d. The detached garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
    - 1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the detached garage;
    - 2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the detached garage.
- (2) Residential accessory structure located in the secondary front yard of a corner lot. When a residential accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.
- (f) *Guesthouses.* Only one guesthouse is allowed per individual lot (see also Sec. 110-169. w). Any living area included in a residential accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.
  - (g) *Architectural standards.* All residential accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing residential accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming residential accessory structure shall match the architectural design of the existing nonconforming residential accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.
  - (h) *Temporary accessory storage.* Portable on-demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one year. Portable on-demand storage units are defined as any container, storage unit, or other portable structure, other than a residential accessory structure, complying with this Section, used to store household items. Only two portable on-demand storage units are allowed per lot.
  - (i) *Carport.* The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.
  - (j) *Cabana/pool house, boat house, detached covered patio, and detached covered deck.* The cabana, detached covered patio, and detached covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one story, and comply with the architectural standards for a residential accessory structure of 200 square feet or greater.
  - (k) *Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure.* The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material and shall be exempt from the architectural requirements herein.

- (l) *Solar panels (ground-mounted).* Ground-mounted solar panels shall be limited to three per lot, the total cumulative square footage of ground-mounted solar panels shall not exceed 900 square feet, shall not exceed ten feet in height, shall comply with the required setbacks, and shall comply with the location of an accessory structure/use. Ground-mounted solar panels consisting of ~~less than~~ 200 cumulative square feet, ~~or less~~, shall not count toward the number of accessory structures/uses. Ground-mounted solar panels consisting of ~~more than~~ 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as one accessory structure/use.
- (m) *Wind turbines/windmill (ground-mounted).* Wind turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine, including the blades, or the applicable zoning district setbacks, whichever are greater. Each lot is limited to one ground-mounted wind turbine/windmill. The ground-mounted wind turbine/windmill shall not count toward the number of accessory structures/uses. All anchors for guyed towers shall meet the setbacks for the applicable zoning districts.
- (n) *Nonconformance.* All residential accessory structures or uses which had a building permit issued prior to January 24, 2008, are legally nonconforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All residential accessory structures or uses permitted after January 24, 2008, shall comply with the current requirements.
- (o) *Temporary greenhouse.* Temporary greenhouses shall not exceed ten feet in height. Each lot is limited to one temporary greenhouse. The side yard setback shall be a minimum of 30 feet or the minimum side yard setback of the applicable zoning district, whichever is greater, and the rear yard setback shall be a minimum of 50 feet or the minimum rear yard setback of the applicable zoning district, whichever is greater. The maximum square footage for temporary greenhouses shall be as follows:

Acreage	Square Feet
< 2	600
2 to < 3	800
3 to < 4	1,000
4 to < 5	1,200
5 or greater	2,400

Temporary greenhouses shall be maintained in good condition and the covering shall not be torn and tattered. Temporary greenhouses shall only be used for the purpose of growing or storing plants. Temporary greenhouses shall be exempt from subsections (c)(2) and subsection ~~(f)~~ (g) of this section. ~~One temporary greenhouse of 120 or less square feet on a lot shall not~~



~~count toward the total square footage or number of accessory structures for that lot.~~ Greenhouses built in the A-R zoning district as regulated under article V of this chapter shall be exempt from these requirements.

A temporary greenhouse permit will be required for all temporary greenhouses prior to construction. Scaled drawings shall be submitted to the planning and zoning department which shall include, but not be limited to: temporary greenhouse elevations including height and total square footage and location on the lot including the distance from the property lines.

**Sec. 110-81. - Walls, fences, and entrance structures located in a front yard in A-R and all residential zoning districts and residential and nonresidential subdivision entrance walls and fences.**

(e) Exemptions. The following shall be exempt from the above requirements:

- (1) In any residential zoning district where horses are kept in accordance with article V of this chapter, a wall or fence made of chainlink or other wire materials ~~including barbed wire and electric fences~~ is exempt from the four-foot maximum height requirement and shall not exceed a maximum of five feet in height in a front yard.

**Sec. 110-105. - Standards for telecommunications antennas and towers.**

(d) *General requirements.*

- (1) Towers and tower facilities shall be on a lot which meets the minimum requirements for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.
- (2) Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
  - a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus ten feet.
  - b. All towers shall be set back from all adjoining properties zoned nonresidential a distance of 100 feet.
  - c. All towers shall be set back from the street right-of-way (existing or required, whichever is greater) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see chapter 104, development regulations).
  - d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three times the tower height or a minimum of 500 feet, whichever is greater.
  - e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.

