



**Long County - City of Ludowici
Planning and Zoning
Land Development Code**

Adopted: February 3, 2015

Long County-City of Ludowici Land Development Code

Table of Contents

CHAPTER 1
GENERAL PROVISIONS.....pg. 3

CHAPTER 2
GENERAL DEFINITIONS.....pg. 6

CHAPTER 3
ADMINISTRATION, AMENDMENTS, HEARINGS, APPEALS AND ENFORCEMENT.....pg. 10

CHAPTER 4
BUILDING REGULATIONS.....pg. 23

CHAPTER 5
ESTABLISHMENT OF A PLANNING AND ZONING BOARD AND BOARD OF APPEALS.pg. 31

CHAPTER 6
SUBDIVISION OF LAND AND REGULATIONS.....pg. 35

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS.....pg. 112

CHAPTER 8
DEVELOPMENT STANDARDS.....pg. 131

CHAPTER 9
TABLE OF USESpg. 135

CHAPTER 10
MANUFACTURED HOUSING REGULATIONS.....pg. 141

CHAPTER 11
SUPPLEMENTARY REGULATIONSpg. 156

CHAPTER 12
SIGN REGULATIONSpg.161

CHAPTER 13
WIRELESS COMMUNICATIONS AND ANTENNAS.....pg. 168

CHAPTER 14
SOLAR REGULATIONSpg. 190

CHAPTER 15
OFF-STREET PARKING AND LOADINGpg. 202

CHAPTER 16
WETLANDS PROTECTION.....pg. 207

CHAPTER 1
GENERAL PROVISIONS

SECTION 1.1. TITLE

This Ordinance shall be known as the "Long County - City of Ludowici Land Development Code". The map herein referred to, which is identified by the title, "Official Protected Long County – City of Ludowici Land Use Area Maps".

SECTION 1.2. JURISDICTION

This Code shall apply to all land and structures within the City of Ludowici and Long County, Georgia.

SECTION 1.3. ENACTMENT

The Ludowici City Council and the Board of County Commissioners of Long County, Georgia, hereby ordain and enact this Code under the exercise of powers conferred upon them by the Georgia State Constitution, Article IX, **SECTION II**, Paragraph IV, Planning and Zoning.

SECTION 1.4. PURPOSE

The Land Development Code and protected residential districts as herein set forth have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Ludowici and Long County, Georgia. The regulations and arrangements of districts have been designed to lessen congestion in the streets, to secure safety from fire, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewer, schools, parks and other public requirements and to encourage the most appropriate use of land throughout the City and unincorporated areas of the County.

SECTION 1.5. SCOPE

This Code of Long County – City of Ludowici, Georgia:

1.5.1. Regulates the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot, which may be occupied; the sizes of yards and other open spaces; the density and distribution of population;

1.5.2. The uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities;

1.5.3. The preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes;

1.5.4. Creates protected residential areas for said purposes and establishes the boundaries thereof;

1.5.5. Provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.

SECTION 1.6. REPEALING PROVISIONS.

If any section, subsection, clause, or provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations, which is not invalid or unconstitutional. Where the provisions of this Code are in conflict with other codes or ordinances, the most restrictive provisions shall be enforced.

SECTION 1.7. EFFECTIVE DATE.

The provisions of this Code are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Ludowici and Long County and are hereby ordered to be given immediate effect from and after the date of its passage.

This Land Development Code shall be in full force effect from and after its passage, approval and publication according to law. Approved and adopted this 31st day of February, 2015 by the Long County Board of Commissioners, Long County, Georgia.

LONG COUNTY BOARD OF COMMISSIONERS

Earl D. Gordon

Chairman

May G. Odum SEAL

Clerk



This Land Development Code shall be in full force effect from and after its passage, approval and publication according to law. Approved and adopted this 10th day of March, 2015 by The Mayor of Ludowici and The Ludowici City Council, Ludowici, Georgia

CITY OF LUDOWICI

James F. Fuller

Mayor

Jina B. Shi SEAL

Clerk

CHAPTER 2

GENERAL DEFINITIONS

General. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Commission. The terms "commission," "county commission," "board of commissioners," "governing authority," and "governing body" shall mean the board of commissioners of LONG County, Georgia.

County. The words "the county" or "this county" shall mean LONG County, Georgia.

Delegation of authority. Whenever a provision appears requiring the head of a department of the county to do some act, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act unless the terms of the provision or SECTION designate otherwise.

Gender. The one gender includes the other genders.

Joint authority. A joint authority given to three (3) or more persons may be executed by a majority of them.

Keeper, proprietor. The words "keeper" and "proprietor" shall include persons, firms, associations, corporations, receivers, trustees, personal representatives, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. The singular or plural number each includes the other.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers, departments. Whenever titles of various officers, departments or other agencies are used, they shall refer to the persons holding such offices, departments or agencies of LONG County, Georgia; and shall include their duly authorized subordinates and representatives.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common or tenant in partnership of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The terms "personal property" shall include every species of property except real property, as herein defined.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Premises. Whenever the word "premises" is used it shall mean place or places.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, school yard or open space adjacent thereto, or any area available and/or accessible to the public, regardless of whether privately or publicly owned.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean the place adopted by a person as such person's place of habitation, and to which, whenever such person is absent, such person has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed such person's residence.

Seal. The word "seal" shall mean the county seal.

Shall, May. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street or road between the curbline and the adjacent property line, intended for the use of pedestrians.

Signature, subscription. The word "signature" or "subscription" of a person shall include a mark of an illiterate or infirm person.

State. The words "the state" or "this state" shall mean the State of Georgia.

Street or road. The word "street" or "road" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Tenant, occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense. The present or past tense includes the future.

Week. The word "week" shall mean seven (7) days.

Long County-City of Ludowici Land Development Code

Written, in writing. The term "written" or "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

CHAPTER 3

ADMINISTRATION, AMENDMENTS, HEARINGS, APPEALS AND ENFORCEMENT

SECTION 3.1. ADMINISTRATION AND INTERPRETATION

It shall be the duty of the Governing Authority to administer and interpret this Code. The Governing Authority or its designee may delegate administrative functions, powers and duties assigned by this Code to other staff as may be appropriate, without the need to reflect such delegation by formal action. To this end, the Governing Authority or its designee is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Code, and to implement the provisions of this Code.

SECTION 3.2. COMPLETE APPLICATION

Any application for action under this Code must be complete before it shall be accepted for processing. Upon receipt of all application materials, the Clerk shall find the application complete and schedule it for hearing, where required, and consideration.

SECTION 3.3. MAP AND TEXT AMENDMENTS

The Governing Authority may from time to time amend the number, shape, boundary, or area of the zoning district map, or it may amend any code or individual SECTION of this Code. The procedure for amending the zoning district map and amendment to any code or SECTION contained in this Code shall be as provided herein.

3.3.1. Initiation of Amendment

A petition to amend this Code or the zoning district map, or an application for a conditional use permit, may be initiated by the Governing Authority, the Planning and Zoning Board, or by any person, firm, or corporation owning property in the local jurisdiction. The property owner's permission is required before a petition for changing the zoning district map can be filed by anyone other than the Governing Authority or the Planning and Zoning Board. Applications for amendment to the zoning district map or the text of this Code shall be accompanied by payment of a filing fee as established by the Governing Authority by ordinance from time to time.

Prior to the initiation of an application by the owner of the subject property, the owner's agent or any entity in which the owner holds an ownership interest greater than 50%, for a special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body shall require the applicant to produce satisfactory evidence that any and all delinquent real estate taxes, nuisance charges, stormwater management utility fees and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

3.3.2. Map Amendment Application Requirements

Each application for a map amendment or conditional use permit shall be accompanied by a legal description of the property and a survey plat of the property, a letter of intent describing the proposed use of the property, an application form supplied by the Clerk, a filing fee as specified from time to time by ordinance of the Governing Authority, and any other information as may be required by this Code or as specified by the Governing Authority or its designee to evaluate compliance with this Code.

3.3.3. Criteria to Consider for Map Amendments

In reviewing, recommending, and acting upon applications for map amendments, the Planning and Zoning Board, and the Governing Authority shall consider the following criteria for approval, conditional approval, or disapproval as appropriate:

Compatibility with Adjacent Uses and Districts: Existing uses and zoning districts of surrounding and nearby properties, whether the proposed zoning district is suitable in light of such existing uses and zoning districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.

Property Value: The existing value of the property contained in the petition under the existing zoning district classification, the extent to which the property value of the

subject property is diminished by the existing zoning district classification, and whether the subject property has a reasonable economic use under the current zoning district.

Suitability: The suitability of the subject property under the existing zoning district classification, and the suitability of the subject property under the proposed zoning district classification of the property.

Vacancy and Marketing: The length of time the property has been vacant or unused as currently used under the current zoning district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.

Evidence of Need: The amount of undeveloped land in the general area affected which has the same zoning district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.

Public Facilities Impacts: Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities and services.

Consistency with Comprehensive Plan: Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.

Other Conditions: Whether there is any other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

SECTION 3.4. CONDITIONAL USES

There are specific land uses permitted in protected residential areas only after a review by the Planning and Zoning Board, a public hearing has been held by the Governing Authority, and the Governing Authority has determined that the use is appropriate based on certain criteria

3.4.1. Criteria to Consider for Conditional Uses

In reviewing, recommending, and acting upon applications for conditional uses, the Planning and Zoning Board, and the Governing Authority shall consider the following criteria for approval or disapproval as appropriate:

Access to the site is appropriate considering the anticipated volume of traffic resulting from the use.

The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.

Hours and manner of operation of the proposed use are not inconsistent with the adjacent or nearby uses.

Public facilities and utilities are capable of adequately serving the proposed use.

The proposed use will not have a significant adverse effect on the level of property values or the health, safety and general welfare and character of adjacent land uses or the general area.

The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.

The proposed use is consistent with the goals and objectives of the comprehensive plan.

Whether or not all pertinent and applicable requirements of this Code, as well as all applicable state and federal laws have been met.

Any other factors deemed relevant to the Planning and Zoning Board or Governing Authority

3.4.2. Application Requirements for a Conditional Use Permit

All applications for uses permitted in a protected residential district for conditional use must also include the following minimum information:

Detailed description of the activities, number of units, and hours of operation of the proposed conditional use;

Proposed starting date of land disturbance or construction, date of completion for all improvements, and use opening or date of first occupancy; and

List of activities undertaken by the developer and subsequent occupant to mitigate all adverse impacts upon the surrounding properties before, during, and after the completion of development activities.

3.4.3 Additional Mitigation Requirements

The Planning and Zoning Board may suggest and the Governing Authority may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.).

As may be necessary to protect the health and safety of workers and residents in the community; and

To protect the value and use of property in the general neighborhood.

3.4.4. Adherence to Requirements

Provided that wherever the Governing Authority shall find in the case of any permit granted pursuant to the provisions of these regulations, non-compliance of any term, condition, or restrictions upon which such permit was granted, the Governing Authority shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

3.4.5. Permit Longevity

Conditional use permission granted by the Governing Authority shall be valid for a period of twelve (12) months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the Governing Authority.

SECTION 3.5. VARIANCE PROCEDURE

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Code would cause an unnecessary hardship, the Planning and Zoning Board may hear a variance and make a recommendation to the Governing Authority, if such variance can be made without destroying the intent of the Land Development Code. Variances must be entered in writing in the minutes of the Governing Authority and the reason for said variance set forth.

3.5.1. Standards

After an application has been submitted to the Building Official, reviewed by the Planning and Zoning Board, and a public hearing has been held by the Planning and

Zoning Board and the Governing Authority, the Governing Authority may grant a variance from the strict application of the provisions in this Code only if at least two (2) of the following findings are made:

That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property;

That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property;

That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

3.5.2. Permit Longevity
After a variance has been granted by the Governing Authority it shall be valid for a period of twelve (12) months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the Governing Authority.

SECTION 3.6. PLANNING AND ZONING BOARD REVIEW AND RECOMMENDATION

The Planning and Zoning Board shall consider all applications to the text of this Code, applications to amend the zoning district map, variances, and applications for conditional use permits. It shall render a recommendation to the Governing Authority on all such applications, and the Planning and Zoning Board's action and recommendation shall be only advisory. The Planning and Zoning Board shall hold a public hearing on all such specified applications and shall conduct its review in accordance with the procedures established herein. The Planning and Zoning Board may recommend approval, approval with conditions, or denial of the application. The Planning and Zoning Board shall render a recommendation following the close of the public hearing or within thirty-two (32) days after the public hearing on the application

has been held. The Governing Authority or its designee shall notify the applicant in writing of the Planning and Zoning Board's action or recommendation within five (5) days of the conclusion of the public hearing and within five (5) days of its recommendation, if not made at the public hearing.

SECTION 3.7. ACTIONS SPECIFIC TO THE GOVERNING AUTHORITY

Before taking action on a proposed amendment and after receipt of the Planning and Zoning Board recommendations and reports thereon, the Governing Authority shall hold a public hearing on the proposed amendment at their next scheduled meeting. So that the purpose of the Land Development Code will be served and so that health, public safety and general welfare will be secured, the Governing Authority may in its legislative discretion:

- 3.7.1. Approve or deny the proposed land development action as submitted;
- 3.7.2. Reduce the land area for which the application is mad
- 3.7.3 Change the protected residential area to one other than that requested; or
- 3.7.4. Add or delete development conditions as the Governing Authority deems appropriate.

An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The Governing Authority may also approve a withdrawal of an application, and if so stipulated by the Governing Authority in its decision to approve withdrawal, the six (6) month limitation on refileing of the application for the same property shall not apply.

SECTION 3.8. PUBLIC HEARING

Within no more than sixty (60) days after the filing of a complete application for which a hearing is required by this Code, a public hearing shall be held on such applications before the appropriate body as required by and in accordance with this Code, before taking action on a proposed application.

3.8.1. Public Hearing Notice

For any proposed text amendment to this Code, any application for a map amendment, and any application for a conditional use permit, a public notice shall be published in a newspaper of general circulation in the local jurisdiction at least fifteen (15) days, but not more than forty-five (45) days prior to the scheduled public hearing. Such notice shall state the purpose, location, time and date of the public hearing, and the nature of said application. For map amendments initiated by a party other than the City or County, the public notice shall specifically include the location of the property, the current zoning district classification of the property, and the proposed zoning district classification of the property. For conditional use applications, the public notice shall specifically include the proposed use of the subject property and the current zoning district classification of the property.

3.8.2. Public Notice Sign on Subject Property

Whenever a map amendment or an application for conditional use is proposed by a party other than the City or County, the Governing Authority or its designee shall post a sign not less than fifteen (15) days prior to the date of the public hearing in a conspicuous place on said property, which shall be not less than twelve (12) square feet in area, and which shall contain information as to the proposed change and the date, time and location of the public hearing before the Public Hearing Body. For map amendments, the sign shall specifically include the current zoning district classification of the property and the proposed zoning district classification of the property. For conditional use applications, the sign shall specifically include the proposed use of the subject property and the current zoning district classification of the property.

3.8.3. Procedures for Conducting Public Hearings

This SECTION establishes procedures which shall, unless the context specifically indicates otherwise, be applicable to the Governing Authority and Planning and Zoning Board (hereafter referred to as the “Public Hearing Body) in the conduct of all public hearings. Public hearings as are herein required shall be governed by the following policies and procedures for conducting public hearings, and the Public Hearing Body shall follow such policies and procedures for the conduct of public hearings, except in cases where it is prudent to dispense with formalities in such cases where due process of the applicant or interested parties will be unaffected. Nothing contained herein shall be construed as prohibiting the Public Hearing Body from conducting the public hearing in an orderly and decorous manner to assure the public hearing on a proposed application is conducted in a fair and orderly manner. These rules shall be public record and shall be made available at the public hearing.

3.8.4. Call of Hearing

The presiding officer of the Public Hearing Body shall indicate that a public hearing has been called for the consideration of said applications. Thereupon, the Public Hearing Body shall consider each application on an individual basis in the order of the published agenda or as otherwise called by the presiding officer.

3.8.5. Report by Governing Authority or its Designee

The presiding officer shall call upon the Clerk or other appropriate staff to make a report, if any, concerning the proposed application. The Governing Authority or its designee or other appropriate staff shall then give the report, if any, for said application.

3.8.6. Presentation by Applicant

The presiding officer shall call on the applicant or applicant’s agent who shall present and explain his application. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality, and/or general welfare.

3.8.7. Determination of Interested Parties

Following the applicant's presentation, the presiding officer may ask for a show of hands of those persons who wish to appear in support of or opposition to the petition. If it appears that the number of persons wishing to appear in support of or opposition to the petition is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Proponents and opponents of each decision shall have at least ten (10) minutes to present data, evidence and opinions on the proposed application.

3.8.8. Public Testimony

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits or liabilities of the proposed application under consideration and shall address his or her remarks only to the Public Hearing Body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate these procedures.

3.8.9. Applicant's Rebuttal

After public testimony, the applicant or applicant's agent shall be allowed a short opportunity for rebuttal and final comment.

3.8.10. Close of Public Hearing

After the above procedures have been completed, the presiding officer will indicate that the public hearing is formally closed, and the public hearing shall not be reopened except upon formal vote of the Public Hearing Body; provided, however, that this provision shall not require the closure of a public hearing where at the discretion of the Public Hearing Body the hearing should be continued at a later time or date.

3.8.11. Recess of Hearing

The Public Hearing Body, for any reason it deems necessary or desirable, may recess or continue a hearing. Upon recessing or continuing a hearing, the Public Hearing Body

shall announce the time, date and place when the hearing or hearings will be resumed and such public announcement shall be considered sufficient notice thereof to all persons.

3.8.12. Vote

After the public hearing is closed, the Public Hearing Body may vote upon the proposed application. Prior to voting, the Public Hearing Body shall consider evidence and public testimony presented at the public hearing, and the Public Hearing Body shall apply the evidence to the applicable criteria specified in this Code for said application. It will not be required that the Public Hearing Body consider every criteria contained in this Code, except for variances where all criteria for approving variances must be met. At such public hearings as herein required to be held by the Governing Authority may enact an ordinance granting the application, or may by motion deny the application at the conclusion of the public hearing, or within a specified time thereafter. If the Governing Authority determines from the evidence presented that the applicant has shown that the proposed application is consistent the applicable criteria for said application, the application shall be granted and such approval may be subject to those reasonable conditions as may be imposed by the Governing Authority.

SECTION 3.9. WITHDRAWAL OF APPLICATION

Any petition for an amendment to the text of this Code, to amend the zoning district map, or for a conditional use permit may be withdrawn at any time prior to the public hearing on said application by the person or entity initiating such a request, upon written notice to the Governing Authority or its designee. In the event of such withdrawal, no filing fee for said application would be refunded by the applicable jurisdiction.

SECTION 3.10. LIMITATION ON NEW APPLICATIONS

In a case where an application for text amendment to this Code, application for map amendment, or application for conditional use is denied by the Governing Authority, or in the case of a variance application that has been denied by the Board of Appeals, the same or substantially similar application shall not be eligible for resubmittal and reconsideration until six (6) months has elapsed from the date of said denial.

SECTION 3.11. APPEAL OF AN ADMINISTRATIVE DECISION OR INTERPRETATION

Any person who alleges that there has been an error in the administration or interpretation of this Code by the Building Official, Planning and Zoning Board, or any other designee, shall have the right to appeal the decision to the Board of Appeals, as more specifically provided in SECTION 5.2 of this Code.

SECTION 3.12. LAND USE PERMIT REQUIRED

Unless specifically exempted or otherwise provided by this Code, no building, sign, or other structure shall be erected, moved, added to, or structurally altered without a Land Use Permit issued by the Governing Authority or its designee. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, land, water, or premises, without a Land Use Permit for such use or occupancy. Unless specifically exempted or otherwise provided by this Code, no land use activity including land disturbance shall be initiated without a Land Use Permit issued by the Governing Authority or its designee, and except in conformity with said Land Use Permit.

**CHAPTER 4
BUILDING REGULATIONS**

SECTION 4.1. INTRODUCTION

4.1.1. Enactment

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly and Ratified by General Election, the Ludowici City Council and the Board of County Commissioners of Long County, Georgia, hereby ordain and enact into law the Long County - Ludowici Building Regulation Ordinance.

4.1.2. Purpose

The building regulations and building contractor certification process as herein set forth have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Ludowici and unincorporated areas of Long County, Georgia. The regulations and requirements provided by this Code have been designed to protect the interests of the residents and property owners of Ludowici and Long County and promote equity in the provision of city and county services.

4.1.3. Scope of this section of the Long County - City of Ludowici Land Development Code:

Regulates the construction of buildings and structures and the persons whom provide construction services for a fee;

Creates a mechanism for regulating persons whom provide construction services for a fee and establishes the rules for construction;

Defines certain terms used herein;

Provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.

4.1.4. Severability and Conflict

If any section, subsection, clause, provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations which is not invalid or unconstitutional. Where the provisions of this Code are in conflict with other ordinances, the most restrictive provisions shall be enforced.

SECTION 4.2. APPOINTMENT OF BUILDING OFFICIAL

The inspections required within the City of Ludowici and unincorporated areas of Long County shall be administered and conducted by the Building Official or agent thereof who shall have the power to enforce his/her duties as stated in SECTION 4.3.

SECTION 4.3. DUTIES OF BUILDING OFFICIAL

The Code Enforcement is conducted by the Building Official or agent thereof. Code enforcement consists of the following duties:

- 4.3.1. To enforce the City and County's technical codes.

- 4.3.2. To approve or disapprove within a reasonable time the building permit applications, and plans, specifications, etc. filed with the county building official's office.

- 4.3.3. To answer questions relative to this Code.

- 4.3.4. To issue permits and collect fees.

- 4.3.5. RESERVED

- 4.3.6 RESERVED

4.3.7. RESERVED

4.3.8. RESERVED

4.3.9. RESERVED

4.3.10. RESERVED

SECTION 4.4. BUILDING AND EXISTING BUILDING CODE ADOPTED

Long County-City of Ludowici Land Development Code

It is the intent of Long County to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

International Building Code

International Mechanical Code

International Gas Code

International Plumbing Code

National Electrical Code

International Fire Prevention Code

International Residential Code/CABO One and Two Family Dwelling Code

Georgia State Energy Code, (CABO Model Energy Code)

The following codes appendices, as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:

International Building Code

International Mechanical Code

International Plumbing Code

International Gas Code

International Fire Prevention Code

International Residential Code/CABO

One and Two Family Dwelling Code

The latest editions as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully. It is the intent of Long County to enforce the latest edition of the following Georgia State

Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

International Property Maintenance Code

International Existing Building Code

In addition to the aforementioned minimum codes and appendices, the Long County Significant Groundwater Recharge Area ordinance will be enforced. A copy of all of the aforementioned codes, appendices and ordinances shall be maintained in the office of the Building Official where they shall be available for inspection by the public during regular business hours.

SECTION 4.5. PERMITS REQUIRED

All permits issued by the Building Official for construction in the City of Ludowici or unincorporated areas of Long County shall be prominently displayed in full view from the nearest public right-of-way at the site of the construction for which the permit is issued.

4.5.1. Building Permit

It shall be unlawful for any person to construct, alter, repair, remove or demolish a building, swimming pool, manufactured home or structure, or to commence same without first making application to the Building Official and obtaining the required permit for the work.

4.6. Issuance of Building Permit

4.6.1. Application for a building permit must be made by the owner, or his agent, accompanied by two (2) sets of plans or blueprints, together with specifications of the work to be done. All applications for a building permit for building a new building or any additions must be accompanied by a plan showing size of lot and portion of lot to be built on and shall show that the lot has been surveyed by a licensed surveyor, or that lot stakes have been placed in position in accordance with such a survey. No work of any nature shall be started until a building permit has been issued. A permit must be secured for all new construction, all alterations and all repairs.

4.6.2 No permit shall be issued until the prescribed fees for same have been paid in accordance with the fee schedule adopted by the Governing Authority. All permit fees are non-refundable.

4.6.3. All construction sites are required to have restroom facilities as well as sufficient containers for collecting all waste and debris created from the construction activities. No inspection shall be conducted until the applicant has provided proof of compliance with these requirements. If during construction such facilities are not provided on site, the building official will issue a stop work order until such compliance is achieved.

4.6.4. Construction must begin within one hundred eighty (180) days from the date of permit issuance; otherwise the permit is null and void.

4.6.5. Any applicant for a building permit shall have the right to appeal to the Governing Authority should the Building Official refuse to approve the issuance of a permit.

SECTION 4.7. CERTIFICATE OF OCCUPANCY

4.7.1. Building Occupancy

A new building shall not be occupied or a change made in occupancy or the nature of the use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Permanent electrical service shall not be connected or re-connected until the Certificate of Occupancy has been issued.

4.7.2. Temporary Occupancy

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A fee as required in SECTION 4.6.2 must be paid prior to issuance of each Temporary Certificate

of Occupancy. Permanent electrical service may be connected at the issuance of a Temporary Certificate of Occupancy.

4.7.3. Existing Buildings

A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with this Code for the occupancy intended. Where necessary, in the opinion of the Building Official, two (2) sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this Code for such occupancy, and the appropriate fees as required in SECTION 4.6.2 have been paid, a Certificate of Occupancy shall be issued.

4.7.4. Change of Occupancy

No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued Certificate of Occupancy for such building, unless a permit is secured. In the case of an existing building, no change of occupancy that would bring it under some special provision of this Code shall be made, unless the Building Official finds, upon inspection, that such building conforms substantially to the provisions of the law with respect to the proposed new occupancy and use and issues a Certificate of Occupancy thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

SECTION 4.8. VIOLATION AND ENFORCEMENT

4.8.1. Enforcement Officer

The Governing Authority shall provide for the enforcement of this Code by appointing the Building Official, who shall, jointly with the Building Official, have the right to withhold building permits. The Building Official or agent thereof shall also have the right to enforce the provision hereof with the assistance of the Police or Sheriff in the event that any individual is in violation of this Code.

4.8.2. Penalty for Violation

Any person or persons violating the conditions of this Code shall be guilty of a Misdemeanor and subject to a fine as adopted by the Governing Authority and/or fifteen (15) days in jail. Each day for which this Code is violated shall constitute a separate offense.

CHAPTER 5

PLANNING AND ZONING BOARD

5.1.1. Creation and Purpose

There is created a Planning and Zoning Board for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare, and to provide for the orderly development of the City of Ludowici or unincorporated areas of Long County.

5.1.2. Appointment and Terms

A Planning and Zoning Board is hereby established. The Planning and Zoning Board shall consist of five (5) members appointed by the Governing Authority, to serve for staggered terms as follows:

Board Position 1 - 4 year term

Board Position 2 - 4 year term

Board Position 3 - 3 year term (This Position shall be filled by the Ludowici City Council)

Board Position 4 - 2 year term

Board Position 5 - 2 year term

The Planning and Zoning Board shall elect one of its appointed members to serve as chairman, and another as vice chairman. The Chairman shall serve for a period on one (1) year or until a successor is elected.

The secretary to the Planning and Zoning Board shall be the Clerk of the Building Official or such other designee as determined by the Governing Authority. In his or her absence, the Planning and Zoning Board, with approval of the Governing Authority, may appoint an employee of the City or County or a member of the Planning and Zoning Board. The secretary shall keep records of examinations and other official actions, all of which shall be filed with the Clerk of Courts and be public records.

A vacancy in the membership of the Planning and Zoning Board shall be filled in the same manner as an original appointment. All members of the Planning and Zoning Board are subject to removal, with or without cause after written notice from the Governing Authority.

Compensation, if any, to any member of the Planning and Zoning Board shall be determined by the Governing Authority.

The name of the board shall be "The Long County-City of Ludowici Planning and Zoning Board" herein referred to as the "Planning and Zoning Board".

5.1.3. Meetings

The Planning and Zoning Board shall meet in a regular session each month; the time and place of the meeting to be set by the Planning and Zoning Board. Special meetings may be held as deemed necessary by the chairman or a majority of the members or at the request of the Governing Authority.

The Planning and Zoning Board shall adopt rules for the transaction of business and shall keep a record of its determinations which shall be a public record.

5.1.4. Functions and Duties

The Planning and Zoning Board shall perform all of the following duties:

Duties and responsibilities assigned by the Governing Authority.

Make formal recommendations to the Governing Authority on all petitions for variances from the City or County's technical codes.

Make formal recommendations to the Governing Authority on all petitions for protected residential area map amendments, subdivisions, and/or amendments to the text of the Code, specifically including special assignments requested by the Governing Authority, the Clerk or Building Official, or the Long County Board of Health.

The Planning and Zoning Board shall make careful surveys and studies periodically in order to update the local comprehensive plan. Consideration shall be given to existing conditions, probable future development, and the promotion of public health, safety, prosperity, economic development, efficiency and the general welfare as evidenced by the quality of life in the community.