~~f. All towers shall be set back from all adjacent municipalities and counties a minimum distance of 1,000 feet.~~



### **Sec. 110-107. Mail Cluster Box Units (CBUs)**

CBUs and associated shelter structures shall be prohibited within the public right-of-way and shall not be placed on private property within a subdivision. CBUs shall be placed on a lot (see Sec. 110-170., (c)) under the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision. Any shelter structure shall fit within the aforementioned lot. Mail CBUs do not have to meet setbacks.

### **Sec. 110-126. - C-S, Conservation Subdivision District.**

- (a) *Purpose.* The intent of this section is to create a residential conservation subdivision procedure. A conservation subdivision is a residential subdivision where lots are reduced in size and clustered to protect the natural attributes of the site and provide open space. This open space will be protected from development in perpetuity and will be utilized to protect water quality, water bodies, wetlands, riparian buffers, woodlands, archaeological resources, historic resources, agricultural areas and scenic areas. This open space will also provide flood protection, a reduction in soil erosion and be utilized for recreation. The aforementioned attributes should be taken into consideration in the design of the subdivision. The first step in designing a conservation subdivision is to locate and delineate the area and natural attributes to be preserved. The residential lots are located outside of this area. In addition, the clustering of lots can result in lower infrastructure costs both for installation and maintenance. The creation of the conservation subdivision (C-S) zoning district is to assist the county in fulfilling the goal of permanently protecting greenspace in the county. The conservation subdivision zoning district is intended for those areas designated Low Density Residential (~~one 1 Unit/one to two 1 Acres~~) and Rural Residential - 2 (~~one 1 Unit/two to three 2 Acres~~) and Rural Residential - 3 (1 Unit/3 Acres) on the county future land use plan map.
- (b) *Rezoning requirements.* The following is required for a rezoning petition for the conservation subdivision zoning district in addition to what is normally required for a rezoning petition:
  - (1) A petition for the conservation subdivision zoning district will require a yield plan. The number of lots allowed in a conservation subdivision will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the R-70 zoning district in those areas designated Low Density Residential (1 Unit/1 Acre) and Rural Residential - 2 (1 Unit/2 Acres) on the county future land use plan map and the based on the dimensional requirements of the R-80 zoning district in those areas designated Rural Residential - 3 (1 Unit/3 Acres) on the county future land use plan map. This concept is referred to as neutral density. The yield plan shall contain the check list requirements available in the planning and zoning department ~~office of the zoning administrator~~. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.
  - (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a

revision of the development plan shall be supported by a written statement as to why the revisions are necessary. Each conservation subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements. In addition to what is normally required on the development plan, the development plan shall include the following:

- a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
  - b. A delineation of the residential area and the conservation area including the acreage within each area;
  - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
  - d. Indicate and label existing structures to remain.
- (c) *Uses permitted within the residential area of a conservation subdivision.* The following permitted uses shall be allowed in the residential area of the C-S zoning district:
- (1) Single-family dwelling; and
  - (2) Residential accessory structures and uses (see article III of this chapter).
- (d) *Conditional uses permitted within the residential area of a conservation subdivision.* The following conditional uses shall be allowed in the residential area of C-S zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Home occupation;
  - (2) Horse quarters; and
  - (3) Developed residential recreational/amenity areas.
- (e) *Uses permitted within the conservation area of a conservation subdivision.* The following permitted uses and structures shall be allowed in the conservation area of the C-S zoning district:
- (1) Trails and paths (impervious trails and paths are limited to five percent of the conservation area ~~and trails and paths shall comply with the watershed protection ordinance~~);
  - (2) Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic areas and one covered picnic pavilion are required to be set back 50 feet from any residential property line and are limited to five percent of the conservation area. The covered picnic pavilion shall be limited to a maximum of 900 square feet;
  - (3) Community gardens for the use of the residents of the subdivision only;
  - (4) The maintenance of existing orchards and groves including the harvesting of fruit and nuts;

- (5) The maintenance of existing pastures including the harvesting of hay; and
- (6) The maintenance of existing farm fields used for row crops including the harvesting of crops.
- (7) Stormwater management facilities per chapter 104, article XIV. - Post-Development Stormwater Management for New Development and Redevelopment and mail CBU's with associated shelter structures.