SECTION 5.2. BOARD OF APPEALS

5.2.1. Organization and Purpose

All appeals shall be decided by the Governing Authority, the same being the Ludowici City Council or Board of County Commissioners of Long County, Georgia. These regulations provide a mechanism for relief in an individual case where certain dimensional requirements of this Code pose undue hardship. These regulations also provide for appeals from actions of the Building Official in the administration, enforcement, and interpretation of this Code.

5.2.3. Meetings

The Board of Appeals shall adopt rules of procedure as are necessary to carry out the purposes of its authority. The Board shall establish a regular meeting date and time for its meetings; however, meetings shall be held only on an as-needed basis and shall be open to the public. The Board shall appoint a secretary, who shall be the County or City Clerk unless otherwise designated, to record the minutes of its proceedings, showing the action of each board member upon each question. The Board shall keep records of its

examinations and other official actions, all of which shall be filed with the Clerk and be public records. The Board may adjourn any public hearing or meeting in order to obtain additional information, or to serve further notice upon such other property owners as it decides may be interested in the application or appeal; provided however, that the Board shall act on all applications within sixty-four (64) days of the date the initial public hearing on the matter was scheduled.

Any person, who alleges there is an error in, or who is aggrieved by a decision regarding the administration, enforcement, and/or interpretation of this Code, may file an appeal with the Clerk stating the grounds for such appeal. The Board of Appeals is hereby authorized to hear and decide said appeals, after proper application, public hearing and adoption of relevant findings of fact. An appeal shall stay all proceedings in furtherance of the action being appealed. The Board of Appeals may affirm, overrule or modify, in whole or in part, the administrative decision. In cases where an appeal is granted, the Board of Appeals shall have all necessary powers of the Building Official and may issue building permits and land use permits, or direct the issuance of building permits and land use permits not otherwise inconsistent with this Code and any other code, resolution, or ordinance adopted by the Governing Authority.

CHAPTER 6

Subdivision of Land

SECTION 6.1. Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Long County-City of Ludowici, Georgia (hereinafter “these regulations”).

SECTION 6.2 Policy

6.2.1 It is declared the policy of the local government to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the local government pursuant to the local comprehensive plan for orderly, planned, efficient, and economical development.

6.2.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate facilities and improvements exist and proper provision has been made for drainage, water, sewerage, transportation facilities and other improvements.

6.2.3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the local comprehensive plan and Official Zoning Map, as may from time to time be adopted or amended. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, land development codes, the local comprehensive plan and Official Zoning Map as may from time to time be adopted.

6.2.4 Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purpose of regulations identified in SECTION 6.3

SECTION 6.3. PURPOSES

These regulations are adopted for the following purposes:

6.3.1. To protect and provide for the public health, safety, and general welfare of the City or County.

6.3.2. To guide the future growth and development in accordance with the local comprehensive plan.

6.3.3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.

6.3.4. To protect the character and the social and economic stability of all parts of the county and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.

6.3.5. To protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6.3.6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

6.3.7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proposed location and width of streets and building lines.

6.3.8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

6.3.9. To facilitate the provision of adequate public facilities and services concurrent with development and to ensure that such facilities will have sufficient capacity to serve the proposed subdivision. To ensure that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measure to ensure that the development provides its fair share of capital facilities needs generated by the development.

6.3.10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land.

6.3.11. To preserve the natural beauty and topography of the community and to ensure appropriate development with regard to these natural features.

6.3.12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the Land Development Code.

6.3.13. To generally ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which is in the public interest.

6.3.14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

6.3.15. To provide flexibility of design in order to promote environmentally sensitive and efficient uses of the land.

6.3.16. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

6.3.17. To preserve important historic and archaeological sites.

6.3.18. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

6.3.19. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

6.3.20. To promote interconnected greenways and corridors throughout the community.

6.3.21. To promote contiguous green space with adjacent jurisdictions.

6.3.22. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

6.3.23. To encourage street designs which reduce traffic speeds and reliance on main arteries.

6.3.24. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

6.3.25. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.

6.3.26. To protect prime agricultural land and preserve farming as an economic activity.

SECTION 6.4. AUTHORITY

These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article IX, SECTION II, Paragraphs I and IV). The Governing Authority is vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including sketch, preliminary, and final plats. The Board of Appeals may grant a variance from these regulations pursuant to the provisions of SECTION 3.5 of the Long County-City of Ludowici Land Development Code.

SECTION 6.5. JURISDICTION

6.5.1. These regulations apply to all subdivision of land, as defined by this Code and located within the City of Ludowici or the unincorporated areas of Long County.

6.5.2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Governing Authority/designee in accordance with these regulations.

6.5.3. The Governing Authority also shall have the authority to review and approve, conditionally approve or disapprove the sale, lease, or development of lands subdivided less than five (5) years prior to the effective date of these regulations, where the plat contains contiguous lots in common ownership where one or more lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider.

6.5.4. No land described in this SECTION shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:

The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Planning and Zoning Board for review;

The subdivider or his agent has obtained approval of the sketch plat, a preliminary plat when required, and a final plat from the Governing Authority; and

The subdivider or his agent files the approved plat(s) with the Clerk of the Long County Superior Court, as appropriate

SECTION 6.6 DEFINITIONS

6.6.1 *Accessory building*: A secondary residence, garage, or other building or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.

6.6.2 *Alley*: A narrow thoroughfare or lane dedicated or used for public passageway up to twenty (20) feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, which is not used for general traffic, and which is not otherwise officially designated as a street. An alley may be a way which affords only a secondary means of access to abutting property.

6.6.3 *Block*: A group of lots surrounded by streets or roads.

6.6.4 *Block length*: The longest dimension of a block along a street or road.

6.6.5 *Buildable area*: That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side and rear yard requirements required for the district, and all easements and wetlands, have been subtracted from the total lot area.

6.6.6 *Building*: A building is any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or any similar opening, and being erected for the purpose of providing support or shelter for persons, animals, things or property of any kind, and having a foundation to which it is anchored.

6.6.7 *Building line*: A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).

6.6.8 *Building site*: The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

6.6.9 *Building inspector*: Any person hired by the local governing authority to inspect, determine compliance with, and render minor decisions concerning the compliance of structures within the jurisdiction of the governing authority, to the ordinances of the governing authority.

6.6.10 *Certified drawing*: A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

6.6.11 *Condominium (building)*: A building containing two (2) or more attached, individually owned dwelling units and related, jointly owned common areas under condominium or cooperative ownership.

6.6.12 *Conservation subdivision*: A form of land subdivision that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. With land subdivided through a conservation subdivision regulation, local government can preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat. Conservation subdivisions enable clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure (including paved surfaces and utility easements) necessary for residential development.

6.6.13 *Curb return*: The end of the radius of two (2) intersecting curbs.

6.6.14 *Development*: Any construction or activity that results in a change in, or changes the use of, a parcel, or portion of a parcel, of land. The definition of development shall also include redevelopment.

6.6.15 *Development plan, proposed*: A site plan, complete with detailed construction specifications, submitted to the governing authority for review and approval.

6.6.16 *Development plan, approved*: A site plan approved by the governing authority staff, complete with construction specifications that serves as a basis for permit issuance and final plat approval, if appropriate.

6.6.17 *Dwelling*: A building or portion thereof which is designed or used as living quarters for one (1) or more families or persons.

6.6.18 *Dwelling, single-family*: A detached dwelling designed for or occupied exclusively by one (1) family or group of persons.

6.6.19 *Dwelling, two-family (duplex)*: A building on a single lot or parcel designed exclusively for occupancy by two (2) families, or two (2) groups of people, living independently of each other, and does not include condominiums or townhouses.

6.6.20 *Dwelling, group*: A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident, persons or families. The term "group dwelling" includes, but is not limited to, the terms rooming house, apartment hotel, fraternity house, sorority house, YMCA, or YWCA. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

6.6.20[1.] *Dwelling, multifamily*: A dwelling within a building containing three (3) or more dwellings designed for occupancy by three (3) or more families, or three (3) or more groups of persons, living independently of each other, including apartments, apartment houses, but not including auto or mobile home parks, subdivisions or camps, condominiums or townhouses designed for owner-occupancy, hotels or resort-type hotels.

6.6.21 *Dwelling unit*: One (1) or more rooms connected together and constituting a separate independent housekeeping establishment for use on a basis [sic] with provisions for cooking, eating, sleeping, and bath-room facilities and physically set apart from other rooms or dwelling units in the same structure.

6.6.22 *Easement*: A grant by the property owner to any person, firm, corporation, municipality or to the general public of the use of a strip or parcel of land for a specific purpose.

6.6.23 *Engineer*: Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water and sewerage systems, drainage systems, structures or other technical related areas. The person must be a registered professional engineer in good standing with the state board of registration. An engineer may be designated by the governing authority to review and approve the engineering design for all subdivisions and planned developments.

6.6.24 *Enforcing official*: Where reference is made to the duties of certain officials named herein, that designated official who has duties corresponding to those named officials herein shall be deemed to be the responsible official insofar as enforcing these regulations.

6.6.25 *Family*: One (1) or more persons occupying a single dwelling unit, including service or health providers employed on the premises, may be housed on the premises.

6.6.26 *Floodprone area*: The land that is usually flooded whenever a rise in the water level of a creek, stream, river or other body of water is experienced. That land adjacent to a creek, stream, river, channel, canal or other body of water that is designated as a floodplain or floodprone area by a governmental agency.

6.6.27 *Group development*: A development comprising two (2) or more principal structures, whether in single, condominium, or diverse ownership built on a single lot, tract or parcel of land and designed for occupancy by separate families, firms, businesses or other enterprises. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owners' association or similar group.

6.6.28 *Governing authority*: The board of boarders of Long County or designee thereof or the City of Ludowici or designee

6.6.29 *Improvement*: Any permanent structure on real property or any work on the property (such as planting trees) which increases its value.

6.6.30. *Improvement, primary*: Streets, drainage, lighting, signage, water, nonpotable reuse water lines, and sewer or other improvements required to provide for the health, safety and welfare of residents. Primary improvements also include sidewalks fronting nonlot common areas such as detention ponds, wetlands, green spaces or other similar lands.

6.6.31 *Improvement, secondary*: Sidewalks (and landscaping if any) fronting lots.

6.6.32 *Lot*: Parcel of land shown on a recorded plat or on the official county zoning maps, or any piece of land described by a legally recorded deed.

6.6.33 *Lot area*: Gross lot area shall mean the total area of the lot including easements. Net lot area shall mean the area, minus any portions of the lot or parcel that do not represent usable space. For such a lot or parcel, the unusable space consists of wetlands, utility, drainage, and other easements and other such areas that cannot be used and enjoyed by the individual property owner. The net lot area shall be the area defined in the zoning ordinance as the minimum lot area for any zoning district.

6.6.34 *Lot, corner*: Any lot situated at the junction of and abutting on two (2) or more intersections or intersecting streets or public highways. If the angle or intersections of the direction lines of two (2) highways is more than one hundred thirty-five (135) degrees, the lot fronting on said intersection is not a corner lot.

6.6.35 *Lot, double frontage*: A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three (3) or more streets.

6.6.36 *Lot, interior*: Any lot which is not a corner lot that has frontage only on one (1) street other than an alley.

6.6.37 *Lot line, front*: In the case of a lot abutting upon only one (1) street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one (1) such line shall be elected to be the front lot line for the purpose of this ordinance, provided it is so designated by the building plans which meet the approval of the building and zoning inspector.

6.6.38 *Lot line, rear*: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the building and zoning inspector shall determine the rear lot line.

6.6.39 *Lot line, side*: A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

6.6.40 *Lot, reverse frontage*: A lot having frontage on two (2) or more public streets, the access of which is restricted to one (1) street.

6.6.41 *Lot width*: The distance between the side boundaries of the lot measured at the minimum required front yard setback line.

6.6.42 *Manufactured home*: A non-self-propelled vehicle or conveyance that is towable and supported on its own chassis, permanently equipped to travel upon the public highways that is used, either temporarily or permanently, as a residence or living quarters. Such unit shall be considered a "manufactured home" whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks or other foundation. A "modular home" is a house that does not have its own chassis, is not towable, and is constructed at some site other than the parcel on which it is located, and then installed on a permanent foundation.

6.6.43 *Manufactured home park*: A parcel of land under single ownership or management which is used or intended to be used for rental or lease of spaces or lots and the provision of services for two (2) or more manufactured homes.

6.6.44 *Manufactured home space*: A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

6.6.45 *Manufactured home subdivision*: A manufactured home park except that manufactured home spaces are for sale rather than, or as well as, for rent.

6.6.46 *Mean sea level datum*: North American Vertical Datum 1988.

6.47 *Metes and bounds description*: A method of property description whereby properties are described by means of their direction and distances for an easily identifiable location or point.

6.6.48 *Planning and Zoning Board* : The Long County-City of Ludowici Planning and Zoning Board is the appointed body of people established by the local governing authority whose responsibilities include the guidance of growth and development within the county and all municipalities in the county and interpreting of the various regulatory ordinances concerning land use. The secretary of the planning board shall be the enforcing official acting on behalf of the planning board.

6.6.49 *Plat*: A map showing the features of a proposed subdivision (lot split, metes and bounds description). This plat would show the entire tract, and the lot which is to be subdivided, the adjacent properties and owners, roads or streets, and giving all necessary bearings and distances for the proposed "split."

6.50 *Plat, final*: The map, plan or record of subdivision, and any accompanying materials as described in article V.

6.6.51 *Plat, preliminary*: A map showing the salient features of a proposed subdivision, including topographical data and all proposed and existing infrastructure locations, submitted to the governing authority for purposes of consideration.

6.6.52 *Principal building*: The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zone classification in which it is located.

6.6.53 *Public use*: Use of any land, water, or buildings by a municipality, public body or board, board or authority, county, state or the federal government, or any agency thereof for a public service or purpose.

6.6.54 *Reserved*.

6.6.55 *Residential*: The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land and/or any building used, and zoned, exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

6.6.56 *Reserve strip*: A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

6.6.57 *Right-of-way line*: The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way.

6.6.58 *Setback*: The minimum horizontal distance between the right-of-way line, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property line so grouped shall be used in determining offsets.

6.6.59 *Site*: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.

6.6.60 *Site plan*: A map showing the salient features of a proposed planned development as defined in article VIII, including topographical data and all existing and proposed infrastructure, submitted to the governing authority for purposes of consideration.

6.6.61. *Street*: A public right-of-way affording primary access to abutting property. For the purposes of these regulations, the term shall also mean avenue, boulevard, road, land and other public ways.

6.6.62 *Street, arterial*: Shall mean a street of exceptional continuity that is intended to carry the greater portion of through-traffic from one (1) area of the county to another.

6.6.63. *Street, collector*: Shall mean those streets which are neither local streets nor arterial streets. Their location and design are such that they are: of exceptional continuity; serve as routes passing through residential areas; serve as means of moving traffic from local streets and feeding it into arterial streets. 6.64 *Street, cul-de-sac*: Shall mean a short local street having but one (1) end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

6.6.65 *Street, dead end*: Shall mean a street not intersecting other streets at both ends, and distinguished from a cul-de-sac by not being terminated by a vehicular turn-around.

6.6.66 *Street, local*: Shall mean streets which provide only access to adjacent properties and by nature of their layout do not serve vehicles passing through the area with neither origin nor destination within the area.

6.6.67 *Street, marginal access*: Shall mean a minor service street which parallels and which is immediately adjacent to an arterial street (frontage road).

6.6.68 *Street, width*: Shall mean the shortest distance between the lines delineating the right-of-way of a street.

6.6.69 *Surveyor*: A person who determines or delineates the form, extent, position, distance or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry, and who is a registered licensed surveyor in the State of Georgia.

6.6.70 *Structure*: Anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground; provided, however, that utility poles, fences and walls (other than building walls) shall not be considered to be structures.

6.6.71 *Subdivider*: Any person, firm or corporation who or which divides for immediate or future sale, rent, lease or development any land deemed to be a subdivision as herein defined.

6.6.72 *Subdivision*: "Subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, the process of subdividing, or the land or area subdivided.

6.6.73 *Townhouse*: A building containing two (2) or more attached single-family dwelling units separated by lot lines, with no common related areas.

6.6.74 *Use*: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

6.6.75 *Waterfront*: Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including [a] creek, canal, river, or any other body of water, natural or artificial, including marshlands, not including a swimming pool, whether said lot line is front, rear, or side.

6.6.76 *Yard*: An open space on a platted lot which lies between the building setbacks and nearest lot or street line.

6.6.77 *Yard, front*: That area of open space to the front of the platted lot, the area immediately adjacent to the street side of the lot. If streets bound on two (2) sides of the lot, the narrower portion fronting on a street shall be declared the front. (See *Lot line, front*.)

6.6.78 *Yard, rear*: That area of open space that is opposite the area delineated as the front. That area of open space which has the greatest distance from the street. (See *Lot line, rear*.)

6.6.79 *Yard, side*: That area of open space that is immediately adjacent to the side lot lines. (See *Lot line, side*.)

6.6.80. *Zoning ordinance*: An officially adopted ordinance by the governing authority that regulates the manner, type, size and use to which a piece of property may be put.

SECTION 6.7. ENACTMENT

In order that land may be subdivided in accordance with these purposes and policies, the Ludowici City Council and the Board of County Boarders of Long County, Georgia, hereby ordain and enact into law these subdivision regulations.

SECTION 6.8. INTERPRETATION, AMENDMENTS AND RESUBDIVISION

6.8.1. Interpretation

In their interpretation and applications, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or

any other ordinance, rule or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Governing Authority in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

6.8.2. SEPERABILITY

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.

The Governing Authority hereby declares that it would have enacted the remainder to these regulations even without any such part, provision, or application that is judged to be invalid.

6.8.3. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue or, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City or County under any SECTION or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any persons, firm, or corporation by lawful

action of the City or County except as shall be expressly provided for in these regulations.

6.8.4. Amendments

For the purpose of protecting the public health, safety, and general welfare, the Governing Authority may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Governing Authority at a public meeting following public notice. Before enacting any amendment to this Code, the Governing Authority shall hold a public hearing within thirty (30) days after the date of the submission of a request for an amendment. A public notice shall be given at least fifteen (15) days prior to the public hearing in the legal organ of the City or County.

6.8.5. Resubdivision of Land

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and it is intended that such lots will eventually be resubdivided into small building sites, the Governing Authority shall require that such parcel of land allow for the future opening of streets and the ultimate extension of such streets may be made a requirement of the plat and Code Enforcement Official shall determine

Procedure for Resubdivision: Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.

Resubdivision Includes:

Any change in any street layout or any other public improvement;

Any change in any lot line;

Any change in the amount of land reserved for public use or the common use of lot owners;

Any change in any easements shown on the approved plat.

Waivers: Whenever the Governing Authority, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision by the procedure established in SECTION 8.5 (C), the Governing Authority may waive the requirement of SECTION 8.5(A). The Governing Authority, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

The name and legal description of the subdivision affected by the application;

The proposed changes in the final subdivision plat;

The place and time at which the application and any accompanying documents may be reviewed by the public;

The place and time at which written comments on the proposed resubdivision may be submitted by the public; and

The place and time of the public meeting at which the Governing Authority will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision.

Procedure for Subdivisions when Future Resubdivision is Indicated: Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the Governing Authority may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

SECTION 6.9. PUBLIC PURPOSE

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Governing Authority for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the county and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

SECTION 6.10. MODIFICATION OF REQUIREMENTS

6.10.1. Modification of Requirement for Sketch Plan Review

Where the Governing Authority determines that the additional step of requiring submittal and review of a sketch plat is unnecessary in the case of a specific application, it may allow the applicant to submit a final plat upon approval of a preliminary plat. Care should be taken that all of the issues addressed by the sketch plat review are adequately addressed in the final plat review.

6.10.2. Modification of Requirement for Family Subdivision

Where the Governing Authority determines that the proposed subdivision represents a division of land with the bona fide intent of transferring land to a member of the subdivider's family, it may modify requirements relative to the construction and dedication of public roads and other public improvements. The subdivider is cautioned that this does not relieve him of any obligations for access, and that consideration should be given to the future ability to develop land without adequate roads or improvements. For the purposes of this provision, a family member shall include a spouse, sibling, parent, or child of at least one owner of record of the subject property.

SECTION 6.11. ENFORCEMENT, VIOLATIONS AND PENALTIES

6.11.1. General

It shall be the duty of the Building Official to enforce these requirements and to bring to the attention of the Governing Authority any violations thereof.

No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Governing Authority in accordance with the provisions of these regulations and filed with the Clerk of the Superior Court of Long County, as appropriate.

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

No building permit shall be issued for the construction of any building or structure located on a lot or shown on subdivision plat in violation of the provisions of these regulations, nor shall the City or County have any obligation to issue Certificates of Occupancy or to extend utility services to any parcel created in violation of these regulations.

6.11.2. Violations and Penalties

Any person who violates any of these regulations shall be subject to a fine according to the fee schedule as adopted by the Governing Authority, or imprisonment for a term not exceeding six (6) months, or both. Each day a violation continues is a separate offense.

6.11.3. Civil Enforcement

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

6.11.4. Appeals

Appeals from decisions rendered by any City or County official pursuant to these regulations shall be filed with the Board of Appeals within thirty (30) days after the date of the decision of such City or County official or the right to appeal is lost..11.5. Fees

Fees for various applications or procedures carried out under these regulations shall be established and may from time to time be amended by the Governing Authority.

SECTION 6.12 SUBDIVISION APPLICATION AND PROCEDURE PROCESS

5 Step Review Process:

The procedure for review and approval of a subdivision plat consists of five (5) separate steps. These are:

- (A) Review of sketch plan by the planning board/governing authority/designee
- (B) Review and recommendation of preliminary plat by the planning board.
- (C) Review and approval of preliminary plat by governing authority.
- (D) Review and approval of proposed development plan by governing authority/designee
- (E) Review and approval of the final plat by the governing authority.

Step (a) may and steps (b) and (c) and (d) shall be completed prior to making any street improvements, or installing any utilities. Step (e) shall be completed prior to the sale of any lots in the proposed subdivision. The site proposed to be subdivided must be zoned in the appropriate residential, commercial, industrial, planned development or other zoning district prior to the completion of step (b).

SECTION 6.13 Review Procedure

The following procedure shall be followed in the submission, review, and action upon all subdivision plats:

6.13.1 Sketch plan review procedures: Prior to the filing of a preliminary plat, the subdivider shall submit to the Code Enforcement Official a simple sketch plan of the proposed subdivision. The sketch plan may be a simple freehand drawing. Included with the sketch plan should be a sketch map, which shows the subdivision in relation to the surrounding area. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning for the preparation of the preliminary plat and enable the subdivider to become familiar with the regulations affecting the land to be subdivided. The Code Enforcement Official shall coordinate for the review of the sketch plan for zoning measures and approve, disapprove, or approve with modification the sketch plan zoning within fifteen (15) days from the meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the planning board meeting. The secretary shall also forward copies of the sketch plan to the governing authority for review.

6.13.2 Preliminary plat procedures: Application for preliminary approval of a subdivision plat shall be submitted to the Code Enforcement Office at least twenty-five (25) days prior to the regularly scheduled meeting date of the planning board. The plat of the subdivision shall be submitted in six (6) blackline or blue-line prints and shall be such as to meet the minimum requirements contained herein, as well as one (1) electronic copy in a read-only format acceptable to the planning board. Any preliminary plat submitted to the planning board shall contain the name and address of the subdivider (or subdivider's designee) to whom notice of hearing may be sent, and no preliminary plat shall be acted upon by the planning board without affording a hearing thereon, notice of time and place of which shall be sent to said address not less than five (5) days before the date of the hearing.

(1) The Code Enforcement Official may request additional copies of the plat and supplemental information. The person or agency to which a copy of the preliminary plat is directed shall review the preliminary plat and indicate any required changes or comments on the plat and submit to the planning board prior to the formal presentation of the preliminary plat. The local governing authority shall approve the preliminary plat following action by the planning board.

(2) The Code Enforcement Official shall examine the preliminary plat to determine if it meets all requirements of these regulations and shall place a preliminary plat on the agenda of the planning board for their action.

(3) Subdivider must provide written assurance of availability of adequate water and sewer service from a public/private provider. If water and/or sewer service is available through the City of Ludowici and/or the County of Long, subdivider shall be required to obtain services through local means. If water and/or sewerage systems not connected to a municipal system are to be installed, the subdivider is to indicate who will own the system(s), who will operate the system(s), and what assurance will be given to the governing authority for continued operation.

(4) The planning and zoning board shall act on the preliminary plat within forty-five (45) days after formal submission and having received confirmation of all necessary approvals as described in paragraph 6.4.2.2(2) above. Failure of the planning board to act within forty-five (45) days after formal submission of the complete preliminary plat shall be deemed to constitute approval and certificate to that effect shall be issued by the planning board on demand; provided, however, that the subdivider may waive this

requirement and consent in writing to the extension of such period. The action of the board shall be recorded in the minutes of the board meeting.

(5)The planning and zoning board shall vote to approve or disapprove the preliminary plat. Failure of a subdivider to initiate any development within eighteen (18) months from the approval of the preliminary plat will require the preliminary plat to be resubmitted to the planning board for approval. The developer shall not initiate action to change any of the existing conditions reported on the preliminary plat as required by paragraph 5.2.2 until the preliminary plat has been approved by the governing authority and a proposed development plan approved by Building Official or Designee

(6)Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets, location of other required easements, and the dimensions and shapes of lots. Application for approval of the final plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat by the planning board and the governing authority, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

6.13.3*Reserved.*

6.13.4 *Final plat procedure:* After completion of the physical development of public water, non-potable reuse water lines, sewer, drainage, and roadway base and curb and gutter as shown on the approved development plan, the subdivider may submit to the secretary of the planning board copies of the final plat, and one (1) electronic copy in a format acceptable to the planning board, prepared in accordance with the provisions of these regulations along with the required certificates executed by the appropriate officials. Application for approval of a final plat shall be submitted to the secretary of the planning board. A bond or letter of credit for an amount necessary to complete any remaining primary and secondary improvements, shall be submitted at least ten (10) days prior to the regularly scheduled meeting date of the governing authority. Remaining primary improvements must be completed within six (6) months from the date of final plat approval by the governing authority. Remaining secondary improvements must be completed within two (2) years from the date of final plat approval by the governing authority.

Until a final plat of a subdivision has been submitted to, reviewed and approved and signed by the planning board and governing authority, the clerk of the superior court of Long County shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision transfer title to any lot within the subdivision by reference to the subdivision plat. For large subdivisions the final plat may be submitted for approval in contiguous sections satisfactory to the governing authority.

The installation of streets, sidewalks, drainage systems, water, non-potable reuse water lines, and sewerage systems, and other improvements shall be in compliance with the governing authority's standard specifications for materials and installation procedures on file with the planning board and the governing authority's flood regulations. The elevation of fill and the installation of streets, drainage systems, water, nonpotable reuse water lines and or sewerage systems shall be certified by the developer's registered engineer as being in compliance with applicable requirements before approval of the final plat.

6.13.5 *Final approval:* Final approval of the plat shall be by the governing authority.

6.13.6 *Certification by planning and zoning board secretary:* The secretary of the planning board shall certify for recording all plats approved by the governing authority and all plats found to be exceptions under SECTION 19.1 of this ordinance without referral to the governing authority. The planning board shall retain copies of such plats as information.

SECTION 6.14 Sketch plans and preliminary plats not required.

Subdivisions which do not involve: platting, construction or opening of new streets; new or improvements to municipal, public, or community water, or sewer facilities; or improvement of existing streets shall be accepted by the planning board in the form of a final plat. Such plat shall comply in all respects to these regulations. Sketch plans and preliminary plats are not required in such cases, but construction drawings of selected existing improvements may be required by the staff. The following exceptions are included for the purpose of authorizing that the Building Official may approve such subdivisions:

(a) *Family conveyance exception.* When the applicant certifies to the planning board that the applicant's intended division of the land is only for conveyance to one (1) or more family members for single-family residential or agricultural use in lands currently

zoned for agricultural or agricultural and rural residential uses, the secretary of the planning board may receive the final plat as information and indicate the final plat may be recorded. A "family member" is defined as the applicant's spouse, natural or adopted children, stepchildren, father, mother, sister, brother or grandchildren. The conditions required to meet the requirements for a family conveyance exemption must meet one (1) of the two (2) following conditions:

Condition one:

- (1) The division of land must be into fifteen (15) or fewer parcels and conveyed to one (1) or more family members; and
- (2) No new public streets or other public infrastructure improvements are involved; and
- (3) The resulting lots are a minimum of one (1) acre and meet the required frontage for the zoning of the property, except when a single parcel is subdivided into two (2) new parcels of at least one (1) acre each. In these cases each of the two (2) new parcels must have the maximum feasible direct frontage on an existing county or public road, but in no cases shall the frontage be less than thirty (30) feet; or

Condition two:

- (1) The division of land must be into fifteen (15) or fewer parcels and conveyed to one (1) or more family members; and
- (2) No new public streets, or other public infrastructure improvements, are involved; and
- (3) If the resultant lots are a minimum of one (1) acre, but all lots do not have direct access that meet the required frontage for the zoning district to an existing public street or way, then the plat shall include a permanent, nonexclusive sixty-foot access easement(s) from an existing public street to all lots which do not have access with required frontage to existing public streets or ways, and are otherwise equal to the standard of the governing authority in which the division of land is being made; and
- (4) All lots or parcels abutting any platted access easement following this exception shall include a disclosure that the easement or street is not a publicly maintained street, and the street shall be maintained by the owners of the property within such subdivisions, and the governing authority has no responsibility whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

The resulting family subdivision in these cases shall be restricted from further subdivision, unless the further subdivision meets all requirements of the subdivision ordinance.

(b)*Minor rural land conveyance exception.* When the applicant certifies to the planning board that the applicant's intended division of the land is only for subdivision of rural lands currently zoned for agricultural (A-1) or agricultural and rural residential (R-R) uses, the secretary of the planning board may receive the final plat as information and indicate the final plat may be recorded. The conditions required to meet the requirements for a minor rural land conveyance exemption are as follows:

(1)The land may be divided into no more than ten (10) parcels; and

(2)Minimum parcel size shall be five (5) acres and the minimum lot width shall be one hundred fifty (150) feet; and

(3)If all parcels do not have direct access that meet the required one hundred fifty-foot frontage to an existing public street or way, then the plat shall include a permanent, nonexclusive sixty-foot access easement(s) from an existing public street to all lots which do not have access with required frontage to existing public streets or ways, and are otherwise equal to the standard of the governing authority in which the division of land is being made; and

(4)The parcels that result from this exemption shall be restricted from further subdivision or extension until all requirements of this subdivision ordinance are met; and

(5)The future paving of any street in the subdivision will be at the abutting property owners' expense; and

(6)In order to ensure the proper provision of emergency or other services by the county or other entities, when any dwelling units are constructed on any parcel served by the easement described in paragraph 6.14(b) (3), no certificate of occupancy shall be given until a roadway meeting the standards contained in SECTION 20.1.2 for unpaved minor streets is constructed by the property owners. All such streets or roadways shall be private streets and meet all requirements for a private street exception, other than paving.

(c)*Shared access conveyance exception for rural areas.* The secretary of the planning board/building official may approve a final plat when the applicant seeks to create a minimum thirty-foot wide exclusive driveway access easement to serve not more than

two (2) lots in Agriculture/forestry or Rural Residential zoned areas. The two (2) resulting lots shall share the common exclusive driveway access easement and shall not be further subdivided in the future unless the driveway easement is upgraded to the county standards for a public or private road.

SECTION 6.15 Federal Housing Administration approval.

In the event the subdivider plans to secure approval of the subdivision design by the Federal Housing Administration, it is suggested that such approval be secured after submission to and approval of a preliminary plat by the planning board and governing authority, as well as approval of the proposed development plan by the governing authority staff.

SECTION 6.16 Approval of subdivision in floodprone area and developments adjacent to state waters.

6.16.1 Standards for floodprone area uses: All subdivisions must be designed to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply systems and/or sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters; on-site waste disposal systems must be located so as to avoid impairment of them or contamination from them during flooding. These additional standards shall also apply to floodprone areas:

6.16.2. Structures (temporary or permanent):

(1) All structures shall be designed consistent with all federal flood insurance standards.

(2) Structures shall have a low flood damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwater.

(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the 100-year floodplain elevation for the particular area or floodproofed.

6.16.3. Storage of material and equipment

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

6.16.4 *Standards for areas adjacent to state waters:*

All subdivisions or planned developments must be designed to minimize the impact of storm water runoff from development that may affect the state waters as defined in the governing authority's Soil Erosion, Sedimentation and Pollution Control [Soil Erosion and Sediment Control] Ordinance found in Chapter 5, article IV of the Long County Code of Ordinances. Stormwater should meet the stormwater runoff quality minimum standard #2 of the Georgia Stormwater Management Manual before it is discharged. A plan for any buffers and handling of stormwater shall be included with all preliminary plats or site development plans. This plan may be included as an attachment to the proposed development plan and must be reviewed and approved by the governing authority staff.

SECTION 6.17 Plat Requirements

6.17.1 *Sketch Plan*

(1) *Scale:* The sketch plan should include a narrative report that describes the proposed plan. Any drawings of the plan should generally be drawn at a scale of not less than two hundred (200) feet to one (1) inch.

(2) *Vicinity map:* The sketch plan shall include a vicinity map at a scale not less than one (1) inch equals one (1) mile showing the relationship of the proposed subdivision to surrounding development.

(3) *Other requirements:* The sketch plan shall show:

(A) Proposed name of subdivision.

(B) Name, address, and telephone number of petitioner and architect, surveyor, engineer or designer.

(C) All names and addresses of all property owners of the site.

(D) All names and addresses, as listed by the county assessor, of all owners of the land adjacent to the site.

(E) North indicator.

(F) Date of preparation.

(G) Total acreage in the tract to be subdivided.

(H) Existing and proposed uses of land throughout the subdivision.

(I) The location and data of each percolation test, soil boring and well on the land in question, if necessary.

(J) Sheet size shall be up to thirty (30) inches by forty-two (42) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

(K) Tentative Street and lot arrangement.

(L) Approximate rights-of-way.

(M) Typical lot area and approximate number of lots.

(N) Existing uses of land surrounding the subdivision.

(O) Topography by contour at vertical intervals of not more than five (5) feet and any likely or known wetlands should be identified.

6.17.1.2 Subdivision of part of property: The subdivider shall submit a sketch plan of such subdivider's entire tract even though such subdivider's present plans call for the actual development of only a part of the property.

6.17.2. Preliminary plat.

The preliminary plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and meet the minimum standards of design set forth in these regulations and shall include the information listed below. Both electronic and paper copies of all plats shall be provided to the planning board for review.

6.17.2.1. General conditions:

- (1) Full name of subdivision.
- (2) Name, address and telephone number of petitioner and architect, surveyor, engineer and designer.
- (3) All names and addresses of all property owners on the site.
- (4) All names and addresses of all deed record owners of the land adjacent to the site.
- (5) Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north.
- (6) Vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.
- (8) A written legal description (metes and bounds with all bearings and distances) of the acreage to be subdivided.
- (9) Proper identification of the boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than 1:10,000.

6.17.2.2. Existing conditions:

- (1) Topography by contours at vertical intervals of not more than one-foot intervals based on mean sea level.
- (2) Zoning district classification of land to be subdivided and adjoining land.
- (3) In case of resubdivision, a copy of the existing plat with proposed resubdivision superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, land subject to flood based on a 100-year flood frequency, and land subject to floodway restrictions on the property to be subdivided.
- (5) Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.
- (6) Location of existing adjoining property lines and existing buildings on the property to be subdivided.

(7) Location and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-way and show location of poles or towers.

(8) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.

(9) The acreage of each drainage area affecting the proposed subdivision.

(10) All elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed.

(11) Locations of city limit lines and county lines, if applicable.

6.17.2.3. Proposed conditions:

(1) Layouts of streets, roads, alleys, public crosswalks, with widths, road names or designations.

(2) Detailed layout of all lots, including building setback lines; dimensions on lots; lot and block numbers, utility easements with width and use.

(3) Designation and plan for the use of all land to be reserved or dedicated for public use.

(4) Designation of proposed use of all lots to be used for other than single-family residential (if any).

(5) Total number of lots, total acreage, and total length of new streets.

(6) Parking facilities for multifamily and other planned developments where the site is not subdivided, but remains in one (1) or common ownership.

6.17.2.4. Review and approval:

The preliminary plat shall be considered complete and may be recommended for approval by the planning board only after review and approval of the following:

(1) The secretary of the planning board shall review and approve the subdivision plans with respect to zoning ordinances.

(2) Written assurance from the public/private water and sewer provider that capacity is available, or assurance from the Long County Health Department that wells and/or septic systems are viable for the site.

(3)The building/code enforcement department shall review and provide written documentation demonstrating concurrence with the development plan.

6.17.3. Proposed development plan.

The proposed development plan shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and meet the minimum standards of design set forth in these regulations and shall include the information listed below. Both electronic and paper copies of all proposed development plans shall be provided to the Long County Building/Code Enforcement Official for review.

6.17.3.1. General conditions:

(1)Full name of subdivision.

(2)Name, address and telephone number of petitioner and architect, surveyor, engineer and designer.

(3)All names and addresses of all property owners on the site.

(4)All names and addresses of all deed record owners of the land adjacent to the site.

(5)Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north.

(6)Vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the subdivision to the surrounding area.

(7)Acreage to be subdivided.

(8)A written legal description (metes and bounds with all bearings and distances) of the acreage to be subdivided.

(9)Proper identification of the boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than 1:10,000.

6.17.3.2. Existing conditions:

(1)Topography by contours at vertical intervals of not more than one-foot intervals based on mean sea level datum.

(2)Zoning district classification of land to be subdivided and adjoining land.

- (3) In case of resubdivision, a copy of the existing plat with proposed resubdivision superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, land subject to flood based on a 100-year flood frequency, and land subject to floodway restrictions on the property to be subdivided.
- (5) Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.
- (6) Location of existing adjoining property lines and existing buildings on the property to be subdivided.
- (7) Location and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-way and show location of poles or towers.
- (8) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
- (9) The acreage of each drainage area affecting the proposed subdivision.
- (10) All elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed.
- (11) Locations of city limit lines and county lines, if applicable.

6.17.3.3 *.Proposed conditions:*

- (1) Layouts of streets, roads, alleys, public crosswalks, with widths, road names or designations, grades, and cross sections.
- (2) Profile of proposed streets showing natural and finished grades.
- (3) Detailed layout of all lots, including building setback lines; dimensions on lots; lot and block numbers, utility easements with width and use.
- (4) Construction drawings of sanitary sewer collection and disposal system (if applicable) with grade, pipe size, location of manholes, and points of discharge, percolation tests, soil borings and wells as specified by the health department, if applicable.

- (5) Construction drawings of storm sewer system with grade, pipe size, and location of outlets. Storm sewers shall be sized to accommodate runoff in accordance with provisions of the Long County-City of Ludowici Land Development Code.
- (6) Construction drawings of water supply system with pipe sizes and location of hydrants and valves. Also, all drawings must include a system for a nonpotable reuse system, where such reuse water is available or required by the governing authority, which shall include reuse water mains, valves, fittings, and hydrants.
- (7) Designation and plan for the use of all land to be reserved or dedicated for public use.
- (8) Designation of proposed use of all lots to be used for other than single-family residential (if any).
- (9) Proposed major contour changes in areas where substantial cut and/or fill is to be done.
- (10) An erosion, sedimentation and pollution plan as required by the Long County-City of Ludowici Land Development Code
- (11) Total number of lots, total acreage, and total length of new streets.
- (12) Specifications relative to materials for construction of roadways, drainage systems, and water and sewerage systems.
- (13) Size and elevations of driveway pipes and proposed location of driveways.
- (14) Parking facilities for multifamily and other planned developments where the site is not subdivided, but remains in one (1) or common ownership.
- (15) Landscaping as required by landscape ordinances.
- (16) Show benchmark including location, description and elevation relative to mean sea level datum defined herein.
- (17) The proposed location of all utilities, such as gas and electricity, along with the plan for street lighting shall be provided, and shall be consistent with typical road cross sections.
- (18) Show base flood elevation and flood contour from approved FEMA maps.

6.17.3.4. *Review and approval:* The proposed development plan shall be considered complete and may be considered for approval by the secretary of the planning board only after review and approval of the following:

(1)The governing authority and/or designee, shall review and approve the subdivision plans and all design calculations including, but not limited to, drainage calculations, roadway design, water systems, and sewerage systems.

(2)The state environmental protection division and/or the health department shall review the water supply and sewage disposal facilities to be provided on all proposed development plans. In addition, it shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the planning board in writing.

(3)The Coastal Soil and Water Conservation District shall review the proposed development plan and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas and other related areas. The district shall forward in writing to the planning board comments and/or recommendations and approval or disapproval.

(4)The (EPD) environmental protection division if required for other than water and sewer approvals.

(5)Written assurance from the public/private water and sewer provider that capacity is available, or assurance from the Long County Health Department that wells and/or septic systems for viable for the site.

6.17.3.5. *Fees:* Fees for the processing of development plans, master plans, construction plans, preliminary plats, final plats, permits, applications and the like are due when filed with the governing authority. Such fees will be determined by the respective agency and may be modified from time to time. Fees payable to the governing authority and the Long County-City of Ludowici Planning Board should be credited to the general fund of the respective agency to cover the administrative cost of processing such plans, permits and applications as described above.

6.17.3.6. *Drafting standards:* All preliminary plats shall be drafted or drawn using commonly accepted standards of the industry. All lines shall be clean and crisp. All lettering shall be clean, crisp and legible. No letter or number shall be less than six-hundredths (0.06) of an inch in height, and all plats shall be submitted in electronic form as required by the governing authority.

6.17.4. Final plat.

If the final plat is drawn in two (2) or more sections, each SECTION shall be accompanied by a key map showing the location of the several sections. The final plat shall contain the following specific information:

- (1) Name of owner of record.
- (2) Name of subdivision, date, north arrow, graphic scale and revision dates.
- (3) Name and registration number, and seal of registered surveyor and civil engineer.
- (4) Name of counties or cities in which subdivision is located and location map.
- (5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearings, and length of every street and alley line, lot line, easement, boundary line, and building line, whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
- (6) Names of owners of record of all adjoining land and all property boundaries, watercourses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.
- (7) Exact boundaries and original property lines within the tract of land being subdivided shown with bearings and distances.
- (8) Streets and alleys, rights-of-way, and street names.
- (9) All easements; location, widths, and purposes.
- (10) Lot lines, minimum building setback lines, streets and lot and block numbers.
- (11) Parks, school sites, or other public open spaces, if any.
- (12) All dimensions shall be to the nearest one-hundredth (1/100) of a foot and angles to the nearest second.
- (13) Accurate description of the location of all monuments and markers.
- (14) The final plat must be drawn on a medium of good grade using high quality ink that is suitable to the clerk of courts for filing. The maximum sheet size shall be eleven (11) inches by seventeen (17) inches unless otherwise approved by the clerk of courts.
- (15) Utility easements, widths, and location of pipes from centerline of roadway:

(a)Water;

(b)Gas;

(c)Sanitary sewer;

(d)Storm drainage;

(e)Electrical lines;

(f)Communication;

(g)Nonpotable water reuse, if required.

(16)Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.

(17)The following signed certificates shall appear on the final plat that is submitted by the subdivider:

(a) *Certificate of accuracy:*

"I hereby certify that this Plat is a true, correct and accurate survey as required by the Long County Subdivision Regulations; and was prepared from an actual survey of the property made under my supervision, and that monuments shown have been located and placed to the specifications set forth in said regulations.

By _____ (Signature) (Registered Surveyor)	By _____ (Signature) (Registered Professional Engineer—
If final plat contains engineering design that requires a registered professional engineer)	
(Seal Required)	(Seal Required)
_____ (Typed Name)	_____ (Typed Name)
R.L.S. No. _____	Registered P.E. No. _____
Date _____	Date _____"

(b) *Certificate of ownership and dedication, individuals:*

"It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks and other sites to public or private use as noted.

_____	_____
Date	(Owner)

	(Printed Name and Address)

	(Owner)

	(Printed Name and Address)"

(c)Certificate of ownership and dedication, corporation:

"It is hereby certified that _____, a corporation duly organized and existing under the laws of the State of Georgia by, (principles authorized to sign the certificate) is the owner of the property shown and described thereon, and that all streets, alleys, walks, parks, and other sites shown hereon, are dedicated to public or private use as noted. (Corporate seal required)

_____	_____
(Witness)	(Corporation Name and Address)
_____	_____
Printed Name	(Principal authorized to sign)
_____	_____
(Witness)	Printed Name, Title
_____	_____
Printed Name, Chairman	(Principal authorized to sign)

	Printed Name, Title"

(d) *Certification of approval of the installation and construction of streets, utilities and other required improvements:*

"I do hereby certify (1) that streets, utilities and other required improvements have been installed in an acceptable manner and according to Specifications and Standards adopted by the governing authority in the subdivision/development entitled _____, or (2) that a guarantee of the installations of the required improvements in an amount of _____ or manner satisfactory to the governing authority has been received.

<p>_____</p> <p>Date</p>	<p>_____</p> <p>Engineer"</p>
--------------------------	-------------------------------

(e) *Certificate by the planning and zoning board:* To be placed on an original of the approved final plat by the planning board representative for recording.

"The subdivision plat known as _____, has been found to comply with the Long County-City of Ludowici Subdivision Regulations.

<p>Certification of the Long County-City of Ludowici Planning and Zoning Board</p>	<p>_____</p> <p>Chairman, Planning/Zoning Board Typed or Printed Name</p>
<p>_____</p> <p>Date Signed</p>	<p>_____</p> <p>Secretary Planning/Zoning Board Signature"</p>

(f) *Certificate of approval by Long County or the City of Ludowici:*

"I certify that Long County or the City of Ludowici approved the final plat of the subdivision/development entitled _____ on the _____ day of _____, 20_____.

County Administrator/Designee,
Long County"

6.17.4.1. *Final plat approval:* The governing authority shall approve the final plat after review and approval by the following:

- (a) The environmental protection division or the county health department.
- (b) The designated engineer for the governing authority.
- (c) Coastal Soil and Water Conservation District.
- (d) Georgia Department of Natural Resources when required.
- (e) Certification by the Long County-City of Ludowici Planning Board.

6.17.4.2. *Family conveyance exemption:* The improvements as required by this ordinance may be delayed or waived by the governing authority when the applicant certifies to the planning board that the applicant's intended division of the land is only for conveyance to one (1) or more family members. Such certification shall be in a standard form approved by and include any attachments required by the planning board. (A "family member" is defined as the applicant's spouse, natural or adopted children, stepchildren, father, mother, sister, brother or grandchildren.) In all cases the family conveyance exception must be approved by the governing authority, however, this exemption for the original parcel and the parcels resulting for the subdivision will be allowed only one (1) time. Furthermore, family subdivisions must comply with the following requirements:

- (1) Access roads into the subdivision must be accessible to all lots. The road shall be in a sixty-foot right-of-way and shall have a minimum of two (2) standard travel lanes.

(2)The lot size and required frontage must meet the requirements of the zoning of the property.

(3)Subdivision must be accompanied by an affidavit that the road is nonconforming.

(4)Should more than fifty (50) percent of the property resulting from the subdivision exemption be conveyed to someone other than a certified family member, the required improvements in this ordinance must be installed at the expense of the property owner
The following requirements shall apply:

(a)No building permit shall be issued until such improvements are complete and accepted by the governing authority.

(b)No manufactured home or other structure shall be placed on any lot said subdivision until such required improvements are complete and accepted by the governing authority.

(c)No lot of the subdivision shall be occupied or inhabited until such improvements are complete and accepted by the governing authority.

6.17.4.3. *Permanent reference points:* Prior to the approval of the final plat, all of the subdivision's permanent reference points shall have been placed in accordance with the following requirements:

6.17.4.3.1. *Subdivision corner tie:* At least two (2) corners of the subdivision shall be designated by state plane coordinates using NAD 83. These corners shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10,000. At least one (1) corner of the subdivision shall be tied to some permanent and readily recognizable landmark or identifiable point, physical object or structure. In subdivisions of more than ten (10) lots, the information for this corner tie shall include elevation above mean sea level datum.

6.17.4.3.2. *Monuments:* (1)Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and at the intersection of the lines of streets with boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

(2) It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(3) All required monuments shall be placed flush with the ground where practicable.

(4) If the required location of monument is in an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.

(5) All monuments used shall be made of solid iron or steel bars at least one-half ($1/2$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

6.17.4.3.3. *Control corners:* Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. All control corners shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means, a metal plate of noncorrosive materials and marked plainly with the point, the surveyor's registration number, the month and year it was installed and the words "control corner."

6.17.4.3.4. *Property markers:* A steel or wrought iron pipe or the equivalent not less than three-fourths ($3/4$) inch in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. Temporary lot number identification markers (stakes) shall be installed on all lots. Markers shall be placed near the front corner pins and shall remain in place until the subdivision physical development has been completed.

6.17.4.3.5. *Accuracy:* Land surveys, both within the limits of incorporated areas and beyond shall be at an accuracy of at least 1:10,000.

6.17.4.3.6. *Reference elevation:* A permanent benchmark elevation referenced to mean sea level datum shall be established for all subdivisions with fifteen (15) or more lots or any subdivision located in/or adjacent to a designated flood zone other than zone "C."

6.17.4.3.7. *Drafting standards:* All final plats shall be drafted or drawn using commonly accepted standards of the industry. All lines shall be clean and crisp. All lettering shall be clean, crisp and legible. No letter or number shall be less than six-hundredths (0.06) of an inch in height.

6.18.5. Final plat electronic submission requirement.

An electronic copy of a computer-aided drafting version of the final plat drawing shall accompany the hard copy submittal of the final plat to the Long County-City of Ludowici Planning Board. The electronic copy shall contain the following information. Technical details for submission of the electronic copy and layering convention are on file at the Long County Code Enforcement Office.

6.18.5.1. Sufficient data to determine readily and reproduce accurately the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of curvature, point of tangency, degree of curve and other data for curve property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.

6.18.5.2. All property boundaries, watercourses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.

6.18.5.3. Exact boundaries of the tract being subdivided shown with bearing and distances.

6.18.5.4. Streets, rights-of-way, and street names.

6.18.5.5. Easements locations, widths, and purposes.

6.18.5.6. Lot lines, minimum building setback lines, and lot and block numbers with square footage of each lot printed inside of the lot lines.

6.18.5.7. Parks, school sites, or other public open spaces, if any.

6.18.5.8. All dimensions shall be to the nearest one-hundredth (1/100) of a foot and all angles to the nearest second. Surveys will be tied into the Georgia State Plane Coordinate System.

6.18.5.9. Flood zones "A," "B," "C" and "V" shall be identified, if applicable, with required base flood elevation for each lot.

6.18.5.10. Identified wetlands.

6.18.5.11. Identify floodway.

6.18.6. Record drawing electronic submission requirement.

Upon completion of the installation and inspection of the required improvements in a subdivision/development, an electronic copy showing all record drawing information of all required improvements must be submitted to the governing authority. The information must be reviewed and accepted by the local governing authority prior to the final approval of the required improvements in a subdivision/development. Submitted drawings must be compatible and be coordinated with that information submitted in accordance with SECTION 6 18.5, final plat electronic copy submission requirement. Technical details for submission of the electronic copy and layering convention are on file at the Long County Code Enforcement Office. The release of any performance bonds or letters of credit, as well as final approval and acceptance of improvements by the local governing authority, shall not be given until the required as-built plans are submitted and approved by the governing authority.

6.19.1. Required improvements

A well designed subdivision or development includes improvements that provide for the safety and security of all citizens, includes adequate open spaces for recreation and circulation, preserves and protects our wetlands, streams and marshes, and promotes the overall public good. A subdivision means little to a prospective lot buyer until such buyer can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a subdivision is not an asset to the community until the necessary improvements have been installed and provide adequate levels of service. In order that prospective lot purchasers may get useable products, and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by these regulations necessary to serve the subdivision prior to the approval of the final plat. Any request for an exception to these required improvements must be documented by the developer, and address the reason for the exception and why it meets the spirit and intent of these regulations.

6.19.1.1. Natural gas: When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced as per the typical roadway detail to prevent having to cut into the paved surface to serve abutting properties.

6.19.1.2. Water supply: All lots, tracts or parcels must be served by a water source. The water source may be an individual water system, a municipal/county water system, or a

community water system. The water source must be approved by the governing authority, the health department and, when necessary, the environmental protection division of the Georgia Department of Natural Resources. All required improvements must meet the requirements of these agencies. Individual wells shall be installed in accordance with the rules and administrative regulations of the county health department.

(1) Subdivisions located in any municipality, or near or adjacent to an existing municipal/county water supply, shall connect to that municipal/county water supply, unless the municipality/county certifies that it will not supply water to the proposed development.

(2) Subdivisions not located within and served by a municipality/county owned water system and located adjacent to an existing private water supply may connect to that water supply provided that the owner agrees to the connection in writing, that the proposed system is approved as mentioned above, and that the existing system is capable of providing an adequate supply of water.

(3) When the water main is located in the street to serve the abutting lots, a water service line shall be stubbed out to the property line to serve each lot before the street is surfaced. The location of each service line shall be marked clearly on the record drawings and submitted to the governing authority.

(4) All developments shall address provisions for fire protection. For developments with municipal/county or community water systems, appropriate water sources, water flows and pressures must be provided for fire protection and be approved by the county's fire coordinator and building official. For developments of more than ten (10) lots, where the minimum lot size is one (1) or more acres, and all lots are served by individual private water systems, dry hydrants or other means of fire protection shall be considered. For developments with individual water systems:

- a. With ten (10) or fewer lots where the minimum lot size is one (1) or more acres; or
- b. When the minimum lot size for the development is three (3) or more acres, no provision for community or central fire protection is required, but individual building protection (such as sprinkler systems) is encouraged.

6.19.1.3 Sanitary sewerage: Subdivisions located in any municipality, or near or adjacent to an existing municipal/county sanitary system, shall connect to that system, unless the municipality/county certifies that it will not provide sanitary sewerage services.

(1) In other areas not served by municipal/county systems or other public systems, a community water system and a community sanitary sewerage system shall be installed in a subdivision with more than fifty (50) lots or with potential for more than fifty (50) lots. A variance from the community sanitary sewerage system requirement for subdivisions with more than fifty (50) and less than one hundred (100) lots may be granted by the governing authority if the lot sizes are one (1) acre or more, and the soil conditions are able to support the required number of on-site sewage disposal units. The variance request must be accompanied by a detailed soils report by a qualified professional attesting to the conditions of the site. For subdivisions with one hundred (100) or more lots or with potential for more than one hundred (100) lots, a variance from the requirement for a community water and sewer system may be granted by the governing authority only if the lots are five (5) acres or more, and if unique conditions meeting the requirements in SECTION 22.1 exist, and the soil conditions are able to support the required number of on-site sewage disposal units. The variance request must be accompanied by a detailed report by a qualified soils professional and a qualified engineer attesting to the conditions of the site. If a sanitary sewerage system is installed in a subdivision, the proposed sewerage system shall be installed in accordance with the plans and specifications approved by the local governing authority's engineer/designee, and the requirements of the environmental protection division of the Georgia Department of Natural Resources.

(2) Individual septic systems, if approved, shall be installed in accordance with the approved plans and specifications and in accordance with the rules and administrative regulations of the local governing authority and the county health department.

(3) Subdivisions located near or adjacent to a private sewerage system may connect to that system provided that the owner agrees to the connection in writing, that the extension is reviewed and approved as mentioned above, and that the existing system is capable of providing adequate treatment and disposal.

(4) When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. The location of each service line shall be marked clearly on the record drawings and submitted to the governing authority.

6.19.1.4. Sewage disposal systems: Prior to the construction of any community sewerage disposal system such as private septic tanks, an oxidation pond or other facility, the

location, size, plans, and specifications of such a facility shall be approved by and be in accordance with the rules and administrative regulations of the governing authority, the county health department, and the environmental protection division of the Georgia Department of Natural Resources.

6.19.1.5. Curbs and gutters: Concrete curbs and gutters shall be installed along new streets and roadways. Existing public roadways that are included in or are adjacent to the development or subdivision shall be developed and improved to the same curb and gutter and sidewalk standards as new streets. All concrete curbs shall be installed in accordance with the approved plans and standard specifications. All streets designated and shown shall be constructed and surfaced with the requirements of this ordinance and with the details, drawings and specifications as published by the governing authority. A copy of the standard specifications will be kept on file at the planning board. Higher standards than those required by the standard specifications may be required by the governing authority to provide adequately for unusual soil conditions, extraordinary traffic volume or other abnormal conditions. Curbs and gutters may not be required by the governing authority when the subdivider provides for "low impact design" and/or "clustering" of development to address runoff in a way that improves the quality and reduces the quantity of runoff. Approval of the developer's plans by the reviewing engineer and the governing authority is required.

6.19.1.6. Street grading and surfacing (local streets): Street grading, base preparation and surfacing of local streets shall be carried out in accordance with the approved plans and specifications. Grading, base preparation, and surfacing of local collection and arterial streets shall be installed in accordance with the standard specifications. Approval of the developer's plans by the county engineer/designee and governing authority is required.

6.19.1.7. Storm drainage: An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, storm drains, drop inlets, bridges, and other necessary appurtenances shall be installed by the subdivider in accordance with the plans, standard specifications, and drainage ordinance. Approval of the developer's plans by the county engineer/ designee and governing authority/designee is required.