~~Said fields shall be outside of~~ All improvements within the conservation area shall comply with watershed protection areas as described in chapter 104, article VII Watershed Protection. ~~All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with subsection (e)(5) of this section.~~

- (f) *Dimensional requirements.* The minimum dimensional requirements within the residential area in the C-S zoning district shall be as follows:
  - (1) Lot area per dwelling unit:
    - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre) **only within an area designated Low Density Residential and Rural Residential - 2 .**
    - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1½ acres) **within an area designated Low Density Residential and Rural Residential - 2 .**
    - c. **Within an area designated Rural Residential - 3: 65,340 square feet (1½ acres).**
  - (2) Lot width per dwelling unit:
    - a. Major thoroughfare:
      - 1. Arterial: 150 feet.
      - 2. Collector: 150 feet.
    - b. Minor thoroughfare: 125 feet.
  - (3) Floor area: 2,100 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 100 feet.
      - 2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 30 feet.
  - (6) Side yard setback: 20 feet.
  - (7) Height limit: 35 feet.

- (g) *Use of existing structure.* The preservation of existing historic residential structures listed in the architectural survey of the county is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the zoning board of appeals in terms of nonconformance with this zoning district.
- (h) *Conservation area requirements.* The conservation area of the subdivision shall meet the following requirements:
  - (1) *Ownership.* Title to the conservation area shall be conveyed to one of the following entities:
    - a. A homeowners' association that has been established according to the Georgia Property Owners' Association Act (O.C.G.A. § 44-3-220 et seq.); or
    - b. A conservation trust organization approved by the county board of commissioners; or
    - c. The county board of commissioners (for conservation areas with no structures only).
  - (2) *Size.* Each development eligible for treatment as a conservation subdivision shall place at least 40 percent of the total subject property into the conservation area notwithstanding the yield plan. This area shall be described by metes and bounds.
  - (3) *Permanent protection.* Each conservation area regardless of ownership shall have a conservation easement as approved by the county attorney filed in the records of the county clerk of superior court. The **conservation** easement shall reserve the conservation area to conservation uses as defined herein in perpetuity.

#### **Sec. 110-127. - EST, Estate Residential District.**

- (a) *Purpose.* An estate residential subdivision is a residential subdivision where lots are reduced in size and clustered to provide conservation area. Each estate residential subdivision will consist of two areas, a residential area and a conservation area. The conservation area will be protected from development in perpetuity by an easement or deed restriction. The conservation area will be utilized for approved recreation for the residents of the subdivision. The clustering of lots can result in lower infrastructure costs both for installation and maintenance. The estate residential zoning district is intended for those areas designated agricultural-residential (one unit/five acres) on the county land use plan map. The creation of the EST Estate Residential District is to assist the county in permanently protecting greenspace in the county.
- (b) *Rezoning requirements.* The following is required for a rezoning petition for the estate residential zoning district in addition to what is normally required for a rezoning petition:
  - (1) A petition for the estate residential zoning district will require a yield plan. The number of lots allowed in an estate residential zoning district will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the

A-R zoning district. This concept is referred to as neutral density. The yield plan shall contain the checklist requirements available in the ~~planning and zoning department office of the zoning administrator~~. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.

- (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary. Each EST subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas, including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as, agricultural areas existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements. In addition to what is normally required on the development plan, the development plan shall include the following:
  - a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
  - b. A delineation of the residential area and the conservation area including the approximate acreage within each area;
  - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
  - d. Indicate and label existing structures to remain.
- (c) *Rezoning requirements.* The following is required for a rezoning petition for the conservation subdivision zoning district in addition to what is normally required for a rezoning petition:
  - (1) A petition for the conservation subdivision zoning district will require a yield plan. The number of lots allowed in a conservation subdivision will be determined by a yield plan which is a conventional subdivision design based on the dimensional requirements of the ~~R-70~~ A-R zoning district. This concept is referred to as neutral density. The yield plan shall contain the check list requirements available in the office of the zoning administrator. Staff analysis of the yield plan will add an additional month to the normal rezoning schedule. The rezoning petition shall not be filed with the planning and zoning department until the yield plan has been approved by the applicable departments.
  - (2) A development plan shall be required for the rezoning petition. The development plan, as approved, shall establish the layout and uses planned for the development. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the

revisions are necessary. Each conservation subdivision shall consist of two areas: the residential area and the conservation area. The conservation area will consist of the environmentally sensitive areas including waterways, water bodies, watershed protection areas, floodplains, wetlands, riparian buffers and woodlands, as well as agricultural areas, existing agricultural structures and historical structures. The conservation area will remain in a natural and undisturbed state with minimal improvements and will be regulated in a manner consistent with the Georgia Greenspace Program requirements to the greatest degree possible. In addition to what is normally required on the development plan, the development plan shall include the following:

- a. A delineation of the attributes (see subsection (a) of this section) of the site which will be preserved;
  - b. A delineation of the residential area and the conservation area, including the acreage within each area;
  - c. Uses and improvements planned for the conservation area with the acreage devoted to each; and
  - d. Indicate and label existing structures to remain.
- (d) *Uses permitted within the residential area of an estate residential subdivision.* The following permitted uses shall be allowed in the residential area of the estate residential zoning district:
- (1) Single-family dwelling; and
  - (2) Residential accessory structures and uses (see article III of this chapter).
- (e) *Conditional uses.* The following conditional uses shall be allowed in the residential area of EST zoning district, provided that all conditions specified in article V of this chapter are met:
- (1) Developed residential recreational/amenity areas;
  - (2) Home occupation; and
  - (3) Horse quarters.
- (f) *Uses permitted within the conservation area of an estate residential subdivision.* The following permitted uses and structures shall be allowed in the conservation area of the estate residential zoning district:
- (1) Trails and paths (impervious trails and paths are limited to five percent of the conservation area ~~and trails and paths shall comply with chapter 104, article VII~~);
  - (2) Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic areas and one covered picnic pavilion are required to be setback 50 feet from any residential property line and are limited to five percent of the conservation area. The covered picnic pavilion shall not exceed a maximum of 900 square feet;
  - (3) Community gardens for the use of the residents of the subdivision only;
  - (4) The maintenance of existing orchards and groves including the harvesting of fruit and nuts;
  - (5) The maintenance of existing pastures including the harvesting of hay; and

- (6) The maintenance of existing farm fields used for row crops including the harvesting of crops.
- (7) Stormwater management facilities per chapter 104, article XIV. - Post-Development Stormwater Management for New Development and Redevelopment and mail CBUs with associated shelter structures.

~~Said fields shall be outside of~~ All improvements within the conservation area shall comply with watershed protection areas as described in chapter 104, article VII Watershed Protection. ~~All areas within a watershed protection area can no longer be used for row crops. The area within a watershed protection area could be used in accordance with subsection (e)(5) of this section.~~

- (g) *Dimensional requirements.* The minimum dimensional requirements within the residential area in the estate residential zoning district shall be as follows:
  - (1) Lot area per dwelling unit: 108,900 square feet (2.5 acres).
  - (2) Lot width per dwelling unit: 160 feet.
  - (3) Floor area: 2,500 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 100 feet.
      - 2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 50 feet.
  - (6) Side yard setback: 25 feet.
  - (7) Height limit: 35 feet.
- (h) *Use of existing structure.* The preservation of existing historic residential structures listed in the architectural Survey of the county is encouraged as these structures can be used as residences or community facilities for the subdivision. Existing residential structures used for a community facility shall meet all applicable building and safety codes and will be regulated as a conditional use under developed residential recreational/amenity areas. The preservation of existing agricultural structures is also encouraged as they will assist in maintaining a rural character. The use of these residential and agricultural structures will be subject to the approval of the zoning board of appeals in terms of nonconformance with this zoning district.
- (i) *Conservation area requirements.* The conservation area of the subdivision shall meet the following requirements:
  - (1) *Ownership.* Title to the conservation area shall be conveyed to one of the following entities:
    - a. A homeowners' association that has been established according to the Georgia Property Owners' Association Act (O.C.G.A. § 44-3-220 et seq.);



- b. A conservation trust organization approved by the county board of commissioners;  
or
  - c. The county board of commissioners (for conservation areas with no structures only).
- (2) *Size.* A minimum of 40 percent of the total subject property shall be set aside in conservation area. The conservation area described in its entirety by metes and bounds, total acreage and percentage of total subject property shall be submitted to the county zoning department in the final plat or minor subdivision plat stage prior to final plat or minor subdivision plat approval.
- (3) *Permanent protection.* Each conservation area regardless of ownership shall have a ~~easement-conservation easement or deed restriction~~ as approved by the county attorney filed in the records of the county clerk of superior court. The easement or deed restriction shall reserve the conservation area to uses as defined herein in perpetuity.

**Sec. 110-128. - R-85, Single-Family Residential District.**

- (a) *Description of district.* This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following uses shall be permitted in the R-85 zoning district:
- (1) Single-family dwelling;
  - (2) Residential accessory structures and uses (see article III of this chapter); and
  - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-85 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
  - (2) Developed residential recreational/amenity areas;
  - (3) Home occupation;
  - (4) Horse quarters; and
  - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-85 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 130,680 square feet (three acres).
  - (2) Lot width: ~~125~~ 175 feet.
  - (3) Floor area: 3,000 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:



1. Arterial: 100 feet.
2. Collector: 75 feet.
- b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: ~~25~~ 30 feet.
- (7) Height limit: 35 feet.