6.19.1.8. Signs: Street name signs shall be approved by the Code Enforcement Office/Designee and installed at all intersections within a subdivision. Traffic control signs shall be installed in accordance with the Uniform Manual of Traffic Control Devices. The governing authority/designee shall approve the location and design.

6.19.1.9. Topsoil: Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.

6.19.1.10. Sidewalks: Sidewalks shall be installed in all approved subdivisions in accordance with SECTION 6.20.1.19 of this regulation. For residential subdivisions, sidewalks may be installed on individual lots at the time of home construction and made a condition of the certificate of occupancy. However, all sidewalks must be installed within twenty-four (24) months of final plat approval.

6.19.1.11. Nonpotable reuse water line: A nonpotable reuse water system shall be installed in all approved subdivisions and other planned developments where reuse water will be available in accordance with the plans and specifications approved by the governing authority/designee.

6.19.1.12. Street lights and poles: Installation of street lights and poles shall be done by the developer, and shall be approved by the appropriate electric utility company and the governing authority/designee. A street lighting plan, developed by the appropriate utility company, shall be submitted with the preliminary plat.

6.19.1.13. Electric and other utilities: All utilities and systems (electric, telephone, cable, etc.) shall be placed underground by the developer, and shall be installed as approved by the appropriate utility company and the governing authority/designee. A variance from this requirement may be granted by the governing authority/designee if unique conditions meeting the requirements in SECTION 6.22.1 exist.

6.19.1.14. Other required improvements: Following a detailed review of the impact of the proposed subdivision or other planned developments described in SECTION 6.21.1 on the infrastructure systems of the governing authority, other improvements, either on or off the site under development, may be required to be installed or paid for by the developer. The governing authority staff shall determine and approve the need and cost for all other required improvements and shall submit a report to the governing authority for approval.

6.19.1.15. Minimum corner clearance requirements for full access driveways (providing both ingress from and egress to either direction) at or near intersections: Roadway classification intersecting clearance with (in linear feet as measured from the curb return of the intersecting street to the first curb return of the driveway)

Arterial to Arterial: 250***

Arterial to Collector: 125***

Arterial to Local: 50

Collector to All: 50

Local to All: 50

Properties which do not meet the above minimum distance requirements may be approved as "right in - right out" only provided that no driveway may be located closer than fifty (50) linear feet from the curb return of the intersecting street.

***It must be proven by an engineering traffic study that left hand turn storage is sufficient for both the intersection and the proposed full access driveway. If more intersection clearance distance is required based on the study, then that shall be the minimum corner clearance distance. In no event shall it be less than the minimums stated herein

6.19.3. Final plat revisions.

If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the county clerk of court for final recording after the planning board has approved and signed the revised plat.

6.19.4. Installation guarantee

In lieu of requiring the completion of all required improvements prior to the acceptance of a final plat, the governing authority may at its discretion, accept a bond or guarantee from the subdivider, whereby the subdivider shall guarantee to complete all required improvements by this appendix or otherwise specified by the county engineer/designee or his/her designated representative, to the satisfaction of the local governing authority. Remaining primary improvements must be completed within six (6) months from the date of final plat approval by the governing authority. Remaining secondary improvements must be completed within two (2) years from the date of final plat approval by the governing authority. The amount of the guarantee shall be one hundred fifteen (115) percent of the construction cost of the required improvements. The developer's engineer shall estimate cost for construction or a copy of the construction contract shall be provided. The amount of the guarantee must be approved as adequate

to the local governing authority or representative. The time of guarantee shall be twelve (12) months and shall automatically renew until released by the governing authority/designee. The guarantee shall be in the form of one (1) of the following alternatives:

(a) Performance bond.

(b) Irrevocable letter of credit and its accompanying agreement.

(c) Cash bond and escrow agreement.

(d) Such other security arrangements as may be approved by the governing authority's attorney.

6.19.5. Inspections.

All subdivisions within the territorial jurisdiction of the governing authority shall be inspected and approved by the governing authority's engineer and/or their authorized representative(s). Sufficient inspections shall be made to insure compliance with the specifications set forth in these regulations. A registered engineer, employed by the developer, shall also certify in writing to the governing authority that he has inspected each and all phases of the development and finds all construction, including, but not limited to, the installation of all drainage systems, streets, sidewalks, water, non-potable reuse water lines, and sewerage systems to be in compliance with the approved development plans, specifications and standard specifications as set forth in these regulations.

6.19.6. Acceptance of improvements

At the time of final plat approval, any completed public improvements required as a condition of final plat approval may be accepted by the governing authority. Upon completion of the remaining public improvements, if any, the governing authority may accept the public improvements provided that roadway improvements deemed acceptable for public use and maintenance shall be adopted by resolution of the governing authority in accordance with O.C.G.A SECTION 32-4-40 and recorded in the minutes of said governing authority. Each portion of these improvements must have also been inspected and approved by the engineer or his designated representative, and/or the governing authority. All primary and or secondary improvements must also have been constructed in accordance with the standard specifications. Prior to

acceptance of any primary and/or secondary public improvements, the governing authority must obtain the engineer's certificate referred to in SECTION 19.5 and a maintenance bond referred to in SECTION 19.8

6.19.7. Building permits.

No building permit in a subdivision shall be issued and no building other than a farm building shall be erected on any lot unless the street giving access to the lot upon which the building is proposed to be placed has been accepted, or shall have otherwise been approved, by the governing authority

6.19.8. Maintenance bond

A maintenance bond (warranty bond) is required for acceptance of any completed public primary and or secondary improvements. The bond shall be written in the amount of fifteen (15) percent of the construction cost of the work. The amount of the maintenance bond shall be reviewed and approved by the designated engineer as sufficient to cover maintenance. The maintenance bond shall guarantee the work for a period of one (1) year, from the date of acceptance of the improvements by the local governing authority as shown in SECTION 6.19.6.

During the period of the one-year guarantee, any maintenance, replacement or repair required will be the responsibility of the developer. The required improvements will be inspected by the governing authority/designee at least thirty (30) days prior to the expiration of the maintenance bond. Any required maintenance shall be completed prior to release of the bond. If maintenance is not completed, the bond will be forfeited to the governing authority. Upon expiration of the one-year period, the governing authority shall consider for acceptance the public primary and secondary improvements for maintenance pursuant to O.C.G.A. 32-4-40 as may be amended from time to time. Prior acceptance by the governing authority shall not relieve the developer of responsibility for subsequent failures occurring within the period of the one-year guarantee. If at any time during the one-year period the developer fails to make prompt repairs or fails to maintain the road to the satisfaction of the governing authority, the governing authority may inform the developer and utilize bond funds or guarantee funds as needed.

6.19.9. Dedications

After the adoption of a major street plan as provided by law, the county or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the territorial jurisdiction of the planning board unless such street has been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to the attachment of the planning board subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning board and the local governing authority. The governing authority/designee may locate and construct or may accept any other street if the ordinance or other measure for such location and construction, or for acceptance, is first submitted to the planning board for its approval, and if disapproved by the planning board is approved by the governing authority. A street approved by the board upon submission, or by the governing body having appropriate jurisdiction or constructed or accepted the governing authority after disapproval by the board, shall have the status of an approved street as though it had originally been shown on a plat approved by the planning board or on a plat made and adopted by the planning board.

Design Standards

6.20.0. Scope.

The following design standards shall be considered minimum requirements in the platting of all subdivisions. The planning board and the governing authority may require standards that exceed these minimums. All approved minimum standards shall be on file at the planning board.

6.20.1. Streets.

6.20.1.1. *Conformity to existing maps or plans:* The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the governing authority.

6.20.1.2. *Continuation of adjoining street system:* The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing major streets shall be extended to connect with adjacent properties and the use of cul-de-sacs should be avoided, except when no other option is feasible. For planned developments, provisions for internal circulation for vehicles, pedestrians, and bicycles

should be incorporated into the development, and the ability to provide cross access to adjacent parcels should be considered.

6.20.1.3. *Access to adjacent properties:* It is desirable to provide for street access to adjoining property. Proposed streets shall be extended to the boundary of such property and a temporary turnaround shall be provided, unless the governing authority approves another system for access. Houses fronting on minor streets shall have access from minor streets only. Each subdivision should seek to provide at least two (2) points of access (streets) to existing public streets where feasible, and in a subdivision with, or the potential for, seventy-five (75) or more lots, two (2) or more access streets shall be provided unless the development can meet the standards for a variance as defined in SECTION X.

6.20.1.4. *Street names:* Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In no case shall the names of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking, or in any deed or instrument, without first getting approval of the planning board. The planning board shall coordinate, or cause to be coordinated, with the emergency 911 department for approval of street names.

6.20.1.5. *Minor streets:* Minor streets shall be so laid out that their use by through traffic will be discouraged.

6.20.1.6. *Private streets:* There shall be no private streets platted in any subdivision. Private streets are allowed in planned developments and quality developments as described in SECTION VIII.

6.20.1.7. *Trees:* All requirements of the tree protection ordinance must be met, and the landscape and tree planting plan should be submitted with the preliminary plat.

6.20.1.8. *Railroads and highways (freeways, expressways):* Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(a) In residential districts a buffer strip not less than twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the

platted lots and shall be so designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."

(b) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance wherefrom to ensure suitable depth for commercial or industrial sites.

(c) All other streets which are parallel to the railroad, when intersecting a street that crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

6.20.1.9. *Reserved strips prohibited:* Reserved strips at the terminus of a new street shall be prohibited.

6.20.1.10 *Street jogs:* Street jogs with centerlines offset by less than one hundred fifty (150) feet shall be prohibited.

6.20.1.11 *.Right-angle intersections:* Street intersections shall be as nearly at right angles as practicable.

6.20.1.12. *Cul-de-sac:* A minor street having a permanent dead end or otherwise having an outlet must be provided with a turnaround having a roadway diameter of at least one-hundred (100) feet and a right-of-way diameter of at least one hundred (100) feet. In no cases shall a cul-de-sac be more than fifteen hundred (1,500) feet in length. Temporary dead-end streets shall not be longer than six hundred (600) feet, and shall be provided with a turnaround having a one-hundred (100) feet radius.

6.20.1.13. *Alleys:* Service alleys or drives may be required in multiple dwelling, commercial and industrial developments and shall have a minimum surface treatment width of fifteen (15) feet, but shall not be provided in one-family and two-family residential developments unless the subdivider provides evidence satisfactory to the governing authority/designee of the need for alleys.

6.20.1.14. *Paving requirements:* All streets must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the governing authority:

(1)*Subgrade.* The subgrade shall be twenty-four (24) inches of compacted subgrade material compacted to ninety-five (95) percent density.

(2)*Base.* The base shall consist of a graded aggregate base course screened one and one-half (1½) inches or smaller with a thickness of six (6) inches after being thoroughly compacted and constructed.

(a)All materials shall be secured from an approved source and shall conform to Georgia Department of Transportation's minimum acceptable standards for this area.

(b)As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross-section and then rolled with a sheepsfoot roller until the roller walks out and finally with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects shall be remedied as soon as they are discovered. New materials shall be added if necessary and defective portions shall be entirely removed.

(c)The base course shall be maintained under traffic and kept free from ruts, ridges and dusting, true to grade and cross-section until it is primed.

(d)No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

(3)*Pavement.* Wearing surface shall consist of one and one-half (1½) inches thick bituminous aggregate plant mix Type "E" or "F" or approved equivalent and shall be placed in accordance with the latest edition of the Georgia Department of Transportation Standard Specifications for Roads and Bridges.

(4)*Curb and gutter.* Concrete curbs and gutters are required on all new streets. The width of the curb and gutter shall not be less than twenty-four (24) inches, unless approved by the governing authority/designee. The governing authority/designee may approve streets without curbs and gutters when the development is designed to be of "low impact design" to reduce the quantity and enhance the quality of stormwater runoff.

6.20.1.15. *Street right-of-way widths:* Minimum street right-of-way widths shall be as follows:

(1)Minimum typical SECTION with curb and gutter (SECTION IX, Typical Details).

6.20.1.16. *Sight distance for vertical curves:* Where vertical curves are used, the minimum sight distance shall be as follows:

General Minimum Design Standards

	Minimum Right-of-Way (feet)	Design Speed (MPH)	Minimum Curve Radii (feet)	Minimum Stopping Sight Distance (feet)
Local	60	25	275	200.0
Collector	60	25	350	240.0
Arterial	80	25	500	275.1

6.20.1.17. *Horizontal curves:* Where a deflection angle of more than ten (10) degrees occurs in the alignment of a marginal access or minor street or road, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a collector, industrial or commercial service street or major thoroughfare. On major thoroughfares the state department of transportation or governing authority's engineer shall determine the centerline radius of curvature. On collector, industrial or commercial service streets, the centerline radius of curvature shall not be less than three hundred fifty (350) feet. On minor streets, the centerline radius of curvature shall not be less than one hundred fifty (150) feet unless the topography of the land to be subdivided makes this impractical.

6.20.1.18. *Street grades:* Grades on major thoroughfares shall be established or approved by the governing authority's engineer. Grades on collector streets shall not exceed eight (8) percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed fifteen (15) percent, unless topographic conditions make this impractical. All streets should have a minimum grade of not less than three-tenths of one (0.30) percent.

6.20.1.19. *Sidewalks:* Sidewalks must be installed on all streets. All sidewalks shall be constructed in accordance with the standards of the Standard Specifications, except where unusual conditions exist which eliminate the necessity for sidewalks and said exceptions are specifically granted by the governing authority/designee. In all cases where exceptions to sidewalks are granted by the governing authority/designee, the

developments are required to provide for pedestrian mobility and connectivity to adjacent parcels and developments.

Minimum Sidewalk Standards

Arterial Streets	Minimum of 5 feet, both sides
Collector Streets	Minimum of 5 feet, both sides
Local Streets	Minimum of 5 feet, both sides

Where it is deemed necessary for public safety, the governing authority may require either additional sidewalks, off-road pedestrian paths, or wider sidewalks than listed above.

Design standards for unpaved minor streets: All unpaved minor streets which are approved as an exemption as defined in SECTION X by the governing authority shall be designed and constructed in accordance with the following minimum specifications and standards:

(a) Minimum right-of-way required where roadside ditches are required shall be sixty (60) feet, thirty (30) feet right and left of the roadbed centerline.

(b) Roadbed width shall be a minimum of thirty (30) feet, fifteen (15) feet right and left of the centerline with a minimum crown of six (6) inches to centerline. Travel lanes shall have a minimum width of twenty-two (22) feet, eleven (11) feet right and left of the centerline with grassed shoulders with a minimum ratio of 3:1. Roadside ditches shall have a flat bottom with a minimum width of twenty-four (24) inches. All back slopes where required will consist of a minimum slope ratio of 2:1.

(c) The top six (6) inches of all travel lanes shall be compacted to a minimum ninety-five (95) per cent standard proctor density. Test reports shall be supplied by the developer at the request of the governing authority/designee. Also stabilization requirements of travel lanes shall be based on the engineer's recommendation as to the type and amount.

The recommendation shall be based on considering the type of soils, drainage, estimated traffic volumes and types and surrounding topography.

(d) Test for compaction shall be located no more than five hundred (500) feet apart and staggered to right and left and on centerline.

(e) All drainage culverts for unpaved streets shall be of material specifications according to the Georgia Department of Transportation. This is required due to ditch maintenance activity. Also a minimum of one (1) foot cover on all pipes.

(f) The grassing requirement will be determined by the governing authority's engineer or as required by the Soil Erosion and Sedimentation Control Ordinance.

(g) All unpaved streets that tie into paved streets shall require ramp paving of a minimum of twenty-two (22) feet in width and twenty-four (24) feet in length in accordance with minimum paving requirements of this SECTION.

(h) Other streets that do not require roadside ditches shall comply with all requirements except that of ditch widths and back slope regulations.

6.20.2. Easements. Easements having a minimum width of fifteen (15) feet and located along the side or rear of lot lines shall be provided as required for utility lines and underground mains and cables. Drainage easements shall be a minimum of twenty (20) feet in width plus an additional fifteen (15) feet adjacent to drainage easements with open ditches or the like provided for access and maintenance.

6.20.2.1. Access easements: All easements for vehicular access, including ingress and egress, shall have a minimum width of sixty (60) feet, except as provided in SECTION 4.3(c).

6.20.3. Blocks. Block lengths and widths shall be as follows:

6.20.3.1. Lengths: Block lengths shall not exceed twelve hundred (1,200) feet nor be less than three hundred (300) feet, unless approved by the planning board and the governing authority/designee.

6.20.3.2 Widths: Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may be one (1) lot in depth where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

6.20.3.3 Pedestrian ways: Crosswalks, not less than ten (10) feet wide, may be required by the governing authority where it is deemed essential in order to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

6.20.4. Lots. All lots shall meet the minimum lot width, depth, and area requirements of the Long County Zoning Ordinance.

6.20.4.1. Setback lines: Setback distances as shown in the adopted zoning ordinance, shall be accepted as the minimum setback required.

6.20.4.2. Building setback lines: A building line meeting the minimum front yard setback requirements of this ordinance shall be established on all lots.

6.20.4.3. Orientation of lot lines: Side lot lines shall be substantially at right angles or radial to street lines.

6.20.4.4. Lots abutting public streets: Each lot shall abut upon a dedicated public street on which it has access.

6.20.5. Driveways.

6.20.5.1. Permits: It shall be unlawful to begin construction of any driveway and/or alter any driveway abutting on a public street, except those driveways abutting on a state or federal highway, until a building permit for such work has been issued. The Georgia Department of Transportation shall issue permits for those driveways abutting on state and federal highways.

6.20.5.2. Fees: The building permit fee shall be set by the governing authority.

6.20.5.3. Commercial driveways: All commercial driveways shall be designed and constructed in accordance with the most current version of the State of Georgia Department of Transportation Regulations for Driveway and Encroachment Control.

6.20.5.4. Details: All work for which a permit has been issued shall be inspected by the designated engineer or his representative and shall comply with the following details and specifications:

(a) Pavement shall consist of concrete and/or bituminous plant mix Type "E" or "F" and shall have a width of not less than twelve (12) feet.

(b)When driveway pipes are required the length of pipe shall not be less than twenty-four (24) feet. The size and type of pipe shall be designed in accordance with the drainage ordinance.

(c)End treatments are required in accordance with the State of Georgia Department of Transportation Regulations for Driveway and Encroachment Control.

(d)Pavement will not be required for driveways that abut an existing dirt road.

6.20.6. General suitability.

6.20.6.1. *Soils:* The developer's engineer shall certify that the soil conditions are suitable for development purposes of the kind proposed.

6.20.6.2. *Flooding:* Floodprone areas shall be consistent with all flood insurance regulations.

6.21.1. Planned developments.

In order to prevent creation of traffic hazards, insure the provision of off-street parking and the provision of necessary utilities, plans for planned developments such as manufactured home parks, apartment complexes, commercial complexes, and other developments where the site is not subdivided into lots and public streets, shall be submitted to the governing authority staff for review and approval. In addition, any planned unit development as referenced in the zoning ordinance shall conform to not only these regulations, but also all requirements stated in the zoning ordinance under planned unit development. Such plans shall show the following information:

6.21.1.1. *Scale:* A plat of the property drawn to a scale of at least one hundred (100) feet to one (1) inch.

6.21.1.2. *Location:* The location of the parcel of land with respect to adjacent rights-of-way.

6.21.1.3. *Buildings:* The shape, dimensions, and location of all buildings, existing and proposed, on said parcel.

6.21.1.4. *Nature of use:* The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.

6.21.1.5. *Topography:* Topography of the site by contours at vertical intervals of not more than one (1) feet. However one-foot intervals are preferred.

6.21.1.6. *Parking*: The location and dimensions of off-street parking and loading space and the means of ingress and egress to and from such space.

6.21.1.7. *Drainage*: The location and size of all proposed utilities and storm drainage facilities in accordance with the drainage ordinance.

6.21.1.8. *Other information*: Landscaping as required by ordinance and any other such information as the governing authority may deem necessary because of the physical characteristics peculiar to the particular development.

6.21.1.9. *Enforcement of group development requirements*: No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the plans for the planned development have been approved by the governing authority and so noted on prints of the development plan.

6.21.1.10. *Nonpotable reuse system*: The location and size of all reuse water mains, valves, fittings, and hydrants in accordance with the design guide approved by the governing authority, unless the county does not require such a system following an analysis of the reuse demand of the proposed development.

6.21.2. *Quality developments.*

6.21.2.1. *Intent*: It is not the intent of these regulations to freeze new developments into any single type of design. It is, however, the intent of these regulations to insure that all new developments shall contribute to the building of economically sound, sustainable and desirable areas within the community with all necessary services and facilities. The purpose of the designation of quality developments is to allow the utilization of land while insuring that there are little or no detrimental impacts on the environment, neighboring properties, and the public safety, welfare and interest. The intent is that all quality developments far exceed the minimum standards defined and encourage innovation in development that enhances and improves public safety and welfare.

6.21.2.2. *Authority to modify standards*: In order to provide the developer with maximum flexibility in the design and character of new subdivisions and other planned developments, the planning board is hereby authorized to recommend that the governing authority modify the standards and requirements, but not the intent of these regulations and zoning standards, in the case of a plan that exhibits unique quality growth features within a planned unit, which, in the judgment of the planning board:

(1) Provides significant public spaces for circulation, recreation, light, air and service needs of the tract when fully developed and populated; and

(2) Which exhibits unique "quality" features in keeping with state department of community affairs principles; and

(3) Which addresses each of Long County's quality development guidelines; and

(4) Which provides such covenants or other legal provisions as will assure conformity to and achievement of the comprehensive development plan.

Any development considered for "quality development" status shall be analyzed using these principles and the guidelines listed below. The following is a list of Long County's performance guidelines against which all proposed quality developments will be analyzed:

(1) Does the proposed development provide an appropriate and significant amount of uplands dedicated to open space, recreational, and other public uses that are available for the use and enjoyment of the residents and users of the development and citizens of Long County?

(2) Will the development as designed minimize impacts to, and preserve, wetlands and floodplains?

(3) Has the proposal minimized the impervious surfaces in order to minimize stormwater runoff, and does it include the use of measures such as low impact design or other strategies to reduce the quantity and improve the quality of all runoff?

(4) Are the connectivity of open spaces and wetlands maximized in such a way as to create and preserve habitat areas for wildlife?

(5) Does the design maximize the preservation and protection of large hardwood trees and woodlands in wetlands and uplands?

(6) Does the proposal minimize or include mitigation for impacts on Long County's, and the neighboring governments', infrastructure systems?

The planning board and governing authority staff shall review the proposed development in accordance with these guidelines and the principles, and may consider modification of standards and requirements should the proposed development exceed the subdivision regulations and adequately address each of these principles and guidelines. The developer or subdivider shall request that the governing authority staff consider the development for designation as a "quality development" and provide the information required by the planning board and governing authority staff in order to

evaluate the request for the designation and the modification of any standards or requirements.

6.21.2.3. *Maintenance of spirit of regulations:* Any development or subdivision approved under this SECTION shall maintain the objectives, purposes, and intent of these regulations. To this end, the planning board and governing authority staff may recommend modification to the standards and requirements of these regulations and the standards defined in the Long County Zoning Ordinance.

6.21.3. *Conservation subdivisions.*

Conservation subdivisions shall be permitted on all residential zones subject to the following provisions:

6.21.3.1. *General regulations:*

(1)*Applicability of regulations.* This conservation subdivision option is available as a use by right in all agricultural and single-family residential zoning districts, including Agriculture/Forestry and Rural Residential. Applicant shall comply with all other provisions of the land development code and all other applicable laws, except those that are incompatible with the provisions contained herein.

(2)*Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

(3)*Housing density determination.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two (2) methods, at the discretion of the applicant:

(a)*Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- i.. Slopes over twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area;
- ii. The 100-year floodplain;
- iii. Bodies of open water over five thousand (5,000) square feet contiguous area; and

iv. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

(b)*Yield plan*: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

6.21.3.2. Application requirements:

(1)*Site analysis map required*. Concurrent with the submission of a preliminary plat, applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this SECTION. The preliminary site plan shall include the following features:

(a)Property boundaries;

(b)All streams, rivers, lakes, wetlands and other hydrologic features;

(c)Topographic contours of no less than ten-foot intervals;

(d)All primary and secondary conservation areas labeled by type, as described in SECTION 6.28.3 of this SECTION;

(e)General vegetation characteristics;

(f)General soil types;

(g)The planned location of protected open space;

(h)Existing roads and structures;

(i)Potential connections with existing greenspace and trails.

(2)*Open space management plan required*. An open space management plan, as described in SECTION 8.3.3, shall be prepared and submitted prior to the issuance of a land use permit.

(3)*Instrument of permanent protection required*. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as

described in SECTION 6.28.3, shall be placed on the open space concurrent with the issuance of a land use permit.

(4)*Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning district and the subdivision regulations.

6.21.3.3. *Open space:*

(1)*Definition.* "Open space" is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

(2)*Standards to determine open space.*

(a)The minimum restricted open space shall comprise at least forty (40) percent of the gross tract area.

(b)The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this SECTION:

I. The 100-year floodplain.

ii. Riparian zones of at least seventy-five (75) feet width along all perennial and intermittent streams.

iii. Slopes above twenty-five (25) percent of at least five thousand (5,000) square feet contiguous area.

iv. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.

v. Populations of endangered or threatened species, or habitat for such species.

vi. Archaeological sites, cemeteries and burial grounds.

(c)The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:

i. Important historic sites.

ii. Existing healthy, native forests of at least one (1) acre contiguous area.

Iii. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line.

iv. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.

v. Prime agricultural lands of at least five (5) acres contiguous area.

vi. Existing trails that connect the tract to neighboring areas.

(d) Above ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the forty (40) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

(e) At least twenty-five (25) percent of the open space shall consist of land that is suitable for building.

(f) At least seventy-five (75) percent of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(g) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space.

(3) Permitted uses of open space.

(a) Uses of open space may include the following:

i. Conservation of natural, archeological or historical resources;

ii. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

iii. Walking or bicycle trails, provided they are constructed of porous paving materials;

iv. Passive recreation areas, such as open fields;

v. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;

- vi. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
- vii. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas;
- viii. Easements for drainage, access, and underground utility lines;
- ix. Other conservation-oriented uses compatible with the purposes of this ordinance.

(4) Prohibited uses of open space.

- (a) Golf courses;
- (b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (c) Agricultural and forestry activities not conducted according to accepted best management practices;
- (d) Impoundments;
- (e) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(5) Ownership and management of open space.

- (a) *Ownership of open space.* The designated open space may be owned and managed by one (1) or any combination of the following:
 - i. A homeowners' association representing the residents of the subdivision. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners association.
 - ii. A nonprofit conservation organization deemed acceptable by the governing authority. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

iii. Public dedication of open space. The governing authority may accept the dedication of a conservation easement to the common open space, provided the common open space is accessible to the residents of the city or county and provided the county or city agrees to and has access to maintain the common open space.

iv. Individual ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement governing uses of the open space.

(b) *Management plan.* Applicant shall submit a plan for management of open space and common facilities ("plan") that:

i. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

ii. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

iii. Provides that any changes to the plan be approved by the governing authority; and

iv. Provides for enforcement of the plan.

(c) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the governing authority may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(6) *Legal instrument for permanent protection.*

(a) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one (1) of the following:

i. A permanent conservation easement in favor of either:

A. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual

existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

B. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the governing authority, then a third right of enforcement favoring the governing authority shall be included in the easement.

ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

iii. An equivalent legal tool that provides permanent protection, if approved by the governing authority.

(b) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this SECTION, as well as any further restrictions the applicant chooses to place on the use of the open space.

(7)*Tax assessment of open space.* Once a legal instrument for permanent protection has been placed upon the open space, the Long County Tax Assessor may, upon request of the property owner, reassess the open space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment may be at a value of zero.

6.22.1. Variances.

When, due to a particular hardship experienced by an owner of a tract of land, such as inadequate size, shape, drainage, etc., it is impractical for a developer to comply with the interpretations of the design requirements of these regulations the planning board shall be authorized to recommend variances to such requirements provided the intent and purpose of these regulations are not violated. Such variations, and the reasons for granting them, shall be considered for approval by and entered into the minutes of the governing authority. The conditions for granting the variance by the governing authority/designee are as follows:

(1)There are extraordinary and exceptional conditions pertaining to this particular piece of property because of its size, shape or topography, and

- (2)The application of the standards to this particular property would create an 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 the SECTION.

6.22.2. Exceptions.

In order to promote the public welfare and enhance the safety and health of the public, it may be in the best interests of the governing authority/designee to modify or provide exceptions to certain development and design standards. The planning board shall be authorized to consider exceptions to such requirements, provided the intent and purpose of these regulations are not violated. All exceptions, and the reasons for granting them, shall be entered into the minutes of the planning board and also the approving governing authority.

6.22.2.1. Special developments. Exceptions to design standards may be considered, when due to particular and unique proposed development standards such as: equestrian developments, developments proposed to follow low impact design to improve the quality and reduce the quantity of stormwater runoff, developments which promote enhanced walkability and bicycling, and those developments which meet a majority of, or all of, the quality development guidelines in SECTION VIII.

6.22.2.2. Reserved.

6.22.2.3. Private street exception. Private streets may be considered as an exception by the planning board and may be permitted by the planning board with the approval of Long County if they meet all of the following conditions:

- (1)Private streets shall meet the requirements of this ordinance regarding preliminary and final plat, as well as receiving all required permits and construction inspection of infrastructure.
- (2)Private streets in subdivisions shall be platted and constructed according to the design standards established for public streets.
- (3)All private streets and street name markers shall be maintained by the owners of the property within such subdivisions and the governing authority has no responsibility

whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

(4) All lots or parcels abutting any private street subsequently sold following this exception shall include a disclosure that the street is not a public street, and the street shall be maintained by the owners of the property within such subdivisions and the governing authority has no responsibility whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

(5) A property owners' association must be created to maintain all private streets, and be filed with the clerk of superior court, and, as a minimum, shall provide for: mandatory and automatic membership in the property owners' association before any individual properties are sold; all owners to have equal access and right to use all shared private facilities; perpetual and continued maintenance of the private streets and any open space; bond instruments to ensure maintenance of streets and common areas; bond or tax liability in the case of default; the method of assessment of dues; maintenance and related costs; and restoration in the event of damage or destruction.

(6) Where this SECTION requires or allows the presentation and maintenance of private streets and other open space through a property owners' association, and if the property owners' association fails to maintain the private streets and common property in a reasonable condition, the governing authority shall serve written notice upon the association and upon the individual property owners, setting forth the manner in which the organization has failed to maintain common open space and private streets in a reasonable condition. The notice shall include a demand that these deficiencies of maintenance are corrected within thirty (30) days of the notice. If the deficiencies are not corrected within thirty (30) days, Long County, in order to preserve the taxable values of the properties within the development and to prevent the common open space and private streets from becoming a public nuisance, may enter upon the common open space and private streets and maintain it for one (1) year and thereafter until the association is prepared to provide maintenance. The cost of this maintenance by Long County shall be assessed against the maintenance bond established and funded by the property owners' association or, if the bond has been allowed to lapse, the cost shall be assessed against all properties within the developments that have a right of enjoyment of the private streets, and shall become a lien upon the properties.

(7) A perpetual maintenance bond with Long County as the beneficiary as defined in paragraph 22.2.4(6) is required for the completed paving, curb and gutter, sidewalks, drainage, water and sewer facilities, and other required improvements. The bond shall be written in the amount of twenty-five (25) percent of the construction cost of the work. The amount of the maintenance bond shall be reviewed and approved by the governing authority's engineer as sufficient to cover maintenance. The bond may be released or reduced only if the governing authority accepts any or all improvements for maintenance. If at any time the property owners' association fails to make prompt repairs or fails to maintain the road and other improvements to the satisfaction of the governing authority, the governing authority may inform the association and utilize bond funds or guarantee funds as needed.

(8) Private streets shall always remain open for police, fire, ambulance, and other vehicles of all government agencies.

6.23.1. Filing and recording.

No plat of a subdivision within Long County shall be filed or recorded by the county clerk of the court until the final plat shall have been submitted to and approved by the governing authority and such approval entered in writing on the final plat by the secretary of the planning board along with a county seal and signature of county clerk.

6.23.2. Improvements, streets.

The governing authority or other public authority shall not hereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other public facilities or utilities in any street unless it has been accepted as, opened as, or otherwise received the legal status of, a public street or unless such street corresponds in its location and lines with a street shown on the final plat approved by the governing authority. The governing authority may locate and construct or may accept any other street provided that the ordinance or resolution or other measure for such approval be first submitted to the planning board for its approval or disapproval as provided for in the procedure on plats and, upon approval, any such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the governing authority.

6.23.3. Street names.

No street or road shall hereafter be named on a plat or in a deed or other instrument without approval by the planning board.

6.23.4. Schedule of filing fees.

The schedule of fees as published by the governing authority shall be paid in connection with applications under these regulations.

6.23.5. Maintenance of common areas and private facilities.

(a) If any development includes private facilities and common areas, a property owners' association must be created to maintain all private facilities and areas, and be filed with the clerk of superior court and, as a minimum, shall provide for: mandatory and automatic membership in the property owners' association before any individual properties are sold; all owners to have equal access and right to use all shared private facilities; perpetual and continued maintenance of the private facilities and any open space; tax liability in the case of default; the method of assessment of dues; maintenance and related costs; and restoration in the event of damage or destruction.

(b) Where this SECTION requires or allows the preservation and maintenance of private facilities and other open space through a property owners' association, and if the property owners' association fails to maintain the common property in a reasonable condition, the governing authority shall serve written notice upon the association and upon the individual property owners, setting forth the manner in which the organization has failed to maintain common open space and private streets in a reasonable condition. The notice shall include a demand that these deficiencies of maintenance are corrected within thirty (30) days of the notice. If the deficiencies are not corrected within thirty (30) days, Long County, in order to preserve the taxable values of the properties within the development and to prevent the common open space and private facilities from becoming a public nuisance, may enter upon the common open space and private facilities and maintain it for one (1) year and thereafter until the association is prepared to provide maintenance. The cost of this maintenance by Long County shall be assessed against the properties within the developments that have a right of enjoyment of the common open space and private facilities, and shall become a lien upon the properties.

6.23.6. Soil erosion and sedimentation control plan and land-disturbing activity permit.

If required by the Soil Erosion and Sedimentation Control Ordinance, a soil erosion and sedimentation control (E. & S.) plan shall be submitted to the Administrator of the Long County-City of Ludowici Planning and Zoning Board. The E. & S. plan may be submitted prior to the time of filing the development's construction or site plans. A copy of the E. & S. plan shall be submitted as a part of the filing of any construction plans or the site plans when they are required. A land-disturbing activity permit shall be obtained from the governing authority following or concurrent with receiving plan approval from the Coastal Soil and Water Conservation District. Land-disturbing activities shall not begin prior to the issuance of a land-disturbing activity permit.

6.23.7. Drainage and floodplain requirements.

All developments shall comply with the requirements of the drainage ordinance. The development shall consider the impacts of drainage on both the flow rates and volumes as well as the 100-year flood elevations upstream and downstream of any proposed developments. The drainage plans should ensure that no other parcels are negatively impacted by the rate, volume or flow of stormwater resulting from the development.

6.23.8. Guideline.

The following is a guideline for minimum guarantees that can be accepted:

6.23.8.1. The applicant shall be the developer.

6.23.8.2. The beneficiary shall be Long County.

6.23.8.3. The governing authority must be able to draw on the letter of credit when a signed statement from the governing authority is shown to the lending institution. Such statement must certify that the developer is in default of the accompanying agreement. The statement must also show the amount of money due as a result of such default.

6.23.8.4. Credit must be automatically extended for an additional period of one (1) year from the present and each future expiration date unless the governing authority is notified not less than forty-five (45) days in advance of an expiration date. The letter of

credit shall not be withdrawn or reduced until all required improvements are completed and accepted by the local governing authority.

6.23.8.5. The governing authority must be able to draw the outstanding balance of money upon presentation of a signed statement by the governing authority as a cash bond to secure continued adherence to the terms of the agreement. This clause would be utilized in the event the lending institution chooses not to extend the expiration date and improvements are not complete.

6.23.8.6. The lending institution will receive the original letter of credit marked "Cancel" upon tender of payment or upon completion of improvements to the satisfaction of the governing authority.

6.23.8.7. The lending institution must agree to be responsible for the governing authority's court costs and attorney fees in the event the governing authority initiates a suit under the letter of credit.

6.23.8.8. The letter of credit must state that the letter of credit is specifically governed by the Uniform Commercial Code (or similar code) in force in the State of Georgia.

6.23.8.9. An example of an accepted letter of credit is shown as follows.

Other types of bonding, guarantees, sureties or other similar security arrangements may be accepted if approved by the governing authority's attorney.

AN EXAMPLE OF IRREVOCABLE LETTER OF CREDIT IS ON THE NEXT PAGE

(BANK LETTERHEAD)

IRREVOCABLE LETTER OF CREDIT

Date:

Letter of Credit:

Addressed to: Long County

We hereby establish our Letter of Credit Number _____ in your favor for the account of (*Name of Developer*), for the sum or sums of U.S. dollars not exceeding a total of (*amount of money*) available by your drafts at sight on (*Name of Bank*) accompanied by the following:

1. A statement signed by the beneficiary indicating that payment has been requested and is due.
2. Certification that the funds are required related to (*type of work*) RE: (*name of subdivision*), or required as a cash bond to secure contained [continued] adherence to terms.

Drafts must be negotiated (or presented to drawee bank for payment) on or before (*date*), or any extended date.

This letter of credit shall be automatically extended for an additional period of time of one year from the present or each future expiration date unless we have notified you in writing, not less than forty-five (45) days before such expiration date, that we elect not to renew this letter of credit. Our notice of such election shall be sent certified mail to the above address.

All drafts must be marked "Draw under name of bank," Letter of Credit Number: (*Number*).

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision) International Chamber of Commerce Brochure No. 290.

We hereby agree with you that drafts under and in compliance with this credit shall be duly honored on due presentation to the drawee.

(*Bank Officer*)

(*Title*)

SECTION 7
ZONING DISTRICTS AND REGULATIONS

SECTION 7.1. ZONING DISTRICTS

Long County is hereby divided into the districts stated in this Code and as shown by district boundaries on the zoning map. The districts are as follows:

<i>CON</i>	<i>Conservation District</i>
<i>AF</i>	<i>Agriculture Forestry District</i>
<i>RR</i>	<i>Rural Residential District</i>
<i>R-1</i>	<i>Single-Family Residential District</i>
<i>R-2</i>	<i>Single-Family Residential District</i>
<i>MFR</i>	<i>Multi-Family Residential District</i>
<i>MHP</i>	<i>Manufactured Home Park District</i>
<i>C-1</i>	<i>Neighborhood Commercial District</i>
<i>C-2</i>	<i>General Commercial District</i>
<i>I-1</i>	<i>Light Industrial</i>
<i>I-2</i>	<i>General Industrial</i>

SECTION 7.2. OFFICIAL ZONING MAP

The boundaries of these districts are shown on the map which is designated as the Official Zoning

Map of Long County and the City of Ludowici. The official Zoning Map is on file in the office of the Clerk and all notations, references and other information shown thereon are a part of this Code and have the same force and effects as if said Zoning Map and all such notations, references and other information shown there were fully set forth or described herein.

Except where reference on said Zoning Map to a street or other designated line is made by dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys, or such lines extended and the boundary lines as they existed at the time of adoption of this Code. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the Governing Authority shall rule on such boundaries.

Where a zoning district divides a lot, tract or parcel of land at the time such district boundary is established, the use classification of the less-restricted district may be extended to the property line, but shall not be extended more than a distance of one hundred (100) feet without the permission of the Governing Authority.

SECTION 7.3. CON – CONSERVATION DISTRICT

7.3.1. District Intent

The Conservation (CON) district is established and maintained to preserve and/or control development within certain land, marsh, and/or water areas which:

Provide needed open space for the health and general welfare of the Community's inhabitants;

Are utilized for outdoor recreation purposes;

Possess great natural beauty or are of historical significance; and

Are subject to periodic flooding.

SECTION 7.3.2. Area and Placement Requirements

The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage an encroachment by residential, commercial, industrial, or other uses capable of adversely affecting the undeveloped character of the district.

SECTION 7.3.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, **SECTION 9.**

SECTION 7.4. AF – AGRICULTURE FORESTRY DISTRICT

7.4.1. District Intent

The Agriculture Forestry (AF) district is provided to dedicate land for the farming (such as farmsteads, fields, lots, livestock production, pastures, poultry, specialty farms, etc.), aquaculture, or commercial timber or pulpwood production and harvesting. This district is also created to assist in the conservation of natural resources by encouraging practices which will conserve soil and water resources.

7.4.2. Applicable State Law

In relation to the treatment of agricultural facilities and operations as nuisances, Georgia law provides in O.C.G.A. § 41-1-7(a) that "it is the declared policy of the state to conserve, protect, and encourage the development and improvement of its agricultural land and facilities for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance actions. As a result, agricultural facilities are sometimes forced to cease operations. Many others are discouraged from making investments in farm improvements or adopting new technology or methods. It is the purpose of this Code SECTION to reduce losses of the state's agricultural resources by limiting the circumstances under which agricultural facilities and operations may be deemed to be a nuisance."

The Code further states in O.C.G.A. § 41-1-7(c) that "no agricultural facility or any agricultural operation at an agricultural facility shall be or shall become a nuisance, either public or private, as a result of changed conditions in or around the locality of such agricultural facility if the agricultural facility has been in operation for one (1) year or more. The provisions of this subsection shall not apply when a nuisance results from the negligent, improper, or illegal operation of any agricultural facility."

The Code further states in O.C.G.A. § 41-1-7(d) that "for the purposes of this Code section, the established date of operation is the date on which an agricultural operation commenced operation. If the physical facilities of the agricultural operation are subsequently expanded or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation of a previously established date of operation."

7.4.3. Area and Placement Requirements

The following requirements shall apply within the Agriculture Forestry District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE AF DISTRICT
Minimum Lot Area	217,800 sq. ft. (5 acres)
Minimum Road Frontage	200 feet
Minimum Lot Width	200 feet
Maximum Lot Coverage	25 percent
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	50 feet
Maximum Building Height	50 feet
Minimum Ground Floor Area for Principal Use	1,000 sq. ft. for single-story structures; 900 sq. ft. for two or more stories.
<u>WETLANDS SETBACK</u>	<u>200 FT. or 36 inches above flood stage</u>

7.4.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

SECTION 7.5. RR – RURAL RESIDENTIAL DISTRICT

7.5.1. District Intent

The Rural Residential (RR) district is to provide for low density, single-family residential development while maintaining the existing rural character of Long County. The maximum overall density shall be one (1) residential dwelling unit per acre.

7.5.2. Area and Placement Requirements

The following requirements shall apply within the RR, Rural Residential District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE RR DISTRICT
Minimum Lot Area	*43,560 sq. ft. (1 acre)
Minimum Road Frontage	150 feet
Minimum Lot Width	100 feet
Maximum Lot Coverage	25 percent
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Maximum Building Height	35 feet; or 50 feet for structures associated with agricultural uses.
Minimum Ground Floor Area for Principal Use	900 sq. ft.
<u>WETLANDS SETBACK</u>	<u>200 FT or 36 inches above flood stage</u>

7.5.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

SECTION 7.6. R-1 - SINGLE-FAMILY RESIDENTIAL

7.6.1. District Intent

The R-1, Single-Family Residential district is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

7.6.2. Area and Placement Requirements

The following requirements shall apply within the R-1, Single-Family Residential District:

USE	SINGLE-FAMILY DWELLINGS	ALL OTHER PERMITTED USES AND CONDITIONAL USES WITHIN THE R-1 DISTRICT
Minimum Lot Area	*21,780 sq. ft. (1/2 acre)	*21,780 sq. ft. (1/2 acre)
Minimum Road Frontage	100 feet	100 feet
Minimum Lot Width	100 feet	100 feet
Maximum Lot Coverage	30 percent	40 percent
Minimum Front Yard Setback	35 feet	35 feet
Minimum Side Yard Setback	15 feet	15 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet, or 50 feet for structures associated with agricultural uses.
Minimum Ground Floor Area for Principal Use	1,000 sq. ft. for single-story; 900 sq. ft. for two or more stories.	1,000 sq. ft. for single-story; 900 sq. ft. for two or more stories.
<u>WETLANDS SETBACK</u>	<u>200 FT</u>	<u>200 FT or 36 inches above flood stage</u>

7.6.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

7.6.4. Standards Specific to Principle Structures in the R-1, Single-Family Residential District

All Single-Family Residences, whether site built or manufactured housing, must meet the following standards in the R-1 District:

All structures including the primary structure shall be constructed with a pitched roof having a pitch of 3 to 12 or greater;

The roof shall be covered with asphalt composition shingles, tile materials, corrugated or standing seam metal or similar materials. Flat sheet metal roofs are prohibited;

The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels;

The minimum horizontal dimension of the unit as installed on the site shall be twenty four (24) feet. Horizontal dimension is defined as heated living space measured from outside wall to outside wall as setting on foundation;

All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the Building Code;

In no case shall wheels, any undercarriage or transporter unit be left on any structure. Manufactured housing must have skirting around the entire unit; and

All units must meet wind loading requirements of Federal Emergency Management Administrator and the SBCCI Codes.

SECTION 7.7. R-2 – SINGLE-FAMILY RESIDENTIAL

7.7.1. District Intent

The R-2, Single-Family Residential district is created to provide less restrictive uses than R-1. The principal use of land is single-family dwellings. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

7.7.2. Area and Placement Requirements

The following requirements shall apply within the R-2, Single-Family Residential District:

USE	SINGLE-FAMILY DWELLINGS	ALL OTHER PERMITTED USES AND CONDITIONAL USES WITHIN THE R-2 DISTRICT
Minimum Lot Area	*21,780 sq. ft.	*21,780 sq. ft.
Minimum Road Frontage	100 feet	100 feet
Minimum Lot Width	100 feet	100 feet
Maximum Lot Coverage	40 percent	40 percent
Minimum Front Yard Setback	35 feet	35 feet
Minimum Side Yard Setback	10 feet	10 feet
Minimum Rear Yard Setback	20 feet	20 feet
Maximum Building Height	35 feet	35 feet, or 50 feet for structures associated with agricultural uses
Minimum Ground Floor Area for Principal Use	1,200 sq. ft. for single-story; 900 sq. ft. for two or more stories.	1,200 sq. ft. for single-story; 900 sq. ft. for two or more stories.
WETLAND SETBACK	200FT	200FT or 36 inches above flood stage

*Minimum Lot Area must meet requirements stated in **SECTION 7.7.4** if not served by public water and sanitary sewer.

7.7.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

7.7.4. Standards Specific to Principle Structures in the R2, Single-Family Residential District

All Single-Family Residences, whether site built or manufactured housing, must meet the following standards in the R-2 District. *Minimum Lot Area:*

With both public/community water and public/community sewerage system: eight thousand (21,780) square feet for each single family residence or manufactured homes and twelve thousand (21,780) square feet for a duplex dwelling;

With either public water, or public/community sewerage system: twenty thousand (20,000) square feet for each single family residence or manufactured homes and twenty-five thousand (25,000) square feet for a duplex dwelling; and

With private well and individual disposal system: forty-three thousand five hundred and sixty (43,560) square feet.

SECTION 7.8. MFR – MULTI-FAMILY RESIDENTIAL DISTRICT

7.8.1 District Intent

The Multi-Family Residential (MFR) district is provided to encourage multi-family residential development at a density of twelve (12) dwelling units per acre, while allowing for one- and two-family residential development at a density of six (6) dwelling units per acre.

7.8.2. Area and Placement Requirements

The following requirements shall apply within the Multi-Family Residential District:

USE	MULTI-FAMILY DWELLINGS	ONE- AND TWO-FAMILY DWELLINGS	ALL OTHER PERMITTED USES AND CONDITIONAL USES WITHIN THE MFR DISTRICT
Minimum Lot Area	*21,780sq. ft. /du	21,780 sq. ft. / du	*21,780 sq. ft (1/2 acre)
Minimum Road Frontage	100 feet	100 feet	100 feet
Minimum Lot Width	100 feet	100 feet	100 feet
Maximum Lot Coverage	60 percent	35 percent	60 percent
Minimum Front Yard Setback	35 feet	35 feet	35 feet
Minimum Side Yard Setback	30 feet	10 feet	10 feet
Minimum Rear Yard Setback	30 feet	30 feet	30 feet
Maximum Building Height	50 feet	35 feet	35 feet
Minimum Ground Floor Area for Principal Use	750 sq. ft.	900 sq. ft.	750 sq. ft.
<u>WETLANDS SETBACK</u>	<u>200FT</u>	<u>200FT</u>	<u>200FT or 36 inches above flood stage</u>

*Minimum lot area shall be established by the Long County Health Department if lot not served by public water and sanitary sewer.

7.8.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District,
SECTION 9.

SECTION 7.9. MHP – MANUFACTURED HOME PARK DISTRICT

7.9.1. District Intent

The Manufactured Home Park (MHP) district is to provide for the placement of manufactured homes within a large-scale unified development under single ownership. Specific standards are included to promote developments that are one-family residential in character and which minimize incompatibilities with surrounding land uses.

7.9.2. Area and Placement Requirements

In accordance with Manufactured Housing Regulations, SECTION 10.

7.9.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

SECTION 7.10. C-1 – NEIGHBORHOOD COMMERCIAL DISTRICT

7.10.1. District Intent

The Neighborhood Commercial (C-1) district is intended to provide a mix of small-scale commercial (less than 1,500 sq. ft.) and office uses designed to serve the convenience purposes of a neighborhood market. The scale of development within the C-1, Neighborhood Commercial District shall be compatible with surrounding residential development that the neighborhood business district is designed to serve.

7.10.2. Area and Placement Requirements

The following requirements shall apply within the Neighborhood Commercial District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE C-1 DISTRICT, EXCLUDING ONE-, TWO-, AND MULTI-FAMILY DWELLINGS	MULTI-FAMILY DWELLINGS	ONE- AND TWO-FAMILY DWELLINGS
Minimum Lot Area	*43,560 sq. ft (1 acre)	*3,630 sq. ft. / du	*7,260 sq. ft. / du
Minimum Road Frontage	150 feet	150 feet	150 feet
Minimum Lot Width	100 feet	100 feet	50 feet
Maximum Lot Coverage	60 percent	60 percent	35 percent
Minimum Front Yard Setback	60 feet	25 feet	25 feet
Minimum Side Yard Setback	40 feet	15 feet	10 feet
Minimum Rear Yard Setback	30 feet	30 feet	30 feet
Maximum Building Height	50 feet	50 feet	35 feet
Minimum Ground Floor Area for Principal Use	750 sq. ft.	750 sq. ft.	900 sq. ft.
<u>WETLANDS SETBACK</u>	<u>200FT</u>	<u>200FT</u>	<u>200FT or 36 inches above flood stage</u>

*Minimum lot area shall be established by the Long County Health Department if

lot not served by public water and sanitary sewer.

7.10.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

7.10.4. Protective Screening

Protective screening for requirements of Neighborhood Commercial District adjacent to residential districts shall be in compliance with the regulations set forth in SECTION 8.7.

SECTION 7.11. C-2 – GENERAL COMMERCIAL DISTRICT

7.11.1. District Intent

The General Commercial (C-2) district is intended to provide a mix of commercial (over 1,500 sq. ft.) office, and small-scale industrial to meet the needs of a county-wide market. Unlimited building square footage is allowed.

7.11.2. Area and Placement Requirements

The following requirements shall apply within the General Commercial District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE C-2 DISTRICT, EXCLUDING MULTI-FAMILY DWELLINGS	MULTI-FAMILY DWELLINGS
Minimum Lot Area	65,340 sq. ft (1½ acre)	*3,630 sq. ft. / du
Minimum Road Frontage	200 feet	150 feet
Minimum Lot Width	200 feet	100 feet
Maximum Lot Coverage	60 percent	60 percent
Minimum Front Yard Setback	100 feet	25 feet
Minimum Side Yard Setback	50 feet	15 feet
Minimum Rear Yard Setback	50 feet	30 feet
Maximum Building Height	50 feet	50 feet
Minimum Ground Floor Area for Principal Use	750 sq. ft.	750 sq. ft.
WETLANDS SETBACK	200FT	200FT or 36 inches above flood stage

7.11.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

7.10.4. Protective Screening

Protective screening for requirements of General Commercial District adjacent to residential districts shall be in compliance with the regulations set forth in SECTION 8.7.

SECTION 7.12. I-1 – LIGHT INDUSTRIAL

7.12.1. District Intent

The Light Industrial (I-1) district is provided to accommodate limited manufacturing uses having a minimal impact on surrounding areas. The intent is also to allow manufacturing development by reason of location and the availability of adequate transportation and infrastructure systems, while protecting the surrounding uses from negative external effects.

7.12.2. Area and Placement Requirements

The following requirements shall apply within the Light Industrial District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE I-1 DISTRICT.
Minimum Lot Area	130,680 sq. ft. (3 acres)
Minimum Road Frontage	300 feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	65 percent
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	100 feet
Minimum Rear Yard Setback	100 feet
Maximum Building Height	50 feet
Minimum Ground Floor Area for Principal Use	Not applicable
WETLANDS SETBACK	200FT or 36 inches above flood stage

7.12.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District, SECTION 9.

7.12.4. Protective Screening

Protective screening for requirements of Light Industrial District adjacent to residential districts shall be in compliance with the regulations set forth in SECTION 8.7.

SECTION 7.13. I-2 – GENERAL INDUSTRIAL

7.13.1. District Intent

The General Industrial (I-2) district is provided to accommodate a broad range of industrial activities, diverse in products, operation techniques, and size, which have a greater impact on the surrounding environment than the I-1, Light Industrial District. The uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may objectionable to the occupants of adjoining properties and which, for that reason, must be grouped in areas where similar industrial uses are now located or where permitted uses will be best located in accordance with the local comprehensive plan.

7.13.2. Area and Placement Requirements

The following requirements shall apply within the Light Industrial District:

USE	ALL PERMITTED USES AND CONDITIONAL USES WITHIN THE I-2 DISTRICT.
Minimum Lot Area	174,240 sq. ft. (4 acres)
Minimum Road Frontage	300 feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	65 percent
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	200 feet
Minimum Rear Yard Setback	150 feet
Maximum Building Height	50 feet
Minimum Ground Floor Area for Principal Use	Not applicable
<u>WETLANDS SETBACK</u>	<u>200FT Or 36inches above flood stage</u>

7.13.3. Permitted and Conditional Uses

In accordance with the Table of Permitted and Conditional Uses by Zoning District,

SECTION 9.7.13.4. Protective Screening

Protective screening for requirements of General Industrial District adjacent to residential districts shall be in compliance with the regulations set forth in SECTION 8.7.

**SECTION 8
DEVELOPMENT STANDARDS**

SECTION 8.1. ONE PRINCIPLE STRUCTURE PER LOT

No more than one (1) single-family or two-family dwelling unit shall be constructed on any lot, tract, or parcel of land. Each distinct business use shall occupy a separate lot, excepting strip centers, malls, or buildings containing more than one (1) business.

SECTION 8.2. PLAT REQUIRED

After the effective date of this Code, no person shall subdivide land within Long County and the City of Ludowici before the filing of and approval by the Governing Authority of preliminary and final plats, as required by this Code.

SECTION 8.3. ACCESSORY STRUCTURES

Accessory uses and structures are permitted in all zoning districts in accordance with the provisions of this Section.

8.3.1. General Provisions

Accessory uses and structures shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the property, and shall be operated and maintained under the same ownership and on the same property, or on adjoining property under the same ownership, as the principal use. Except for the Agriculture Forestry (AF) district, and all agricultural uses, accessory uses shall be clearly subordinate in height, bulk and purpose to the principal use served, shall not exceed fifty (50) percent of the square footage of the principal building, and shall not exceed the height of the principal building.

8.3.2. Seasonal Housing

Seasonal housing facilities of all types may be permitted as accessory uses in conjunction with an agricultural operation provided that the migrant housing conforms

to all applicable local and State requirements, and is located at least two hundred (200) feet from a residential lot or residential zoning district boundary line.

SECTION 8.4. ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Count. In granting such permission, the local jurisdiction shall take into consideration the location, size, use, and effect such building will have on adjacent land and buildings.

SECTION 8.5. TEMPORARY USES OF LAND AND STRUCTURES

A permit for a temporary structure or land use such as a carnival, revival meeting, construction facility, seasonal sale, or use of a similar nature may be issued by the Building Official provided the following conditions are met:

8.5.1. The use is, in fact, temporary and will terminate at a specific time as determined by the Building Official;

8.5.2. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire or other emergency vehicles;

8.5.3. Adequate access and parking facilities shall be provided with shall not interfere with traffic movements on adjacent streets;

8.5.4. No banners, pennants, or noise-producing devices of a disruptive nature shall be permitted in a residential district;

8.5.5. Outdoor lighting shall be shielded or directed away from adjoining residential property and streets;

8.5.6. Neighboring uses shall not be adversely affected; and

8.5.7. The property shall be returned to its original condition, devoid of temporary use remnants, upon termination of the temporary use period.