#### **Sec. 110-142. - O-I, Office-Institutional District**

##### **(h) State Route 54 West Special Development District**

(2) On parcels zoned O-I with a minimum of five (5) acres the following expanded business uses are allowed:

- i Internal access self-storage facility
  - (i) No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet. **The facility may contain one (1) on-site single-family dwelling unit.**

#### **Sec. 110-144. - C-H, Highway Commercial District.**

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
  - (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement or recreational facility, indoor or outdoor;
  - (3) Appliance sales, **installation** and/or repair;
  - (4) Armories, for meetings and training military organizations;
  - (5) Art studio;
  - (6) ~~Auto/vehicle repair parts, tire store/installation, brake installation, muffler repair, off change, tune-up, and emission testing facilities.~~ All service, repairs and diagnostics shall be conducted within an enclosed building;
  - (7) Bakery;
  - (8) Bank and/or financial institution;
  - (9) Banquet hall/event facility;

- (10) Bookbinding;
- (11) Building/development, contracting, and related activities, (~~e.g., including, but not limited to:~~ door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
- (12) Bus passenger station (pick-up and drop-off only);
- (13) Cabinet manufacturing, sales, repair and/or installation;
- (14) Car wash and/or detailing facility;
- (15) Catering service;
- (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (17) Clothing store and/or variety store;
- (18) College and/or university, including classrooms and/or administration only;
- (19) Copy shop;
- (20) Cultural facility;
- (21) Day spa;
- (22) Department store;
- (23) Drug store;
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral home;
- (34) Gift shop;
- (35) Glass sales;

- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-all;

- (66) Restaurant, including drive-in and/or drive-through;
  - (67) Retail establishment;
  - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
  - (69) Tattoo parlor;
  - (70) Taxidermist;
  - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
  - (72) Television/movie studio;
  - (73) Upholstery shop; and
  - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
  - (2) Amphitheater;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Automobile, truck, farm equipment, or motorcycle sales and incidental repairs;
  - (5) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
  - (6) Campground facilities;
  - (7) Care home, convalescent center, and/or nursing home;
  - (8) Cemetery;
  - (9) Charter motor coach service;
  - (10) Church and/or other place of worship;
  - (11) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
  - (12) Commercial driving range and related accessories;
  - (13) Child care facility;
  - (14) Dry cleaning plant;
  - (15) Experimental laboratory;
  - (16) Golf course (minimum 18-hole regulation) and related accessories;
  - (17) Home occupation;
  - (18) Horse show, rodeo, carnival, and/or community fair;
  - (19) Hospital;
  - (20) Laundromat, self-service or otherwise;

- (21) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
  - (22) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
  - (23) Religious tent meeting;
  - (24) Seasonal sales, outdoor;
  - (25) Self-storage facility (external access);
  - (26) Self-storage facility (internal access);
  - ~~(26 27)~~ Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
  - ~~(27 28)~~ Shooting range, indoor;
  - ~~(28 29)~~ Stadium, athletic; and
  - ~~(29 30)~~ Temporary tent sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 75 feet.
      - 2. Collector: 70 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 15 feet.
  - (5) Side yard setback: 15 feet.
  - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
  - (7) Height limit: 35 feet.
  - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
  - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

**Sec. 110-146. - M-1, Light Industrial District.**

- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
  - (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
  - (3) Appliance sales and/or repair;
  - (4) Architectural and/or design firms;
  - (5) Armories, for meeting and training of military organizations;
  - (6) Automobile, truck, farm equipment, and heavy equipment sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop;
  - (7) Blueprinting and/or graphics service;
  - (8) Bookbinding;
  - (9) Building construction/contracting and related activities;
  - (10) Building supply sales;
  - (11) Bus passenger station;
  - (12) Cabinet manufacturing, sales, repair, and/or installation;
  - (13) Carwash and/or detailing facility;
  - (14) Charter motor coach service;
  - (15) Copy shop;
  - (16) Dental laboratory;
  - (17) Delivery and/or courier service;
  - (18) Electronic sales and/or repair;
  - (19) Emission testing facility (inside only);
  - (20) Engineering firms;
  - (21) Engraving;
  - (22) Farmer's market;
  - (23) Feed and/or fertilizer sales;

- (24) Firearm sales and/or gunsmith;
- (25) Flooring sales and/or installation;
- (26) Freezer locker service;
- (27) Freight express office;
- (28) Furniture store;
- (29) Glass sales;
- (30) Grading service;
- (31) Greenhouse;
- (32) Home furnishings and accessories;
- (33) Horse show and equine activity facilities;
- (34) Ice storage;
- (35) Insecticide sales and/or storage;
- (36) Janitorial service and/or supply;
- (37) Land development firms;
- (38) Land surveying service;
- (39) Landscaping service;
- (40) Light manufacturing, including the following:
  - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
  - b. Assembly of products from previously prepared materials;
  - c. Bottling and/or canning plant;
  - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
  - e. Construction of signs, including painted signs;
  - f. Cooperage;
  - g. Ice manufacturing;
  - h. Laundry, cleaning and/or dying plants;
  - i. Light sheet metal products such as ventilating ducts and eaves;
  - j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
  - k. Machine/welding shop and related activities;
  - l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;

- m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
  - n. Tinsmith and/or roofing service;
  - o. **Concrete, gravel and/or mulch production and/or distribution;**
- (41) Locksmith;
  - (42) Magazine publication and/or distribution;
  - (43) Medical laboratory;
  - (44) Manufactured home and/or building assembly and/or sales;
  - (45) Newspaper publication and/or distribution;
  - (46) Office equipment service and repair;
  - (47) Parking garage/lot;
  - (48) Pest control;
  - (49) Petroleum bulk plant (storage);
  - (50) Photostating;
  - (51) Planing and/or saw mill;
  - (52) Plant nursery, growing crops/garden and related sales;
  - (53) Printing plant;
  - (54) Radio studio;
  - (55) Railroad freight station;
  - (56) Railroad passenger station;
  - (57) Rent-alls;
  - (58) Restaurants (drive-in/drive-through prohibited);
  - (59) Restaurant supply;
  - (60) Rodeo/rodeo facilities;
  - (61) Seed sales and/or storage;
  - (62) Security system service;
  - (63) Shell home display;
  - (64) Solar farm;
  - (65) Taxidermist;
  - (66) Taxi service/limousine service/shuttle service/charter motor coach service;
  - (67) Television/movie studio/media productions;
  - (68) Tire sales;
  - (69) Trade school;



- (70) Uniform services;
  - (71) Utility trailer sales and/or rentals;
  - (72) Warehousing and/or distribution;
  - (73) Wholesaling; and
  - (74) Wrecker, towing, impoundment, and/or automotive recovery/transport.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Aircraft landing area;
  - (2) Amphitheatre;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Experimental labs;
  - (5) Feed lot and/or commercial barn;
  - (6) Home occupation;
  - (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
  - (8) Recycling facility;
  - (9) Self-storage facility (external access);
  - (10) Self-storage facility (internal access);
  - ~~(10 11)~~ Shooting range, indoor;
  - ~~(11 12)~~ Shooting range, outdoor;
  - ~~(12 13)~~ Single-family residence and residential accessory structures and uses (see article III of this chapter);
  - ~~(13 14)~~ Stadium, athletic; and
  - ~~(14 15)~~ Wind farm.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 zoning district shall be as follows:
- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 100 feet.

2. Collector: 80 feet.
- b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 25 feet.
- (5) Side yard setback: 25 feet.
- (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
- (7) Height limit: 50 feet.
- (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
- (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).

**Sec. 110-169. - Conditional use approval.**

g. A-R wedding/event facility. The facility shall be utilized for private and public weddings and events by a third party who provides some form of consideration to the owner or his/her agent. The facility shall not be utilized for concerts, sporting events, or vehicle racing. A horse show, rodeo, carnival, community fair, and/or religious tent meeting shall also be allowed as regulated in this article and this section and the most restrictive conditions shall apply. **A business office and/or structures utilized for event preparation and sanitation shall be allowed in conjunction with the A-R wedding and event facility.** Allowed in the A-R zoning district.

1. Minimum lot size: fifteen acres.
2. These facilities shall not be permitted on a lot which accesses a road designated as an internal local road by the county thoroughfare plan and/or the county engineer.
3. Facilities which access an unpaved county-maintained road are limited to 12 weddings/events per calendar year. A wedding/event permit from the planning and zoning department is required prior to holding the wedding/event.
4. A minimum 100 foot setback shall separate all buildings and areas utilized for wedding sand events from any abutting residential zoning district. Otherwise all buildings and areas utilized for weddings and events shall meet the minimum A-R setbacks.