SECTION 8.6. REGULATIONS SPECIFIC TO PARTICULAR TEMPORARY USES

8.6.1. Parking lots designed for a special event in any zoning district may be approved for a maximum of thirty (30) days;

8.6.2. Yard sales for the purpose of relieving a household of goods and wares, operated from a residential property, are considered permitted accessory uses to a residence in any zoning district, provided the sale is held no more than three (3) times in any calendar year per address, nor more than one (1) time in any one (1) month, with a duration of no more than three (3) consecutive days. No permit is required.

SECTION 8.7 PROTECTIVE SCREENING

All planting plans shall be submitted to the Governing Authority for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this Code. If, in the opinion of the Governing Authority, the green belt would serve no good purpose, the Governing Authority may waive such requirements.

8.7.1. Residential Buffers

In order to provide adequate protective screening for residential areas adjacent to non-residential areas, where a commercial district abuts directly upon a residentially zoned district, a landscaped greenbelt, fencing, or wall shall be provided and maintained by owners of said manufacturing or commercial properties as deemed appropriate by the Governing Authority. The following regulations and specifications for Protective Screening shall apply:

Landscaped greenbelt shall not be less than twenty (20) feet wide and shall be planted with deciduous trees, evergreens, flowering trees or ornamental trees;

The fencing shall be opaque and made of wood, stone, or brick. Such fencing shall be at least six (6) feet in height; and

The wall shall consist of brick, stone or other suitable-like materials and shall be at least six (6) feet in height.

SECTION 8.8. STANDARDS SPECIFIC TO HORSE STABLES

8.8.1. General Provisions

Where horse stables, both commercial and noncommercial, are a permitted use, the following requirements shall apply:

Must have a minimum of five (5) acres; and

Must not exceed one (1) horse per one (1) acre.

SECTION 8.9 STANDARDS SPECIFIC TO KENNELS

8.9.1. General Provisions

Where kennels are a permitted use, the following requirements shall apply:

Must have a minimum of five (5) acres; and

Dogs must be kept a minimum of fifty (50) feet from all property lines.

Long County and the City of Ludowici have adopted regulations and standards for animal control in a standalone ordinance available in the Long County Code Enforcement Office.

CHAPTER 9
TABLE OF USES
BY
ZONING DISTRICT

Long County-City of Ludowici Land Development Code

<i>USE DESCRIPTION</i>	<i>CON</i>	<i>AF</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>MFR</i>	<i>MHP</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>
Accessory uses and structures not otherwise listed in this table, normally incidental to one or more permitted principal uses	-	P	P		P	CU		P	P	P	P
Active recreational facilities, nonprofit, such as tennis courts and swimming pools, as principal uses	-	-	P	-	-	P	P	-	P	-	-
Active recreational facilities, nonprofit, such as tennis courts and swimming pools, as accessory to one or more permitted uses	-	-	-	P	-	-	P	P	-	P	-
Adult businesses	-	-	-	-	-	-	-	-	-	-	CU
Agricultural experiment stations	CU	CU	-	-	-	-	-	-	-	-	-
Agricultural production of field crops, fruits, nuts, and vegetables	P	P	-	-	-	-	-	-	-	-	-
Animal hospitals and veterinary clinics	-	-	-	-	-	-	-	P	P	P	-
Animal rendering plants	-	CU	-	-	-	-	-	-	-	-	-
Assembly of products	-	-	-	-	-	-	-	-	CU	P	P
Asphalt plants	-	-	-	-	-	-	-	-	-	-	CU
Auction facilities for agricultural products	-	CU	-	-	-	-	-	-	-	-	CU
Automobile sales and service establishments	-	-	-	-	-	-	-	-	P	P	P
Bed and Breakfast Inns, Boarding and Rooming Houses, Lodging Services (hotels/motels)	-	-	-	-	CU	CU	-	P	P	P	-
Boarding homes for agricultural workers	-	CU	-	-	-	-	-	-	-	-	-
Bottling and canning plants, breweries and distilleries	-	-	-	-	-	-	-	-	-	P	P
Business not exceeding 1,500 square feet of gross floor area	-	-	-	-	-	-	-	P	P	-	-
Business exceeding 1,500 square feet of gross floor area	-	-	-	-	-	-	-	-	P	P	-
Campgrounds	-	CU	-	-	-	-	-	-	P	P	-

Long County-City of Ludowici Land Development Code

Cement manufacturers	-	-	-	-	-	-	-	-	-	P	P
Cemeteries	-	CU	CU	-	-	-	-	-	-	-	-
<i>USE DESCRIPTION</i>	<i>CON</i>	<i>AF</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>MFR</i>	<i>MHP</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>
Ceramic production facilities	-	-	-	-	-	-	-	-	-	P	P
Club or lodge, nonprofit or private	-	CU	CU	CU	CU		-	-	P	P	-
Cold storage plants and frozen food lockers	-	-	-	-	-	-	-	-	p	p	p
Colleges and Universities	-	-	-	-	-	-	-	-	p	-	-
Commercial recreational facility, indoor	-	-	-	-	-	-	-	P	P	P	-
Conference centers and retreat centers	-	P	-	-	-	-	-	-	P	-	-
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P	P	P	P	P
Contractor's establishments	-	CU	-	-	-	-	-	P	P	P	-
Convenience store	-	-	-	-	-	-	-	P	P	P	-
Country clubs, including golf courses and clubhouses including restaurants and golf pro shops as accessory uses	-	P	P	P	P	-	-	P	P	P	-
Day care centers serving no more than seventeen persons	-	-	CU	CU	CU	CU	-	P	P	-	-
Day care centers serving eighteen or more persons		-	-	-	CU	CU	-	P	P	-	-
Distribution of products and merchandise	-	-	-	-	-	-	-	-	-	P	P
Dry cleaning plants	-	-	-	-	-	-	-	-	-	P	P
Dwellings, single-family	-	P	P	P	P	P	P	CU	CU	-	-
Dwellings, multi-family					CU	P	P	P	P		
Dwellings, two-family	-	-	-	-	P	P	P	P	P	-	-
Dwellings, located within a building containing another principal use	-	-	-	-	P	-	-	P	P	-	-
Dwellings, single-family detached, including manufactured homes, which are farm related and subordinate to	-	CU	-	-	-	-	-	-	-	-	-

the principal use of the property for agricultural uses												
Explosives storage	-	-	-	-	-	-	-	-	-	-	-	P
<i>USE DESCRIPTION</i>	<i>CON</i>	<i>AF</i>	<i>RR</i>	<i>R-1</i>	<i>R-2</i>	<i>MFR</i>	<i>MHP</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>	
Exterminating and pest control businesses and disinfecting services	-	-	-	-	-	-	-	-	P	P	P	
Extraction industries – extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	-	-	-	-	-	-	-	-	-	P	P	
Family day care home in single-family detached dwellings	-	CU	P	CU	P	P	-	-	-	-	-	
Farms, excluding Hog and Poultry	P	P	CU	-	-	-	-	-	-	-	-	
Feed, grain, and fertilizer manufacturers	-	P	-	-	-	-	-	-	-	P	P	
Fiberglass insulation manufacturers	-	-	-	-	-	-	-	-	-	P	P	
Finance, insurance and real estate establishments, less than 2,500 square feet of gross floor area per establishment	-	-	-	-	-	-	-	P	P	P	-	
Finance, insurance and real estate establishments with 2,500 or more square feet of gross floor area per establishment	-	-	-	-	-	-	-	-	P	P	-	
Food processing plants, fish and poultry facilities	-	-	-	-	-	-	-	-	CU	P	P	
Forest uses associated with production, management and harvesting of timber	P	P	-	-	-	-	-	-	-	P	P	
Fuel oil distributors and petroleum bulk storage sites	-	-	-	-	-	-	-	-	P	P	P	
Funeral homes and mortuaries	-	-	-	-	-	-	-	-	P	-	-	
Gas station/mini-mart	-	-	-	-	-	-	-	P	P	P	-	
Government owned or operated use, facility or land	P	CU	CU	CU	CU	P	P	P	P	P	P	
Group home	-	-	-	-	P	P	-	-	P	-	-	

Long County-City of Ludowici Land Development Code

Grocery store	-	-	-	-	-	-	-	P	P	P	-
Guest houses	-	CU	CU	-	-	-	-	-	-	-	-
Hazardous waste receiving, handling, and disposal facilities	-	-	-	-	-	-	-	-	-	-	CU
Health services, including clinics and hospitals	-	-	-	-	-	-	-	P	P	P	-
<i>USE DESCRIPTION</i>	<i>CON</i>	<i>AF</i>	<i>RR</i>	<i>R1</i>	<i>R2</i>	<i>MFR</i>	<i>MHP</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>
Health spas	-	-	-	-	-	-	-	P	P	-	-
Hog farms	-	P	-	-	-	-	-	-	CU	-	-
Home occupations	-	P	P	CU	CU	P	P	P	P	-	-
Horse Stables, commercial and noncommercial as an accessory structure to a residential use (1)	-	P	-	-	-	-	-	-	P	-	-
Ice manufacturing	-	-	-	-	-	-	-	-	-	P	P
Incinerators, including medical wastes	-	-	-	-	-	-	-	-	-	-	CU
Junkyards, wrecked motor vehicle compounds, and wrecker services	-	-	-	-	-	-	-	-	-	-	CU
Landfills, inert waste and sanitary	-	-	-	-	-	-	-	-	-	-	CU
Manufactured / Mobile Homes	-	CU	CU	-	-	CU	P	-	-	-	-
Manufacturing, processing, recycling, and assembling within buildings, not otherwise specified in this table	-	-	-	-	-	-	-	-	-	P	P
Metal products manufacturing	-	-	-	-	-	-	-	-	-	P	P
Mini-warehouses and self storage facilities	-	-	-	-	-	-	-	-	P	P	P
Nurseries and greenhouses: wholesale and retail sale of trees, plants, and shrubs	-	P	-	-	-	-	-	-	P	-	-
Offices	-	-	-	-	-	-	P	P	P	-	-
Open air businesses and unenclosed retail trade establishments	-	-	-	-	-	-	-	-	P	P	-
Open storage yards as principal uses	-	-	-	-	-	-	-	-	CU	CU	CU
Parking lots and decks, off-site, as principal uses	-	-	-	-	-	-	-	-	P	P	P

Long County-City of Ludowici Land Development Code

Personal care home	-	-	-	P	-	-	-	P	-	-	-
Poultry houses	-	P	-	-	-	-	-	-	CU	-	-
Pulp mills	-	-	-	-	-	-	-	-	-	-	CU
Recycling centers, collection points	-	P	P	-	-	-	-	P	P	P	P
Recycling centers, processing	-	-	-	-	-	-	-	-	-	-	P
Religious Institutions	-	-	CU	P	P	P	P	CU	CU	-	-
<i>USE DESCRIPTION</i>	<i>CON</i>	<i>AF</i>	<i>RR</i>	<i>R1</i>	<i>R2</i>	<i>MFR</i>	<i>MHP</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>
Research, scientific, testing laboratories	-	CU	-	-	-	-	-	-	P	P	P
Restaurants, including outside seating areas but not including drive-ins or drive-through facilities	-	CU	CU	-	-	-	-	P	P	-	-
Restaurants with drive-through facilities	-	-	-	-	-	-	-	CU	P	-	-
Retail trade establishments, enclosed, not exceeding 1,500 square feet of gross floor area	-	-	-	-	-	-	-	P	P	-	-
Retail trade establishments, enclosed, exceeding 1,500 square feet of gross floor area	-	-	-	-	-	-	-	-	P	-	-
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit	-	-	-	-	-	-	-	P	P	-	-
Schools, private elementary, middle, and high	-	P	P	P	P	P	-	P	P	CU	CU
Schools, trade and technical	-	P	P	CU	CU	P	-	P	P	CU	CU
Service and fuel filling stations	-	-	-	-	-	-	-	CU	CU	P	-
Solar Arrays/Farms	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Solid waste transfer stations	-	-	-	-	-	-	-	-	-	-	P
Stock yards and slaughterhouses	-	CU	-	-	-	-	-	-	-	CU	CU
Temporary structures and uses approved by the Governing Authority	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Textile manufacturing and processing	-	-	-	-	-	-	-	-	-	P	P
Tire retreading and recapping facilities	-	-	-	-	-	-	-	-	-	P	P

Thrift store	-	-	-	-	-	-	-	-	P	P	P	-
Truck terminals	-	-	-	-	-	-	-	-	-	-	P	P
Volatile organic liquid handling and storage	-	-	-	-	-	-	-	-	-	-	-	CU
Warehouses and Distribution Facilities	-	-	-	-	-	-	-	-	-	P	P	P
Wholesale trade establishments	-	-	-	-	-	-	-	-	-	-	-	P
Wineries as defined by O.C.G.A § 3-6-2	-	P	-	-	-	-	-	-	-	P	-	-
Wireless communications facilities – cell towers	-	P	CU	CU	CU	CU	CU	CU	CU	P	P	P
Wood products manufacturing	-	-	-	-	-	-	-	-	-	-	P	P
Utility substation	-	-	-	-	-	-	-	-	-	P	P	P

**CHAPTER 10
MANUFACTURED HOUSING REGULATIONS**

SECTION 10.1. GENERAL PROVISIONS

10.1.1. Application

Any occupied manufactured home located within the City of Ludowici or unincorporated areas of Long County, Georgia for a period exceeding forty-eight (48) hours shall be located within a manufactured home park, a manufactured home subdivision or on an approved manufacturing home site meeting the requirements and minimum standards set forth herein. All manufactured homes shall additionally meet the general requirements set forth in this Code.

10.1.2. Required Certification

No manufactured home shall be admitted to any manufactured home park subdivision, or an approved manufactured home site, unless it can be demonstrated that it currently meets the requirements of the Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976, and bears an insignia issued by HUD certifying such conformance.

10.1.3. Required Decals

All manufactured homes in Long County or the City of Ludowici, exclusive of a sales or manufacturer's lot, shall be affixed with a current decal issued by the Long County Tax

Commissioner. Said decal shall be visible from the nearest access road. Manufactured home park owners are responsible for ensuring that all tenants have current decals on their manufactured homes. Decals provided for each calendar year shall expire on December 31st of that year. After January 1st of each year and upon payment of all taxes due on the manufactured home, a decal for the new year will be provided for attachment to the manufactured home. After May 1st of each year, a delinquency fee as established by the Governing Authority will be assessed, in addition to the normal taxes due for that calendar year.

10.1.4. Inspection and Permit Required

Before a manufactured home is placed on a lot, parcel, tract or manufactured housing park stand within the City limits or unincorporated areas of the County, a relocation permit shall be required. Such home shall not be placed on its foundation or the utilities connected until this permit has been acquired by the person responsible for the placement of the home. This person may be the homeowner, transporter, installer, or manufactured housing park manager or owner. Once the permit has been acquired and proper taxes and fees paid, the Building Official shall inspect the installation.

SECTION 10.2. GENERAL MANUFACTURED HOUSING STANDARDS

For the purposes of public safety, all mobile homes or other such forms of mobile or manufactured housing are subject to the following requirements.

10.2.1. General Requirements

Prior to the issuance of a manufactured home relocation permit the owner of the parcel or lot for which the manufactured home is to be placed must meet the following requirements:

Street Access: Each manufactured home stand or lot shall be provided with access frontage to a width of at least thirty (30) feet to a public or private street or road. In the event a lot abuts a county-maintained street or road and a drainage ditch must be crossed to access the lot, a driveway culvert pipe, as specified in this paragraph, must be installed prior to receiving a relocation permit. Unless otherwise approved by the Road Superintendent, all driveway culvert pipes shall be made of reinforced concrete, meeting Georgia Department of Transportation specifications, and measure a minimum of eighteen (18) inches in diameter and twenty-four (24) feet in length. At the discretion of the Road Superintendent, flared end sections may be required in certain cases. In order

to ensure consistency in the quality and type of material, the property owner must purchase all driveway culvert pipes, at cost, from the Clerk. Upon purchase of the pipe, the Road Department will be responsible for installing and maintaining the pipe at no additional cost to the property owner. The property owner must comply with any other requirements of Long County's Driveway Culvert Ordinance.

Electric Power Supply: Each manufactured home stand or lot shall be provided with an adequate, properly grounded, waterproof electrical receptacle with a minimum rated capacity of two hundred (200) amps. A properly sized over current device shall be installed as a part of each power outlet

Sewerage Disposal: Each manufactured home stand or lot shall be provided with the means of disposing of kitchen, bath, and putrescible waste directly into a properly installed and inspected septic tank system or an approved community sewerage collection system.

10.2.2. Manufactured Home Tie Down Requirements

All manufactured homes shall be tied down in accordance with applicable state requirements for resisting wind forces.

10.2.3. Manufactured Home Siding, Stairs, and Foundation Requirements

All manufactured homes shall have siding materials consisting of wood, masonry, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to the top of the foundation;

Skirting and/or siding must be in place within forty-five (45) days from the date the relocation permit is issued; and

Stairs and landings shall comply with SECTION 112 (stairway construction) of the Georgia Building Code and must adhere to the following:

The height of the riser shall not exceed seven and three fourths ($7 \frac{3}{4}$) inches, and treads, exclusive of nosing shall not be less than nine (9) inches wide.

Every tread less than ten (10) inches wide shall have a nosing, or effective protection, of approximately one (1) inch over the level immediately below that tread.

The width of the landing shall not be less than the width of the stairways they serve.

Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the stairway. Such dimension need not exceed four (4) feet when the stair has a straight run.

All stairways having treads located more than three (3) risers above a floor or grade shall be equipped with a handrail not less than thirty (30) inches or more than thirty-four (34) inches above the leading edge of the tread.

The minimum width of any stair serving as a means of egress shall be a minimum of thirty-six (36) inches.

If handicapped ramps are added they must be at least three (3) feet wide and the slope of the ramp shall not exceed one (1) foot of rise for every twelve (12) feet of run.

All manufactured home foundations shall comply with the following:

Supports or piers shall not be more than two (2) feet from the exterior end wall;

All grass and organic material shall be removed and the foundation must be placed on stable soil.

Cross over wires must be placed between the two halves.

Nails or staples shall be removed or sealed.

The ground beneath a manufactured home shall be mounded to a height of not less than six (6) inches and sloped to the outer edges of the manufactured home, in order to facilitate proper drainage.

Dryer vents must be vented to the exterior of the manufactured home; not underneath.

10.2.4. Manufactured Home Additions and Accessory Structures

Any significant feature added to a manufactured home that was not part of the manufacturer's original design is considered to be either an addition or an accessory structure.

All habitable spaces added to the manufactured home or mobile home shall be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act or within the provisions of the Georgia State Building Codes.

All accessory structures (such as porches, decks, awnings, cabanas, stairs, etc. unless provided and approved by the manufacturer) shall be entirely self-supporting, unless designed and approved by a professional engineer or registered architect. All such structures shall be constructed in accordance with the Georgia State Building Codes.

10.2.5. Minimum Housing Standards

All manufactured homes must meet the minimum housing standards as adopted by the Long County Board of Health, or be considered a nuisance as defined by these minimum standards. Manufactured homes that cannot conform to these minimum standards may be condemned as a nuisance by the Building Official, and must be removed from the County at the owner's expense. Upon notification by the Building Official, individuals will be given thirty (30) days to bring their property into compliance with these minimum housing standards.

SECTION 10.3. WATER AND SEWER STANDARDS

Prior to the allowance of permanent occupancy of any manufactured home within the City of Ludowici or unincorporated areas of Long County, such manufactured home shall be connected with an approved water source and an approved sewage disposal method. In order to secure approval, these facilities must comply with the applicable requirements of either the Georgia Department of Human Resources (DHR) for individual units (i.e., individual wells and septic tanks) or the Georgia Department of Natural Resources (DNR) for central community systems. The requirements for individual systems are set out in Chapter 31-301, et. Seq., O.C.G.A., and in Chapter 290-5-26, and any rules or regulations adopted by the Long County Board of Health. Unless superseded by the aforementioned requirements, the following shall apply to all manufactured housing whether in a park or on an individual lot.

10.3.1. Minimum Lot or Stand Sizes

To control the density of wells in relation to individual sewage disposal systems in any given areas or tract of land, (wherein soil characteristics, topography, drainage, groundwater and other such physical conditions do not require greater lot areas, the lots served both by individual water supply and individual sewage disposal systems), the minimum lot size shall be one (1) acre with a minimum front footage of one hundred (100) feet.

After the review of an adequate soil survey, the Long County Board of Health may permit smaller lot sizes. The provision of a soil survey is the responsibility of the applicant and must be conducted by a State Certified Geologist.

For lots served by an approved public water system and by its own individual sewage disposal system, the minimum lot size shall be one-half (1/2) acre with a minimum front footage of one hundred (100) feet. After the review of an adequate soil survey, the Long County Board of Health may permit smaller lot sizes. The provision of a soil survey is the responsibility of the applicant and must be conducted by a State Certified Geologist.

Lot sizes will be specified on an individual basis by the Long County Board of Health when the use of a residence or other building can be expected to result in the generation of more than one thousand five hundred (1,500) gallons of sewage per day.

In circumstances where lots are located on a cul-de-sac or a curve in a street, lesser road frontage widths will be acceptable except that in all instances, the minimum of a lot at the location of the septic tank disposal shall be one hundred (100) feet.

Non-residential buildings located where individual sewage disposal systems are required must be on lots that provide usable space for a replacement disposal field. Such space may not be used for building, paving, or parking.

10.3.2. Existing Systems

All rules and regulations pertaining to the construction of individual sewage disposal systems shall also apply to replacement, repair, or modifications of such systems.

10.3.3. Electrical Power (service connection)

Electric power shall not be supplied temporarily to any site, well, building or other facility before the owner obtains approval and appropriate permits from the Long

County Health Department for the installation and construction of wells and sewage disposal systems on said property.

10.3.4. Septic Tank Installation

State of Georgia regulations require that a permit to construct a septic tank system be obtained from the Long County Health Department. A septic tank system may not be covered with earth until an inspection is made and approval is given by the Long County Environmental Health Technician.

SECTION 10.4. MANUFACTURED HOME PARK DEVELOPMENT SITE PLAN APPROVAL

In order to construct, alter, or expand a manufactured home park, a developer must secure approval of a development plan from the Governing Authority. Such plans must be submitted at least sixty (60) days prior to the time that construction is desired to begin. The developer is responsible for a plan review fee, payable to the Governing Authority, at the time of plan submission. This fee shall be established by resolution and may be amended from time to time by the Governing Authority.

Any costs above these fees shall be incurred by the developer. The manufactured home park development site plan shall contain the following:

10.4.1. Name and address of the applicant;

10.4.2. Name and address of proposed manufactured home park, location, and legal description of the property; and

10.4.3. Three (3) complete copies of the plan prepared by an acceptable authority and a registered surveyor at a scale of one (1) inch equals one hundred (100) feet, and showing the following:

The total park area including the shape and dimensions of the site and the north arrow;

All existing and/or proposed structures, facilities and stands;

A topographic map showing existing and proposed grades at two (2) foot contour intervals. where property is too level to permit such a map, a drainage sketch shall be furnished along with a certificate from a State Certified Civil Engineer or State Certified Land Surveyor stating that the drainage will not adversely affect adjacent property owners;

Location, size and number of existing and proposed manufactured home stands and automobile parking areas;

Location, surface and width of all existing and proposed roads, entrances, exits and walkways;

Location and size of all existing and proposed utilities (i.e., power lines, water lines, septic tank systems, etc.);

Delineation of all areas of the proposed manufactured housing park which lie within established Federal Emergency Management Agency (FEMA) floodplains and/or jurisdictional wetlands;

Where the proposed development is not to be served by a public sewerage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer. A high intensity soil survey will generally be required to provide this data. This information should be superimposed on a copy of the development plan showing contour lines and other natural features of the site;

Location of all water supplies on or off the development which will bear upon the location of the on-site sewage management systems;

Generalized plans for stormwater management, including the proposed location of drainage ways, basins and other improvements;

Plans for control of erosion and sedimentation; and

A draft of the proposed restrictive lease agreements or covenants, if any, to be imposed, and designation of areas subject to special restrictions.

The Governing Authority shall have authority to refer the development plan to other governmental agencies for review and comment, but will give a decision to approve,

disapprove, or approve with conditions within sixty (60) days from the date of submission of the development plan.

***SECTION 10.5. SOIL EROSION AND SEDIMENTATION PERMIT
REQUIRED***

Prior to construction of a manufactured home park, including any associated land clearing, the developer must receive all necessary land disturbance permits from the Georgia Department of Natural Resources, and/or the Governing Authority if available.

SECTION 10.6. REVIEW BY THE LONG COUNTY HEALTH DEPARTMENT

If the proposed manufactured home park will make use of individual wells and/or waste water treatment systems, the Long County Health Department shall review the proposed development for conformance with the requirements of Chapter 290-5-26. If in the Long County Environmental Technician's judgment, the development will meet the applicable requirements of these regulations; the following shall be inscribed on:

- 1) a copy of the preliminary plan showing information pertaining to soil characteristics, and
- 2) an original signed preliminary plat:

LONG COUNTY HEALTH DEPARTMENT

Based on soils and associated information provided by the developer and an on-site inspection, this proposed manufactured home community has been approved as to its general suitability for the installation of water wells and/or sewage disposal systems, with any exceptions as noted. Final approval for individual installations can be given only if systems are built according to this Department's regulations. This manufactured housing park site plan was given approval by the Long County Health Department on this ____ day of ____, 20__, _____

Long County Environmental Health Specialist

If the developer proposes to employ a central water and/or wastewater, treatment system to serve the proposed development, the Health Department shall note on the plat that approval from the Department of Natural Resources (DNR) is required for final plat approval.

SECTION 10.7. WETLANDS PROTECTION

****SEE CHAPTER **** 16

SECTION 10.8. PARK DESIGN AND OPERATIONAL STANDARDS

10.8.1. General Standards

All manufactured home stands shall have a minimum area and width as required by SECTION 10.3 (Water and Sewer Standards, Minimum Lot Sizes).

A new park must have all stands, as shown on the development plan submitted to the Planning and Zoning Board and approved by the Governing Authority, completed with all utilities and other required improvements, including roadways, before any stand can be occupied.

All manufactured homes and all buildings and structures within a manufactured home park shall have a front setback of at least fifteen (15) feet from the right-of-way of any private street, and a minimum setback of ten (10) feet on each side and the rear.

No manufactured home shall be located within fifty (50) feet of any public street or highway.

A manufactured home park shall have a planted buffer of evergreen trees or hedges which will grow at least five (5) feet high along property lines, or a privacy wall or fence of equal height.

Only one (1) manufactured home park sign may be located within the setback area.

Such sign shall not exceed a combined total of sixteen (16) square feet and may not be illuminated.

A park office, Laundromat, maintenance buildings and recreation facilities are permitted in the manufactured home park for the convenience of park occupants only.

10.8.2. Parking Requirements

A minimum of two (2) motor vehicle parking spaces shall be provided for each manufactured home parking spaces shall be within thirty (30) feet of the manufactured home. Parking will not be allowed on septic tank drainfield line areas and these areas will be physically protected from parking.

10.8.3. Roadway Requirements

All roadways within a manufactured housing park shall have a minimum right-of-way of thirty (30) feet and a minimum surface of twenty (20) feet, exclusive of parking.

No access roadway to a manufactured housing park shall be located closer than one hundred and fifty (150) feet to any public street intersection.

The number of entrances and/or exits to a manufactured housing park shall not exceed the ratio of one (1) per one hundred and fifty (150) feet of park frontage. Parks with less than one hundred and fifty (150) feet frontage are only allowed one combination ingress and egress road.

Roadway intersections within a manufactured housing park shall be at least one hundred and fifty (150) feet apart and no greater than one thousand (1,000) feet apart.

All roadway intersections shall be provided with a street light. Manufactured home parks shall be provided with adequate security lights within the park and at each entrance of the park.

All dead-end roadways shall terminate in a cul-de-sac with a minimum turning radius of forty-eight (48) feet, exclusive of parking.

All new manufactured housing parks must meet the road design, paving requirements and drainage requirements as adopted in the Subdivision Regulations of Long County – City of Ludowici, and any subsequently adopted amendments.

10.8.4. General Operational Requirements

Each manufactured home located within a manufactured home park must meet all general manufactured home requirements of this Code.

The crawl space beneath a manufactured home may not be used to shelter pets.

Every stand within a manufactured home park shall be numbered and readily visible from a park roadway.

Each manufactured home park shall provide one (1) refuse collection container (dumpster) for every fifteen (15) housing stands that meets ANSI specifications and is designated for the use of park residents only. The dumpster must contain a lid and the area around the dumpster be fenced or otherwise secured. The dumpster may only be used for the disposal of household garbage, and the manufactured home park owner is responsible for ensuring that the area around the dumpster is clean and properly maintained. Conversely, if curbside garbage is available and provided by the local government, its contractor, or its franchisee, the manufactured home park owner may choose this method of garbage collection subject to meeting the requirements of the local government, its contractor, or its franchisee.

There shall be no storage of liquid or gas fuels within a manufactured home park unless such storage areas have been authorized by the Long County Fire Chief or his designated representative.