5. Adequate off-street parking shall be required and a 50-foot setback shall separate parking areas from any abutting residential zoning district. A prepared surface is not required for the parking areas. However, any parking area with a prepared surface shall comply with article VIII. Off-street parking and service requirements of the development regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Grassed and gravel parking areas shall be exempt from nonresidential development landscape requirements of the county development regulations. The following is required for gravel parking areas:

- (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
- (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
- (iii) One canopy tree, six feet high at planting, is required per landscape island.

Paved parking areas shall meet Article V, pertaining to "Non-residential development landscape requirements", of the county development regulations.

6. Hours of operation for weddings and events shall be between the hours of 9:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. These hours of operation shall not limit the setup and cleanup time before and after the wedding or event.
7. All structures utilized ~~for~~ in association with weddings and events shall meet all applicable building and fire codes.
8. Sanitation facilities shall be approved by the environmental health department.
9. Food service shall meet all state and local requirements.
10. Tourist accommodations shall not be allowed in conjunction with an A-R wedding and event facility with exception of an A-R Bed and Breakfast Inn that is compliant with section

110-169 and Article VI, pertaining to "Tourist Accommodations", of Chapter 8 of the County Code.

11. Tents shall require county fire marshal approval, as applicable.

12. A site plan meeting the full requirements of the county development regulations is not required. A sketch, drawn to scale on a survey of the lot depicting all existing buildings and specific areas utilized for weddings and events shall be required. The survey shall also depict FEMA and MNGWPD floodplain and elevations, and watershed protection buffers and setbacks as applicable. In the event that 5,000 or more square feet of impervious surface is added in conjunction with a wedding and event facility, a site plan compliant with stormwater requirements of the county development regulations shall be required. The site will be exempt from the nonresidential development landscaper requirements and tree retention, protection, and replacement of the county development regulations. A site located on a state route shall comply with the applicable transportation corridor overlay zone (Sec. 110-173) with the exception of the architectural standards.

rr. Self-storage facility (**external access**). Allowed in M-1 and C-H zoning districts.

1. The maximum size of a storage bay shall be ~~550~~ 600 square feet. **The facility may contain one (1) on-site single-family dwelling unit.**
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of **fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern** ~~brick, stone, stucco, or similar building materials compatible with the area~~. The transportation corridor overlay zone **architectural requirements** shall **apply control** when applicable.
3. Aisle ways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisle ways shall be 25 feet as measured from the closest part of the structure including any overhang.
4. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage shall have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and shall

be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angled parking.

5. All outdoor lighting shall be shielded away from adjacent residential uses.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

?? Self-storage facility (internal access). Allowed in M-1 and C-H zoning districts.

1. No direct exterior access to individual storage units shall be allowed, all individual storage unit access shall be internal - the maximum size of an individual storage unit shall be 600 square feet. The facility may contain one (1) on-site single-family dwelling unit.
2. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco), or metal siding which establishes a horizontal pattern. The transportation corridor overlay zone shall control when applicable.
3. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing a street. Vehicle loading/unloading bays on the side of the self-storage facility shall require a canopy.
4. No outside storage of materials or equipment shall be allowed.
5. A vehicle, boat, and/or trailer storage structure shall be fully enclosed.
6. No exterior loudspeakers or paging equipment shall be permitted on the site.

t. *Developed residential recreational/amenity areas, including, but not limited to: club house, pool, tennis/sports courts, sports fields, playground, mail CBUs and picnic area.* Allowed in subdivisions in the A-R, EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, **PUD-PRD** and C-S zoning districts, with final plat or minor subdivision plat approval.

1. Lot area: Per zoning district.
2. Said area shall be shown on the preliminary plat and final plat or minor subdivision plat and labeled as follows: "Not a residential building lot, for recreational purposes only."
3. Landscape areas shall be required and planted in accordance with chapter 104.
4. In addition to the required landscape areas, a six-foot landscape area shall be required along the rear property line where adjacent to an A-R or residential zoning district and planted in accordance with side yard requirements in chapter 104.