10.8.5. Preexisting Nonconforming Manufactured Housing Parks

Manufactured Housing Parks permitted prior to the effective date of this Code are not required to meet the park design elements of this Code so long as the park does not expand. However, nothing contained herein shall relieve manufactured housing parks prior to the effective date of this Code from complying with any preexisting ordinances as they relate to park design elements. Further, all manufactured housing parks must meet the standard and operational regulations of this Article. Also, all homes within these preexisting manufactured housing parks must meet the requirements set forth in the General Provisions of this Article.

SECTION 10.9. COMPLIANCE WITH APPROVED SITE PLANS

All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. The site plan may be amended only with the approval of the Governing Authority or their appointed designee.

SECTION 10.10. MANUFACTURED HOUSING PARK MAINTENANCE

All existing and proposed manufactured housing parks in the City limits or unincorporated area of the County shall be maintained in a manner that it will not create any health, safety, or nuisance problems to the park occupants or surrounding neighbors.

Furthermore, the parks electrical, water, sewage, gas, and solid waste systems shall meet all standards of this Code and future amendments, as well as other local, State and Federal requirements.

10.10.1. Inspection

It shall be the responsibility of the Building Official to inspect all units being placed within the confines of the development prior to the placement of the manufactured home on its stand and the connection of utility services and occupancy of the manufactured home. Annually, the Building Official, at his convenience, shall inspect each manufactured housing park within the City limits or unincorporated areas of the County and the manufactured homes within these developments to determine compliance with the General Provisions of this Article and other applicable laws. Prior to, during and after such inspections, the Long County Environmental Health Technician may also inspect each manufactured housing park for compliance with all sanitary rules within this Code, as well as all local, state and federal environmental laws.

10.10.2. Length of Residential Occupancy

No space within a manufactured home park, except as provided in the subsection below, shall be rented for residential use of a manufactured home except for periods of thirty (30) days or more.

In the event a manufactured home park fronts on a state or federal highway and the development owner desires to lease space for travel trailers or for short time occupancy of a manufactured home, the developer shall prepare and reserve an area containing a minimum of six (6) spaces improved for temporary use in an area separate and screened from view of spaces leased for permanent occupancy. Regulations concerning travel trailers are listed below in SECTION 10.11 of this Code.

10.10.3. License Required

Each manufactured housing park located within the City limits or unincorporated portions of the County must obtain a license for the operation of said manufactured home park.

Fees: Before any person shall locate, relocate or operate any manufactured housing park within the City limits or unincorporated areas of the County, such person, firm or corporation shall first obtain from the Governing Authority a manufactured housing park license authorizing said business in said City/County. The fee for this license shall be based upon the fee schedule adopted by the Governing Authority.

Expiration: Every manufactured housing park owner or operator shall purchase a manufactured housing park license on or before the 31st day of March of each year for the calendar year. Said initial license shall be purchased on or before June 31, 1995 for the business year of 1995 and annually thereafter

Penalty: Failure to obtain a license shall be a violation of this Code and subject to the penalty in SECTION 10.13. Furthermore, no relocation permit may be granted to any person locating a manufactured home in a manufactured housing park that is not licensed.

SECTION 10.11. TRAVEL TRAILERS

10.11.1. Application

Any travel trailer and/or motor home located within the City limits or unincorporated areas of the County, shall meet the requirements of this Section.

10.11.2. Location

Travel trailer and/or motor homes shall be located at one of the following:

A site specifically designed for travel trailers and/or motor homes within manufactured home park;

Recreation sites or areas on state owned, company owned, county owned or municipally owned land which have traditionally been used as camping sites or which are specifically reserved in the future for such recreational pursuits; or

Private lots which are hereafter designed for and restricted to recreational or vacation use, including hunt clubs.

When a travel trailer is located on a lot in a residential subdivision, it shall not be utilized as a residence or be occupied permanently by household members, their guests, or as a rental unit.

10.11.3. Required License

Any travel trailer to be located on any parcel within the City limits or unincorporated areas of the County for longer than sixty (60) days must have a current motor vehicle license tag prior to electrical service being approved.

10.11.4. Storage

Travel trailers, when located on a residential lot shall be located at least ten (10) feet from any residence, unless it is stored within a portion of the dwelling or accessory structure. Storage on public right-of-way is hereby prohibited.

10.11.5. Health

In the event that a trailer is occupied as a temporary residence and its plumbing facilities are in use, the trailer shall be provided with an approved water source and an approved sewerage disposal method complying with the requirements of the Long County Department of Health.

SECTION 10.12. ENFORCEMENT

The provision of these regulations shall be enforced by the officials so designated by the Governing Authority. Said officials shall have the right to enter any manufactured home development area at any reasonable time for the purpose of making inspections of manufactured homes, accessory structures, and development facilities as necessary to carry out his duties in enforcement of these regulations.

SECTION 10.13. PENALTY FOR VIOLATION

Any person or persons violating the conditions of said ordinance shall be guilty of a misdemeanor and subject to a fine as determined by the Governing Authority and each day shall constitute a separate offense.

ARTICLE 11
SUPPLEMENTARY REGULATIONS

SECTION 11.1. NUISANCES

11.1.1. Purpose

It is important for Long County and the City of Ludowici to appear clean, well-kept, and generally clear of public nuisances, eyesores and unhealthy conditions. Therefore, it is the purpose and intent of this Code to encourage a clean, healthy, safe and satisfying environment that is free of nuisances and unsafe, unhealthy and devaluating conditions. To this end, this Code seeks to regulate and protect the health, safety, welfare, values and aesthetics of properties.

11.1.2. Enumeration

The following conditions, whether on occupied or unoccupied lands, public or private property, are hereby declared to be and constitute a public nuisance and shall be abated; although this SECTION shall not be construed to be limiting with regard to its enumeration of public nuisances.

*Weeds or grass allowed to grow to a height greater than twelve (12) inches on the average, or any accumulation of dead weeds, grass, or brush, that may provide safe harborage for rats, mice, snakes and/or other vermin;

*Vegetation that obstructs the safe passage or line-of-sight of motorists or pedestrians at an intersection or driveway connection with a private or public street or alley, or along any street or sidewalk;

*Dead or dying trees or other vegetation which may cause a hazardous situation if they fall;

*Accumulation of rubbish, trash, refuse, junk, construction, debris, and other abandoned materials, metals, lumber, or other such items;

*The keeping or maintenance of one (1) or more abandoned vehicles in public view or in a manner inconsistent with this Code;

*The carcasses of animals or fowl not disposed of within a reasonable time after death;

*Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard;

*Any home suspected of containing asbestos must have pre-clearance from a licensed laboratory dealing with the removal of asbestos and county approval;

*Burning and/or burying treated or untreated lumber, wood;

*Burning and/or burying building material, mobile homes, abandoned/dilapidated house;

*All noises which may annoy or inhibit others in their enjoyment of the use of their property;

*All disagreeable or noxious odors or stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires;

*The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, agricultural wastes, or other substances;

*Any structure, building, or other place or location where any activity is conducted, performed, or maintained in violation of local, state, or federal law;

*Any accumulation of stagnant water; and

*Any method of human excretion disposal which does not conform to the provisions of local ordinances, or state or federal law.

11.1.3. Prohibited

It shall be unlawful for any person to maintain or permit the existence of any nuisance on any property within the City limits or unincorporated areas of the County.

11.1.4. Notice to Abate

Whenever a nuisance is found to exist within the City limits or unincorporated areas of the County, the Administrator of the Code shall give written notice to the owner or occupant of the property upon which such a nuisance exists or upon the person causing

or maintaining the nuisance, to abate the nuisance. The contents of the Notice to Abate shall include:

An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;

*The location of the nuisance, if the nuisance is stationary;

*A description of what constitutes the nuisance; and

*A statement that if the nuisance is not abated as directed, the local government will file an action in Magistrate Court to abate the nuisance.

11.1.5. Nuisances Constituting Imminent Danger

Whenever any condition shall exist that constitutes an immediate and grave hazard to public health and safety requiring immediate action, such condition may be abated or otherwise remedied summarily and without following the procedures set forth in this Code.

SECTION 11.2. SALVAGE YARDS

It is the objective of this Code to prevent or reduce the nuisance caused by salvage yards or “junkyards”, as defined in this Code, in the City limits or unincorporated part of the County.

11.2.1. Requirements

Fencing and Screening: All present and future outdoor storage of salvage, wrecking, and other junkyard materials shall be conducted within an area entirely enclosed by an opaque fence or wall, except driveway areas. Fences or walls shall not be less than eight (8) feet in height. Storage between such fence or wall and the street or property lines is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

Residential Areas: No future junkyards or salvage yards, or expansion of existing junkyards or salvage yards onto contiguous property purchased or leased by the junkyard/salvage yard property owner or operator, shall be located closer than one

thousand (1,000) feet as measured from the nearest edge of property on which is located a residential structure.

Federal Aid Primary Highways: It shall be unlawful for any person to establish, operate, or maintain any junkyard any portion of which is within one thousand (1,000) feet of the nearest edge of the right-of-way of any federal aid primary highway, except as provided in O.C.G.A. 32-6-241.

Storage of Garbage: No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises, except in a designated dumpster that is regularly serviced.

11.2.2. Penalties

Whenever in this section any act is prohibited or is declared to be unlawful or an offense, or whenever in this section the failure to do any act is declared to be unlawful, the violation of such provision shall be punishable by a fine determined by the Governing Authority.

SECTION 11.3. HOME OCCUPATIONS

The following regulations shall apply for home occupations:

11.3.1. The home occupation shall comprise no more than forty (40) percent of the dwelling's total heated square footage;

11.3.2. One (1) non-illuminated name plate, which is not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises;

11.3.3. No internal or external alterations or construction features, equipment, machinery, or outdoor storage not customary in residential uses;

11.3.4. No article or service is sold or offered for sale on the premises, except such as is produced by or closely associated with such occupation; and

11.3.5. Any violations of aforementioned regulations shall be cause for revocation of home occupation permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

SECTION 11.4. PROPERTY DIVIDED BY A ZONING DISTRICT

Where a zoning district divides a lot, tract or parcel of land at the time such district boundary is established, the use classification of the less-restricted district may be extended to the property line, but shall not be extended more than a distance of one hundred (100) feet without the permission of the Governing Authority.

SECTION 11.5. DEVELOPMENT OF REGIONAL IMPACT THRESHOLD REVIEW

Developments of Regional Impact (DRI) are large development projects that are likely to create impacts in other local jurisdictions. Long County and the City of Ludowici will comply with State intergovernmental review procedures relating to new developments proposed within the City or County which meet or exceed the minimum thresholds identified in the Department of Community Affairs' Procedures and Guidelines for the Review of Development of Regional Impact.

CHAPTER 12

SIGN REGULATIONS

SECTION 12.1. INTRODUCTION

No sign shall be constructed, altered or maintained within the City of Ludowici or unincorporated areas of Long County except in conformance with the requirements of this Code.

12.1.1. Purpose

The right to identify a place must be consistent with the objectives of the community to retain its unique character and economic advantages which rest largely on the quality of its appearance.

12.1.2. Intent

It is the intent of these regulations to promote public welfare; and, protect private and public property through fair and consistent enforcement of sign control.

12.1.3. State Code Adopted

All signs that are visible from a state highway that is part of the interstate and primary highway system must also conform to the Georgia Outdoor Advertising Law and the rules and regulations of the Georgia Department of Transportation. Where incidents of conflict between the state code and the county code exist the more stringent regulation shall apply.

12.1.4. Traffic Safety

No sign as regulated by this Code shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision; or at any location, by reason of the position, shape, color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.

SECTION 12.2. SIGN AREA CALCULATION

12.2.1. Two sided signs

Count the area of largest side.

12.2.2. Signs with more than two sides

Multiply the area of the largest side by the number of sides, and then divide by two.

SECTION 12.3. EXEMPTIONS

12.3.1. Small Signs

All non-illuminated signs smaller than six (6) square feet on each side are considered to be exempt from permits or regulation.

12.3.2. Dual Purpose Signs

All single faced signs which are in any manner attached or fixed flat to an exterior wall of a building or portion of a functional structure. No portion of such sign may project more than eight (8) inches

beyond the portion of the structure for which it is attached.

SECTION 12.4. REGULATED SIGNS

All regulated signs erected and existing signs that are altered or repaired at a cost of fifty (50) percent of the replacement value unless exempted by this Code must be permitted and/or licensed by the county.

12.4.1. Location

Signs may not be located in residential areas unless required by other laws and these signs shall not be illuminated.

12.4.2. Limit

Total square footage of all regulated signs on a lot shall be no greater than one one-hundredth (1/100) of the lot size. No one sign shall be larger than one hundred and twenty (120) square feet in size at the property line.

12.4.3. Height Limit

No sign shall be higher than seven (7) feet at the property line.

SECTION 12.5. RELIEF FROM SIGN DESIGN REQUIREMENTS

A sign may be granted relief from the strict application of the design standards for height and total area by adhering to the following requirements:

12.5.1. Sign Height

The maximum sign height may be increased by one (1) foot for every two (2) feet that the entire sign is placed back from all property lines including side and rear lines. (*See Figure 1 below*)

12.5.2. Sign Area

The total sign area for any one sign or all regulated signs on a lot may be increased by two (2) square feet for every one (1) foot that all regulated signs is placed back from all property lines including side and rear lines. Roof signs are not permitted. (*See Figure 2 below*)

FIGURE 1

Graduated Sign Height based on Setback from Right-of-Way

Sign height is determined by a slope of the distance from the right-of-way. *Example:* At the right-of-way, sign height is zero. From there, height may increase one foot for every two feet of distance from the right-of-way.

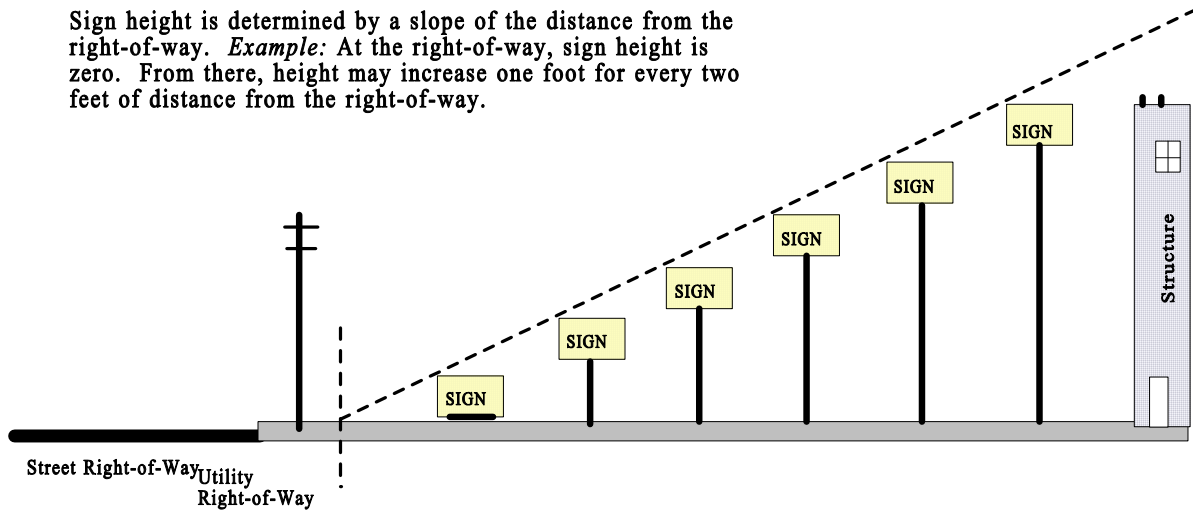
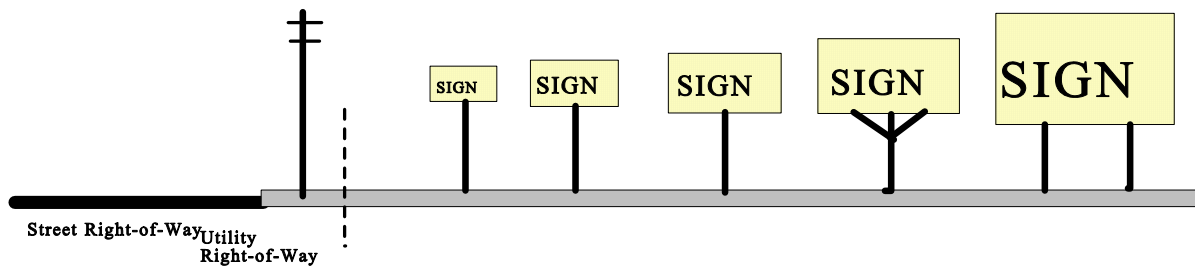


FIGURE 2

Graduated Sign Area based on Setback from Right-of-Way

Sign area is determined by a ratio of the distance from the right-of-way. *Example:* At the right-of-way, sign area is zero. From there, area may increase two square feet for every one foot of distance from the right-of-way.



SECTION 12.6. UNSAFE SIGNS

If a sign displayed is found to be unsafe or unsecured by the Building Official, the owner, lessee or property owner shall be asked to disassemble, remove or repair the sign. If in the opinion of the Building Official, the sign constitutes an immediate peril to persons or property and the owner cannot be contacted, the Governing Authority may immediately exercise condemnation proceedings to cause removal of said sign, and the expense thereof, shall constitute a lien upon the property upon which said sign is located or attached.

SECTION 12.7. NONCONFORMING SIGNS

Any sign which by its height, area, and location does not conform to the requirements of this Code shall be termed nonconforming.

12.7.1. Alterations to Nonconforming Signs

No nonconforming sign shall be structurally altered or moved, unless brought into conformity with the requirements of this Code, except that such signs may have normal maintenance including repainting or changes in copy.

12.7.2. Continuation and Removal

All nonconforming signs that were properly permitted and existing before the effective date of this Code may continue in use in accordance with the other provisions of this Code.

12.7.3. Damage

No nonconforming sign that has been damaged by more than fifty (50) percent of the fair market value of the sign immediately prior to damage shall be restored, except in conformity with the regulations of this Code.

SECTION 12.8. SIGNS IN RESIDENTIAL ZONING DISTRICTS

When required by laws of other governments, signs in residential zoning districts shall not be illuminated and must be located adjacent to the main residence or business (if applicable) entrance doorway. They shall be no greater in size than two (2) square feet.

12.8.1. Signs in Manufactured Home Parks

Only one Manufactured Home Park sign shall be located within the setback area. Such sign shall not exceed a combined total of one hundred and fifty (150) square feet and may not be illuminated. Sign height shall not exceed seven (7) feet in height, measured from the ground to include the base or support and shall display the 911 Address.

12.8.2. Signs in Residential Subdivisions

Shall be located on private property and shall be presented at time of subdivision plan approval and shall be subject to the approval of the Governing Authority.

ARTICLE 13

WIRELESS COMMUNICATIONS FACILITIES AND ANTENNAS

SECTION 13.1. PURPOSE

The purpose of this Code is to impose certain permitting requirements for the siting of all wireless, cellular, television and radio telecommunications towers and antennas; to encourage the location of towers in nonresidential areas; to minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Long County, City of Ludowici, and surrounding areas; to encourage the joint use of new and existing tower sites among service providers; to locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of towers and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

SECTION 13.2. APPLICABILITY

13.2.1. General Applicability

Except as set forth herein, the provisions, requirements and limitations of this Code shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave, radio, or similar transmission towers or antennas installed within the City of Ludowici or unincorporated areas of Long County. The provisions, requirements and limitations of this Code shall only apply to wireless telecommunication, cellular telecommunication, television, microwave, radio, or similar transmission towers or antennas installed within the City of Ludowici or the unincorporated areas of Long County. In addition, any provisions, requirements or limitations contained elsewhere within the Long County – City of Ludowici Land Development Code, which directly conflict with the administration of this **SECTION** or the provisions, requirements or limitations hereof shall be inapplicable to this Code.

13.2.2. Governmental Exemptions

Except as otherwise specifically provided for in this article, the provisions of this Code shall not apply to properties, facilities or structures belonging to Governing Authority. Private facilities and structures placed upon property belonging to the local government shall be governed by a lease agreement or similar instrument between the local government and the provider.

13.2.3. Amateur Radios; Receive-Only Antennas

This Code shall not govern any tower, or the installation of any antenna, that is seventy-five (75) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive only antenna; provided, however, only one such tower or antenna per residence shall be excluded from this Code.

13.2.4. Preexisting Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this Code shall not be required to meet the provisions of this Code.

Any such towers or antennas shall be referred to in this Code as "pre-existing towers" or "pre-existing antennas"; provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease. If an additional antenna is co-located upon a pre-existing tower after adoption of this Code, then the requirements as set forth here shall be met as part of the permitting process.

SECTION 13.3. GENERAL PROVISIONS

13.3.1. Principle or Accessory Use

A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An

existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed and antennas that are installed, in accordance with the provisions of this Code shall not be deemed to constitute the expansion of a nonconforming use of structure.

13.3.2. Co-Location Design Requirements

In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

For towers up to one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least three (3) providers or the maximum number of users as determined by the most current technology, whichever is greater; and

For towers greater than one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least four (4) providers or the maximum number of users as determined by the most current technology, whichever is greater.

13.3.3. Co-Location; Availability of Suitable Existing Structures

No new tower except amateur radio towers shall be permitted unless the applicant demonstrates to the satisfaction of the Governing Authority that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of the following:

That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area which will allow for the effective operation of the proposed antenna (as informed by industry standards);

That existing towers or structures are not of sufficient height to allow for the effective operation of the proposed antenna (as informed by industry standards);

That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment (as informed by industry standards);

That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna, and such interference cannot be effectively remedied;

That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing substantially exceed the cost and requirements of new tower development and are otherwise entirely unreasonable; and

That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable, other than economic reasons.

13.3.4. Aesthetics

The guidelines set forth in this SECTION shall govern the design and construction of all towers, and the installation of all antennas, governed by this Code.

Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be concealed from public view by using landscaping and materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Governing Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.

No signs or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within City limits or unincorporated areas of the County.

To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the local Governing Authority or by any state or federal law or agency.

Access to the tower site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land so as to minimize the visual impact of the site on the surrounding area.

Such other additional requirements as the Governing Authority shall reasonably require to minimize the visual impact of the site on the surrounding area.

13.3.5. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers:

Towers shall be setback a minimum distance equal to the height of the tower plus one hundred (100) feet from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the tower unless the owner of the adjoining property whose property is within said fall zone otherwise consents in writing.

Guy wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.

Towers shall not be located closer than five thousand two hundred eighty (5,280) feet from any existing tower; provided, however, that the Governing Authority may waive this requirement when it is determined that the placement of another tower within said five thousand two hundred eighty (5,280) feet is technologically required or visually preferable. This requirement shall not apply to amateur radio towers.

13.3.6. Security Fencing/Anti-Climbing Devices

All towers and supporting equipment shall be enclosed by fencing not less than eight (8) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.

13.3.7. Landscaping

The following requirements shall govern landscaping surrounding all towers:

Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and eight (8) feet in height at planting and located outside the fenced perimeter of the compound.

Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

Landscaping shall be maintained by the provider and shall be subject to periodic review by the Building Official to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this Code.

Amateur radio towers and antennas, or receive-only antennas shall not be subject to this SECTION unless specifically required by the Governing Authority by virtue of other provisions of the Long County – City of Ludowici Land Development Code.

13.3.8. Maintenance Impact

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.

13.3.9. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the permittee, owner or the lessee of the tower and/or antenna governed by this Code shall bring such tower and/or antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such tower and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the tower and/or antenna and constitute grounds for the removal of the tower or antenna at the owner's, permittee's, or lessee's expense. Any such removal by the Governing Authority shall be in the manner provided by the Long County – City of Ludowici Land Development Code, governing unsafe or abandoned structures.

13.3.10. Building Codes and Safety Codes

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the

Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Official concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within fifteen (15) days shall be deemed a declaration of abandonment of the tower and constitute grounds for removal of the tower as provided in SECTION 13.8. Prior to the removal of any tower, the Building Official may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period.

13.3.11. Change of Ownership Notification

Upon the transfer of an ownership interest in any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Building Official of the transaction in writing within thirty (30) days.

SECTION 13.4. APPLICATION PROCEDURES

13.4.1. General Application Requirements

Application for a permit for any telecommunications facility shall be made to the Building Official by the person, company, organization, or duly authorized agent thereof, that will own and operate the telecommunications facility. An application will not be considered until it is complete. The Building Official is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal under this Code, the following information shall be submitted when applying for any permit required by this Code and must be submitted for an application to be considered complete:

Site plan or plans to scale specifying the location of telecommunications facility, transmission building and/or other accessory use, access, parking, fence, landscaped area, and adjacent land uses. Applicants shall submit both a paper location map and, if requested by the Building Official, a digitized location map in a format compatible with the GIS software utilized by the local government.

Landscaped plan to scale indicating size, spacing and type of plantings required.

A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.

A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:

Tower or antenna type, height, and design;

Engineering, economic, and other pertinent factors governing selection of the proposed design;

Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;

Evidence of structural integrity of the tower or alternative tower structure;

Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and

Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC.

Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or tower is needed for coverage or capacity).

If the proposed site is not zoned AF, C-2, I-1 or I-1, applicants must describe why a site zoned AF, C-2, I-1 or I-2 was not proposed by identifying:

What good faith efforts and measures were taken to secure such an alternate site;

Why such an alternate site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and

How and why the proposed site is essential to meet service demands for the geographic service area.

The Building Official will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease or similar agreement. The Building Official shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.

The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed tower site.

The applicant must provide any other information which may be requested by the Building Official to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

13.4.2. Tower Co-Location Information Submittals

Any person or entity co-locating an antenna or antennas which will add no more than ten (10) feet to the height of the tower and related equipment or appurtenances on or around a tower for which a permit has already been issued shall submit the following information only:

**The name of the person or entity co-locating the antenna;

**The name of the owner of the tower;

**The tower's permit number;

**The location of the tower;

**The remaining structural capacity of the tower;

**Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC; and

**Such other information identified may reasonably be required by the Building Official.

13.4.3. Inventory of Existing Sites

To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide to the Building Official an inventory of it's existing towers or alternative tower structures. The inventory shall include all such structures that are within the City of Ludowici or unincorporated Long County; within any other municipality located, in whole or in part, within Long County; or, within one mile of the border of Long County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Building Official. The Building Official may make such information available to members of the public, to include, without limitation, other organizations seeking to locate towers or antennas within City limits or unincorporated areas of the County, and in such form and manner as the Building Official deems appropriate; provided, however that the Building Official is not, by sharing such information, in any way representing or warranting that such sites are available or otherwise suitable.

SECTION 13.5. ADMINISTRATIVE APPROVALS

13.5.1. General

The Building Official may administratively approve the uses set forth of this Code as provided by this Section. All such uses shall comply with requirements set forth in this Code and all other applicable codes and ordinances.

The Building Official shall respond to each application within forty-five (45) days of its receipt by either approving, approving with conditions, or denying the application. One forty-five (45) day extension of this review period may be exercised by the Building Official if such additional time is deemed necessary to adequately assess the request. If the Building Official fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.

As part of any administrative approval, the Building Official may administratively reduce setback requirements by up to ten (10) percent to compensate for irregularly shaped lots or parcels.

Any decision by the Building Official that results in the denial of a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence. In addition to the requirements set forth in SECTION 13.5.4 for uses allowed by administrative approval, the Building Official shall consider the applicable factors set forth in this Code, in acting upon an application for administrative approval.

13.5.2. Application, Contents and Fee

All applications for administrative approval of a permit shall be submitted to the Building Official. Each application shall contain as a part thereof detailed plans and specifications as set forth in SECTION 13.5. An application for administrative approval of a permit shall not be accepted for processing without the information required in SECTION 13.5 of this Code. An application fee shall be charged by the Building Official in accordance with the fee schedule as adopted by the Governing Authority.

13.5.3. Co-Location of Antennas Required

Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth.

13.5.4. Uses Allowed by Administrative Approval

The following uses may be approved by the Building Official after conducting an administrative review:

If it is adequately demonstrated that antenna co-location, as required in SECTION 13.5.3. above, is not possible for a given geographic antenna placement area, construction of a new tower up to a height of three hundred (300) feet, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the following zoning districts:

Agriculture Forestry (AF)

General Commercial (C-2)

Industrial – Light and General (I-1 and I-2)

Provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein, together with such additional conditions which may be reasonably imposed by the Building Official to minimize the adverse effects of such placement on surrounding properties.

So long as the addition of said antenna adds no more than ten (10) feet to the height of the existing alternative tower structure:

Installation of an antenna on an existing alternative tower structure in any zoning district, and further including the placement of additional structures or other supporting equipment used in connection with said antenna, provided that if such installation is proposed on an existing alternative tower structure located in zoning districts R-1, R-2 or MFR, the applicant shall be required to (1) place all additional structures or other supporting equipment within the existing tower compound, and (2)

meet such additional conditions which may be reasonably imposed by the Building Official to minimize the adverse effects of such placement on surrounding properties; or

Installation of an antenna on an existing City or County owned alternative tower structure in any zoning district, provided a lease or similar agreement authorizing the antenna has been approved by the Governing Authority.