5. Paved parking area is required per chapter 104.
  - ~~6. No activity and lighting permitted after 10:00 p.m.~~
  7. The construction of one open air pavilion up to 900 square feet utilized for picnics and social gatherings shall be allowed.
- w. Farm outbuildings, including horse stables, auxiliary structures, and greenhouses. Allowed in the A-R zoning district. These aforementioned buildings/structures shall be exempt from [Sec. 110-79](#), pertaining to "Residential accessory structures and their uses".
1. Farm outbuilding. All structures permitted in this category shall be structures related to a bona fide farming operation and shall be utilized as a barn for livestock, storing farm equipment, and any other agricultural purposes.
  2. Greenhouses. All structures permitted in this category shall be structures related to a bona fide cultivation or production of landscape planting materials.
  3. Horse stables. All structures permitted in this category shall be related to the bona fide shelter and/or boarding of horses. Riding lessons and boarding only shall be permitted; however, a site plan shall be required for these uses.
  4. Auxiliary structures. All structures permitted in this category shall comply with the following:
    - (i) Auxiliary structures shall be utilized for personal use only by the residents of the principal structure.
    - (ii) Auxiliary structures may be utilized as a noncommercial indoor training facility and/or artist studio.
    - (iii) Commercial/retail activity shall not be permitted.
    - (iv) An auxiliary structure shall not be utilized in conjunction with a home occupation.
  5. *Lot size over ten acres, no restriction of size or number of farm outbuildings, horse stables, auxiliary structures, and greenhouses.*
  6. *Lot size five to ten acres, one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet in size.*

7. Lot size two to less than five acres, *one detached farm outbuilding, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 2,600 square feet in size.*
8. Farm outbuildings, auxiliary structures, horse stables and greenhouses may have plumbing and electricity, ~~but shall not be used for residential purposes.~~ A farm outbuilding, auxiliary structure or horse stable may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. Said guesthouse shall meet all applicable building codes. Only one guesthouse is allowed per individual lot (see also Sec. 110-79.). A guesthouse shall not be used as tenant space. Farm outbuildings, ~~auxiliary structures,~~ horse stables, and/or greenhouses may be constructed prior to the principal residential structure.

#### **Sec. 110-170. - Nonconformances.**

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required. Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.
- (b) *Landlocked property.* In the event property is landlocked, as of the effective date of November 13, 1980, the property owner shall be entitled to building permits, provided the property owner has acquired a 20-foot easement to a public street, and said easement has been duly recorded and made a part of the property deed. In the event said property is divided into two or more lots, no further building permits shall be issued until each lot complies with the requirements of street frontage for access.
- (c) *Creation of a legal nonconforming lot for enhancements to a development.* Said lot shall not be utilized for the permitted or conditional uses of the zoning district in which the lot is located and the lot is not required to meet the applicable minimum lot size, lot width, or road frontage requirements. Said enhancements shall include stormwater facilities, ~~tot lots,~~ **pocket parks,** decorative features (such as landscaping, arbors, fences/walls, fountains, sculptures, benches, arches, etc.), signs, **mail Cluster Box Units (CBUs)** and the preservation of historic and agricultural structures for ornamentation (see nonconforming structures). A ~~tot lot pocket park~~ shall **not exceed 10,890 square feet (1/4 acre) in size and shall only be equipped with** may **contain** playground equipment (swing set, slide, teeter totter, monkey bars, sandbox, etc.) intended for small children, **benches and picnic facilities including one (1) covered picnic pavilion not to exceed 400 square feet.** A minimum 15-foot setback shall be maintained ~~for~~

~~any playground equipment within a pocket park~~ or for any historic or agricultural structures utilized for ornamentation. The lot must be labeled "Not a Building Lot" on the preliminary plat and/or the final plat or minor subdivision plat, as applicable. The lot shall be under the ownership of the homeowners' association, property owners' association, or developer/property management entity, as applicable.

**Sec. 110-242. - Powers and duties.**

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
  - (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
  - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance .* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:



- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
- (3) Such conditions are peculiar to the particular piece of property involved; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
- (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

~~In addition to the above factors, if the variance being sought is for an improved lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning district and the lot is an illegal lot as opposed to a nonconforming lot, the zoning board of appeals may consider such a lot for a variance. Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully passes the above enumerated factors, the zoning board of appeals shall also employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:~~

- ~~(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;~~
  - ~~(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and~~
  - ~~(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.~~
- (c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board,

if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.

- (d) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.
- (e) *Request for a change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (f) *Request for an extension or enlargement of the a legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:
  - (1) The use is a legal nonconforming use as defined in these regulations; and
  - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
  - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (g) *Request for a Continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:
  - (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and
  - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
  - (3) Adjacent property would not be unduly damaged by such continuance; and
  - (4) The use is to be identical to the prior legal nonconforming use.
- (h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, ~~In addition to the above factors, if the variance being sought is for an improved~~ an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning ~~district and the lot is an illegal lot as opposed to be a nonconforming lot, the zoning board of appeals may consider such a lot for a variance. Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully passes the above enumerated factors,~~ The zoning board of

appeals shall ~~also~~ employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
  - (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
  - (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.
- (h i) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods; and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
- (i j) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.