So long as the addition of said antenna adds no more than ten (10) feet to the height of the existing tower:

Installation of an antenna on an existing tower of any height in any zoning district, and further including the placement of additional structures or other supporting equipment used in connection with said antenna, provided that if such installation is proposed on an existing tower located in zoning districts RR, R-1, R-2 or MFR, the applicant shall be required to: (1) place all additional structures or other supporting equipment within the existing tower compound, and (2) meet such additional conditions which may be reasonably imposed by the Building Official to minimize the adverse effects of such placement on surrounding properties, or

Installation of an antenna on an existing tower located on property owned, leased or otherwise controlled by the county in any zoning district, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided a lease or similar agreement authorizing the tower has been approved by the Governing Authority.

Construction of a new tower up to a height of three hundred (300) feet, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, if placed upon property owned, leased or otherwise controlled by the City or County in any zoning district except RR, R-1, R-2 and MFR, providing a lease or similar agreement authorizing the tower has been approved by the Governing Authority.

13.5.5. Public Notice and Appeal

At least fifteen (15) days prior to the issuance of a permit for the construction of a tower or antenna as an administratively approved use, except for co-location permits, the Building Official shall cause a sign to be conspicuously posted on the property and the publication of a public notice in the newspaper in which Sheriff's advertisements appear. Said public notice shall state the nature of the application, height of the

proposed structure, street address of the proposed location, or other identifying information necessary to inform the public of the proposed location. The expense of the public notice shall be borne by the applicant.

If during the public notice period, a written objection to the permit application is filed, the validity of the application and all pertinent documentation shall be determined by the Governing Authority. Said objection must make reference to the specific SECTION of the Code which the objector contends is not met and provide supporting documentation therefore. The objection shall be placed on the first available agenda of a regularly scheduled meeting of the Governing Authority following the expiration of the fifteen (15) day appeal period. The Governing Authority shall dispense with the objection by either:

A determination that the application is valid and meets all applicable criteria of this Code, which shall result in the issuance of a permit as set forth herein.

A determination that the application does not satisfy all applicable criteria of this Code. Applications so found must, as a result, be processed through the Conditional Use Permit process set forth in SECTION 7 contained herein.

Review of the decision of the Governing Authority shall be made within thirty (30) days by writ of certiorari to the Superior Court of Long County, Georgia.

13.5.6. Appeal of Administrative Determination

If a permit application for a tower as an administratively permitted use is determined by the Building Official to not meet all applicable criteria of this Code, the applicant may appeal the determination of the Building Official to the Governing Authority in accordance with SECTION 3.11 of the Long County – City of Ludowici Land Development Code. The Governing Authority shall dispense with the appeal by either:

A determination that the application is valid and meets all applicable criteria of this Code, which shall result in the issuance of a permit as set forth herein.

A determination that the application does not satisfy all applicable criteria of this Code. Applications which do not satisfy all applicable criteria must, as a result, be processed through the Conditional Use Permit process set forth in SECTION 3.4 contained herein.

Review of the decision of the Governing Authority shall be made within thirty (30) days by writ of certiorari to the Superior Court of Long County.

SECTION 13.6. CONDITIONAL USE PERMIT REQUIRED

13.6.1. General

If the proposed location, height, setback or other aspect of a proposed telecommunications facility cannot comply with the minimum requirements established in this Code or are otherwise ineligible for administrative approval pursuant to SECTION 13.5. then a Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this Code and all other applicable codes and ordinances, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

In granting a Conditional Use Permit, the Governing Authority may impose additional conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties as set out in SECTION 13.6.5.

13.6.2. Application, Contents, and Fee

All applications for Conditional Use Permits shall be submitted to the Building Official who shall forward the same to the Governing Authority for its consideration. Each application shall contain as a part thereof detailed plans and specifications as set forth in SECTION 3.4. An application for a Conditional Use Permit shall not be accepted for processing without the information required in SECTION 3.4. An application fee shall be charged by the Building Official in accordance with the fee schedule adopted by the Governing Authority.

13.6.3. Co-Location of Antennas Required

Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure.

An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth in SECTION 13.3.3. contained herein.

13.6.4. Public Hearing

Before taking action upon the proposed Conditional Use Permit, the Governing Authority shall hold a public hearing on the matter. At least fifteen (15) days prior to the date of the public hearing, the Governing Authority shall cause the following notice requirements to be instituted by the Building Official:

A sign shall be erected, in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.

A letter shall be sent by certified mail, return receipt requested, to all property owners of record of abutting parcels, and to all property owners of residentially used parcels lying in whole or in part within a distance of two (2) times the height of the proposed tower as measured from its base (as such property owners may be reasonably ascertained by the Building Official), giving notice of the public hearing. The letter shall state the same information as required for the sign.

A public notice shall be published in the newspaper once a week for two (2) consecutive weeks prior to the date of the hearing.

Subsections (B) and (C) above shall be the responsibility of, and at the expense of, the applicant.

13.6.5. Considerations in Approval or Denial of Conditional Use Permits

Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The following factors may be taken into consideration in acting upon a Conditional Use Permit application under the provisions of this Code:

The height and setbacks of the proposed tower, antenna, and equipment and structures in support thereof;

The proximity of the tower, antenna, and equipment and structures in support thereof to residential structures and residential district boundaries;

The nature of uses on adjacent and nearby properties;

The surrounding topography;

The surrounding tree coverage and foliage;

The design of the tower, antenna, and equipment and structures in support thereof, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

The proposed ingress and egress;

The availability of suitable existing towers or other structures for antenna co-location;

The impact of the proposed tower, antenna, and equipment and structures in support thereof upon scenic views and visual quality of the surrounding area;

The needs of the applicant as balanced against the detrimental effects on surrounding properties;

The impact of the proposed tower or antenna(s) on adjacent and nearby properties; and

Such other considerations as may be implicated by the provisions of this Code.

13.6.6. Requirements for Issuance of Conditional Use Permit

The Conditional Use Permit may be issued by the Governing Authority only upon satisfaction of the following requirements:

A proper application filed in accordance with the requirements of SECTION 13.4;

The application is otherwise in compliance with the conditions for the proposed conditional use required by this section;

The applicant complies with the conditions imposed by the Governing Authority for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with surrounding uses;

The Governing Authority determines that the benefits and need for the proposed conditional use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and

All fees and other expenses required have been paid in full.

13.6.7. Independent Expert Review

The Building Official or Governing Authority may engage a licensed professional engineer or other qualified industry professional as an independent expert to review any of the materials submitted by an applicant for a Conditional Use Permit.

The independent expert may render an opinion regarding any concerns about the proposal, including but not limited to: structural integrity and the feasibility of alternative sites or co-location; provided, however, that prior to seeking the review of an independent expert, the Building Official or Governing Authority shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns.

If the applicant is unable to address those concerns to the satisfaction of the Building Official or Governing Authority, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, following the receipt of the letter to such effect, in which to modify the application to alleviate the Building Official's or Governing Authority's concerns or withdraw the application altogether. If the applicant fails to so modify or withdraw the application within the required time, the Building Official or Governing Authority may proceed to engage a licensed professional engineer to conduct the independent expert review and the expert's reasonable fees, costs and expenses shall be paid by the applicant; provided that the Building Official or Governing Authority shall give the applicant written notice of its intent to do so. The expert's opinion shall not necessarily be determinative, but shall be a significant factor to be considered in granting or denying the application. No permit shall be issued until the applicant has paid all such fees, costs and expenses incurred under this section.

13.6.8. Resubmittal of Conditional Use Application

An application for a Conditional Use Permit which has been denied shall not be resubmitted for a period of six (6) months and then only if the applicant can document a substantial change in need for a tower or antenna at the same location.

SECTION 13.7. TOWERS AND ANTENNAS IN RESIDENTIAL AND ENVIRONMENTALLY FRAGILE AREAS

Notwithstanding any other provision of this Code, no tower (to also include the use of an alternative tower structure) shall be permitted in zoning districts CON, RR, R-1, R-2 or MFR or within two thousand (2,000) feet of: (1) the boundary line of any property zoned CON, RR, R-1, R-2 or MFR; or (2) any single-family residential dwelling located upon property not zoned CON, RR, R-1, R-2 or MFR, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity; provided, however, that a tower (or use of an alternative tower structure) may, absent such showing, be permitted within two thousand (2,000) feet of any residential dwelling located on property not zoned CON, RR, R-1, R-2 or MFR upon the written consent of the owner(s) of such residentially used property. Applications for placement of a tower (or use of an alternative tower structure) within two thousand (2,000) feet of the external boundary line of any property zoned RR, R-1, R-2 or MFR shall be available only through the Conditional Use Permit process.

SECTION 13.8. REMOVAL OF ABANDONED TOWERS AND ANTENNAS

13.8.1. Notice of Abandoned Antenna and Structures

The owner or lessee of a tower or antenna shall promptly notify the Building Official of its intent to abandon, or the abandonment of, any tower or antenna.

13.8.2. Removal of Abandoned Towers and Antennas

Any tower, antenna, or other equipment and structure in support thereof that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of such abandonment. If said tower or antenna is not removed within said ninety (90) days, the Governing Authority may, take such action as may be deemed necessary to remove, or cause to be removed, such tower, antenna, or other equipment and structure in support thereof at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower.

ARTICLE 14

SOLAR REGULATIONS

SECTION 14.1 INTRODUCTION

14.1.0 Purpose

This ordinance aims to promote the accommodation of distributed, on-site residential and non-residential solar energy systems installed to reduce on-site energy consumption and associated equipment, as well as adequate access to sunlight necessary for such systems.

This ordinance permits solar energy systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. In an effort to ensure that solar development is safe and adheres to policies and requirements, this ordinance shall require zoning approval and building permits for solar farms.

A solar energy system shall be permitted in any zoning district as an accessory use, subject to specific criteria as set forth below. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

Utility-scale solar farms and commercial scale solar farms, which are considered to be the principal use or the property ranges in size from 3 acres and up shall be considered the same for the purpose of this ordinance *****See SECTION 14.9*****

14.2.0 Applicability

14.2.1. This ordinance applies to all distributed solar systems installed and constructed after the effective date of this Ordinance. For purposes of this Ordinance, “solar energy system” means a distributed solar energy system as defined herein.

14.2.2. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

14.2.3. All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

SECTION 14.3.0 Definitions

14.3.1. Accessory Use: A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.

14.3.2. Battery Back-Up: A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.

14.3.3. Combiner or Junction Box: Combines the inputs (electrical flows) from multiple strings of solar panels (or micro-inverters) into one output circuit.

14.3.4. Crystalline silicon *cells*: Solar photovoltaic cells fashioned from either mono-crystalline, multi-crystalline, or ribbon silicon capable of converting sunlight into electricity. Crystalline silicon solar PV panels are the most commonly used and are generally the most efficient.

14.3.5. Distributed Solar: For the purposes of this Ordinance, distributed solar refers to solar energy systems located on-site and designed to provide solar thermal energy or solar PV electricity to a property owner, occupant, and/or facilities.

14.3.6. Grid-tied Solar - A solar PV system that is interconnected with the utility grid via net metering and interconnection agreements with the utility.

14.3.7. Electricity Generation (production, output) - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

14.3.8. Electrical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

14.3.9 Grid-tied Solar Photovoltaic Systems (grid-tied PV, on-grid, grid-connected, utility-interactive, grid-intertied, or grid-direct): Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage. Any excess electricity generated is sent to the electric utility grid, credited via a customer's net metering agreement with their local utility. Grid-tied are typically installed without battery back-up system to store electricity. As such, these systems provide no power during an

outage. Typical system components: PV panels, inverter(s), and required electrical safety gear.

14.3.10. Ground-Mount System: A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

14.3.11. Hybrid Solar Photovoltaic Systems (aka grid-tied PV with battery back-up): Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include: PV panels, inverter(s), and required electrical safety gear, battery bank, and a charge controller.

14.3.12. International Residential Code (IRC) - Part of the International Building Code (IBC), the IRC sets buildings standards for residential structures.

14.3.13. Inverter: A device that converts the Direct Current (DC) electricity produced by a solar photovoltaic system is converted to useable alternating current (AC).

14.3.14. Kilowatt (kW) - Equal to 1000 Watts; a measure of the use of electrical power.

14.3.15. Kilowatt-hour (kWh) - A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.

14.3.16. Mounting - The manner in which a solar PV system is affixed to the roof or ground (i.e. roof mount, ground mount, pole mount).

14.3.17. Megawatt (MW) - Equal to 1000 Kilowatts; a measure of the use of electrical power.

14.3.18. Megawatt-hour (MWh) - A unit of energy equivalent to one Megawatt (1 MW) of power expended for 1 hour of time.

14.3.19. National Electric Code (NEC) - Sets standards and best practices for wiring and electrical systems.

14.3.20. Net Meter: On-grid solar PV systems connected to the utility grid use a net meter, typically provided and installed by the local utility, to measure the flow of electricity from the solar system for the purposes of net metering.

14.3.21. Net Metering: A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.

14.3.22. Off-Grid Solar Photovoltaic Systems with battery back-up: Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or other back-up generation). Typical system components include: PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear.

14.3.23. Orientation (or Azimuth): In the northern hemisphere, true solar south is the optimal direction for maximizing the power output of solar PV. Although, systems can be oriented east, southeast, southwest, and west, while still providing 75%-85% of maximum production, depending on the tilt. Proper orientation and access to sun are critical for achieving maximum energy production potential (ideally, the orientation of the solar energy system ensures that solar access is not obstructed by other buildings, shade trees, chimneys, HVAC systems, or other equipment).

14.3.24. Passive Solar: Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. *Passive solar* incorporates the following elements strategically to maximize the solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand; and maximizing the use of day lighting to reduce demand for electricity for lighting): strategic design and architecture, building materials, east-west and building lot orientation, windows, landscaping, awnings, ventilation

14.3.25. Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

14.3.26. Pole-Mount Systems: A solar energy system that is directly installed on specialized solar racking systems, which are attached to pole, which is anchored and

firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

14.3.27 Power - the rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.

14.3.28. PV-Direct Systems: The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include: PV panels, required electrical safety gear, and wiring. 1

14.3.29 Racking: Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

14.3.30 Roof-Mount System (aka rooftop mounted, building mounted): A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

14.3.31. Solar Access: the ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage or other impediment). Solar access is calculated using a sun path diagram.

14.3.32. Solar Array: Multiple solar panels combined together to create one system.

14.3.33. Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

14.3.34. Solar Easement: An easement recorded pursuant to U.C.A. §§ 57-13-1 and 57-13-2, the purpose of which is to secure the right to receive sunlight across the real property

of another for the continued access to sunlight necessary to operate a solar energy system. According to Utah law, parties may voluntarily enter into written solar easement contracts that are enforceable by law. An easement must be created in writing and filed, duly recorded and indexed in the office of the recorder of the county in which the easement is granted. A solar easement, once created, runs with the land and does not terminate unless specified by conditions of the easement.

14.3.35.Solar Energy System: A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. This definition shall include Solar Thermal, Photovoltaic, and Passive Solar Systems.

14.3.36.Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

14.3.37.Solar Photovoltaic (Solar PV) System– Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mountain racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries. For the purposes of this Ordinance, a solar PV system is defined as generating capacity of not more than 25 kilowatts for residential facilities and not more than two megawatts for non-residential facilities.

14.3.38.Solar Panel (or module): A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

14.3.39.Solar Process Heat technologies provide industrial specific applications, including ventilation air preheating, solar process heating, and solar cooling.

14.3.40Solar-Ready: The concept of planning and building with the purpose of enabling future use of solar energy generation systems. Solar-ready buildings, lots, and developments make it easier and more cost-effective to utilize passive solar techniques and adopt active solar technologies in the future. Solar-Ready Buildings are built anticipating future installation of active solar energy systems (including structural reinforcement, pre-wiring or plumbing for solar, and east-west building orientation).

Solar-Ready Lots are oriented to take maximal advantage of a location's solar resource. Solar-Ready Developments expand this concept to entire subdivisions.

14.3.41.Solar Thermal System (Solar Hot Water or Solar Heating Systems): A solar energy system that directly heats water or other liquid using sunlight. Consist of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food-grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat-plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

14.3.42.Thin Film Solar PV – Capable of generating electricity from the sun, thin film solar PV cells consist of layers of semiconductor materials (made from amorphous silicon, cadmium telluride, copper indium gallium diselenide, among other materials) a few micrometers thick, which allow for greater flexibility. Thin film is made by depositing one or more thin layers of photovoltaic material on a substrate; products include rooftop shingles and tiles, building facades, the glazing for skylights, and other building integrated materials.

14.3.43.Tilt: The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

14.3.44.Watts (W) - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps).

14.3.45.Wiring: Specified by electrical codes, solar PV system wires are routed from the panels or micro-inverters through conduit into the inverter and buildings meter.

SECTION 14.4.0 Solar Energy System Requirements

14.4.1. To the extent practicable, and in accordance with Long County-City of Ludowici Land Development Code, the accommodation of solar energy systems and associated electrical equipment, and the protection of access to sunlight for such, shall be encouraged in the application of the various review and approval provisions of the Long County-City of Ludowici Land Development Code.

14.4.2. Solar energy systems are permitted in all zoning districts as an accessory use to permitted, conditional, and special exception uses

14.4.3. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.

14.4.4. The installation and construction of a *roof-mount solar energy system* shall be subject to the following development and design standards:

A. A roof or building mounted solar energy system may be mounted on a principal or accessory building.

B. Any height limitations of the Long County-City of Ludowici Land Development Code shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.

C. Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roofline.

14.4.5. The installation and construction of a *ground-mount or pole-mount solar energy system* shall be subject to the following development and design standards:

A. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.

B. The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

C. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district

D. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the building electrical code, as appropriate.

14.4.6. All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the following:

A. Electrical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.

14.4.7. Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system .

14.4.8. A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

14.4.9. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

SECTION 14.5.0 Safety and Inspections

14.5.1. The design of the solar energy system shall conform to applicable local, state and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).

14.5.2. The solar energy system shall comply with all applicable Long County-City of Ludowici Ordinances and Codes so as to ensure the structural integrity of such solar energy system. *Please note that the existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a solar energy system permit.*

14.5.3. Prior to operation, electrical connections must be inspected by [an appropriate electrical inspection person or agency, as determined by the Long County-City of Ludowici

14.5.4. Any connection to the public utility grid must be approved by the appropriate public utility.

14.5.5. If solar storage batteries are included as part of the solar collector system, they must installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of Long County and the City of Ludowici and any other applicable laws and regulations relating to hazardous waste disposal.

14.5.6. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

SECTION 14.6.0 Abandonment and removal

14.6.1. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be landscaped in accordance with [local rules]

14.6.2. A ground or pole-mounted solar energy system is considered to be abandoned or defective if it has not been in operation for a period of twelve (12) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within the time period designated by a Long County Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the County or City may pursue a legal action to have the system removed at the owner's expense.

SECTION 14.7.0 Appeals

14.7.1. If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the Long County-City of Ludowici Long Development Code.

14.7.2. If a building permit for a solar energy system is denied because of a conflict with other goals of Long County or the City of Ludowici, the applicant may seek relief from the Long County-City of Ludowici board of zoning appeals, which shall regard solar energy as a factor to be considered, weighed, and balanced along with other factors.

SECTION 14.8.0 Solar-Ready Zoning

14.8.1. New structures will, to the extent possible and insofar as practical, be situated on the lot to take advantage of solar access, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.

14.8.2. To permit maximum solar access to proposed lots and future buildings, wherever reasonably feasible and where consistent with other appropriate design considerations, new streets shall be located on an east-west axis to encourage building siting with the maximum exposure of roof and wall area to the sun.

14.8.3. Tree-planting programs shall take into account the impact of street trees on the solar access of surrounding properties and, where possible, efforts shall be made to avoid shading possible locations of solar collectors.

14.8.4. When the planning/zoning board reviews and acts upon applications for subdivision approval or site plan approval, it shall take into consideration whether the proposed construction would block access to sunlight for existing ground-mount, pole-mount, or roof-mount solar energy collectors or for solar energy collectors for which a permit has been issued.

14.8.5. Where reasonable and appropriate, new subdivisions should be platted so as to preserve or enhance solar access for either passive or active systems, consistent with the other requirements of the Long County-City of Ludowici Land Development Code.

14.8.6. The plan for development of any site within cluster subdivisions shall be designed and arranged in such a way as to promote solar access for all dwelling units.

Considerations may include the following:

A. In order to maximize solar access, the higher density dwelling units should be placed on a south-facing slope and lower-density dwelling units sited on a north-facing slope.

B. Subject to the Long County-City of Ludowici setback requirements, structures should be sited as close to the north lot line as possible to increase yard space to the south for reduced shading of the south face of a structure.

C. A tall structure should be sited to the north of a short structure.

14.8.7. Solar-Ready zoning should be considered as one among multiple considerations in planning new developments.

SECTION 14.9.0 Utility Scale or Commercial Scale Solar Farms

Utility-scale solar farms and commercial scale solar farms, which are considered to be the principal use or the property ranges in size from 3 acres and up shall be considered the same for the purpose of this ordinance.

Design and Installation:

All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

All large solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

Use of public roads or state roads has been secured and approved for access points for project roads and parking areas for the site.

Liability Insurance, shall be maintained covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.

Decommissioning: Applicant agrees to the following conditions for land use permit:

a. If applicant ceases operation of the energy project or begins, but does not complete, the applicant shall restore the site according to a plan approved by the planning and zoning board;

b. Owner is required to notify the Long County immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within (6) six months from the date applicant ceases use of facility or the facility becomes obsolete. The owner will then have (12)twelve months to dismantle/remove all other components of the energy production facility.

c. **Permit:** at time of issuance of permit, the owner shall provide financial security in the form of a letter of credit*****see 6.23.8***** to secure the expense of dismantling and removing the structure.

d. Fees: No fees shall apply to an accessory structure, however; see fee schedule for Large scale solar farms/arrays, commercial and/or utility scale and electrical inspection fees.

CHAPTER 15

SECTION 15.0. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 15.1 STATEMENT AND PURPOSE

The intent of off-street parking and loading requirements is to protect the public safety by minimizing the number of vehicles parked on road and street easements and prevent excessive wear on the public roads and streets.

SECTION 15.2. OFF-STREET LOADING REQUIREMENTS

Every building which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall be required to have off-street loading zones in accordance with the requirements of this Code. All off-street loading facilities shall be located according to front, side or rear yard requirements of the principal structure or use which it serves. Off-street loading facilities shall be located in a manner to prevent vehicle maneuvering in or blockage of rights-of-way.

Each loading berth shall have minimum dimension of not less than twelve (12) feet in width, sixty-five (65) in length, and fourteen (14) feet vertical clearance, exclusive of access drives, aisles and maneuvering space.

SECTION 15.3. PARKING SPACE REQUIREMENTS

15.3.1. Standard Parking Spaces

Required parking spaces for all uses shall be a minimum width of ten (10) feet and minimum length of twenty (20) feet, except parallel parking spaces, which shall have a minimum length of twenty-two (22) feet.

15.3.2. Handicapped Parking Spaces

The number and dimensions of handicapped parking spaces, which shall be located adjacent to the building served, are to be provided in conformance with the requirements of the Americans with Disabilities Act, as follows:

Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces*
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
*For every 8 accessible spaces, at least one must be a van-accessible space.	

SECTION 15.4. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Except as otherwise noted in this Code, the number of off-street parking spaces for each new principal use shall be provided in accordance with the following table.

TYPE OF USE	SPACE REQUIREMENTS
Residential Uses	
Single-two, multi-family, and townhouse dwelling	2 spaces per dwelling unit
Boarding and lodging houses	1 space per bed
Home occupation	Maximum of 1 space per home occupation (in addition to the space requirements for the dwelling unit)
Commercial Uses	
Automobile, mobile home, truck, recreational vehicle, boat, or farm implement sales	1 space per 300 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Auto service station or repair	1 space per pump plus 2 spaces per service bay
Car wash (self service or automatic)	2 spaces per bay
Clinic or medical health facility	1 space per 300 square feet
Convenience retail	1 space per 200 square feet
Greenhouse	1 space per 1,000 square feet
Hotel, motel, or bed –and-breakfast	1 space per room plus 1 space per employee on the largest shift
Video rental store	1 space per every 300 square feet
Office (professional, government, business)	1 space per 300 square feet
Restaurant or fast food establishment	1 space per 2.5 seats plus 1 space per employee on largest shift

Retail sales and services establishment not exceeding 2,500 square feet	1 space per 200 square feet
Retail sales and services establishment exceeding 2,500 square feet	1 space per 300 square feet
Roadside sales	5 spaces per stand
Schools, Churches, Health Care Facilities, and Other Institutions	
Daycare Center	2.5 spaces per classroom
Nursing facility	1 space per bed plus 1 space per employee on largest shift
Religious Institutions	1 space per 4 seats in the main place of assembly plus 1 space per 300 square feet of classroom and meeting areas
Schools, primary/elementary	2 spaces per classroom
Cultural and Entertainment	
Bowling alley	5 spaces per lane
Carnival, circus or fair	50 spaces per acre
Golf course	6 spaces per hole
Meeting or party hall, country club or dance hall	1 space per 200 square feet of indoor space, plus 1 space per 5,000 square feet of outdoor meeting area
Private club or lodge	1 space per 200 square feet plus 1 space per 2 seats in main place of assembly
Manufacturing, Warehouse, and Miscellaneous	

Airport	1 space per employee on the largest shift plus 1 space per every 1,000 square feet of hangar space or 1 space per outdoor aircraft storage space
Cemetery	1 space per employee on the largest shift
Manufacturing establishment	1 space per 500 square feet
Post office	1 space per employee on largest shift plus 1 spacer per every 200 square feet
Warehouse or storage facility	1 space per 500 square feet of indoor storage plus 1 space per 1,500 square feet of outdoor storage
Water treatment or storage facility	1 space per employee on largest shift

CHAPTER 16

WETLANDS PROTECTION

SECTION 16.0 Wetlands Protection

SECTION 16.1 Definitions

16.1.1. Regulated Activity- means any activity, which will, or which may reasonably be expected to result in the discharge of dredged or fill material into waters or the United States excepting those activities exempted in **SECTION 404 of the Federal Clean Water Act**.

16.1.2. Wetlands-means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

16.1.3. Wetlands Map- means the current United States Fish and Wildlife Service National Wetlands Inventory Maps for the County of Long and the City of Ludowici, which ever applies.

16.1.4. Wetlands Protection District- means all wetlands within the jurisdiction of the County of Long or the City of Ludowici, Georgia as indicated on the Wetlands Map. Provided, however; that the Wetlands Map does not necessarily represent the boundaries of jurisdictional wetlands with the County of Long or the City of Ludowici and cannot serve as a substitute for a delineation of wetland boundaries by the United States Army Corps of Engineers as required in **SECTION 404 of the Federal Clean Water Act**, as amended. Any local government action under this ordinance does not relieve the landowner from Federal or State permitting requirements.

16.1.5 Jurisdictional Wetlands- is an area that meets the definitional requirements for wetlands as determined by the United States Army Corps of Engineers.

16.1.6. Jurisdictional Wetlands Determination- a delineation of jurisdictional wetlands boundaries by the act of the United States Army Corps of Engineers, as required by **SECTION 404 of the Clean Water Act, 33 U.S.C.(.)1344**, as amended.

SECTION 16. 2-Permitting

Prior to the approval of any subdivision or manufactured housing park development by the Governing Authority, the applicant must offer documentation that the U.S. Army Corp of Engineers or their designated representative has made a wetland determination on the development proposal in the context of its physical location.

Applications for a subdivision or manufactured housing park that encompass wetlands or is within two- hundred (200) feet of wetlands, regardless of an Army Corps of Engineers 404 permit determination, shall include a separate site plan drawn at a scale of one (1) inch equals one hundred (100) feet with the following information:

16.2.1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on cross-sectional drawings.

16.2.2. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of one hundred (100) feet.

16.2.3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

16.2.4. Elevations of the site and adjacent lands within one hundred (100) feet at contour intervals no greater than two (2) feet.

16.2.5. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

16.2.6. All proposed temporary disruptions or diversions of local hydrology.

SECTION 16.3 Design Standards

Structures shall be 200ft. from wetlands or 36 inches above flood stage.

Roadways shall be elevated at 18 inches above wetlands

Elevation of structures: structures shall be 18 inches above finish floor elevation with a minimum of 6 inches in natural soil or a certified compaction test by a Licensed Soil Scientist.

SECTION 17:

**AMENDMENTS TO THE LONG COUNTY-CITY OF LUDOWICI
LAND DEVELOPMENT CODE.**

Amendments shall be included in this section