

**APPENDIX C – TIRED CREEK LAKE DISTRICT**

**ARTICLE I GENERAL**

**Sec. 100-010. - Short title.**

This ordinance shall be known and may be cited as "The Tired Creek Lake District Ordinance of Grady County, Georgia."

**Sec. 100-020. - Purpose.**

This ordinance is enacted by the Board of Commissioners for the promotion of the public health, safety, morals, and general welfare of the residents of Grady County, Georgia, and to assure compliance with Federal and State permits associated with the Tired Creek Fishing Lake. It is the purpose of this section to create the Tired Creek Lake District that will:

- A. Guide and regulate the orderly growth, development, redevelopment, and preservation of the Tired Creek Lake District in accordance with long-term objectives, principals, and standards deemed beneficial to the interest and welfare of the citizens of Grady County;
- B. Preserve unique areas around the Tired Creek Lake that have been designated for the Tired Creek Lake Section 404 permit compensatory mitigation;
- C. Implement the authority, powers, and duties of the planning commission pursuant to state and local law, including but not limited to the Constitution of the State of Georgia, article 9, section 2, paragraph 4, and Ga. L. 1956, p. 3332 as amended;
- D. Protect the established character and the social and economic well-being of both private and public property;
- E. Encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
- F. Encourage economic development activities that provide desirable employment and enlarge the tax base while promoting the efficient utilization of land in the public interest;
- G. Promote the preservation of the unique natural and physical resources of the District, including forested areas, wetlands, streambeds, archaeological and historical sites;
- H. Create accessible open space and recreation amenities that adds value to contiguous land development;
- I. Minimize the environmental impacts of developments;
- J. Improve water quality and reduce runoff by reducing soil erosion and the area of impervious surfaces;
- K. Assure water and wastewater are addressed in support of the regulatory requirements associated with the Tired Creek Master Plan and permits;
- L. Assure quality development of attractive and cohesive design while respecting natural resources and environmental constraints.

**Sec. 100-030. - Enactment clause.**

This ordinance is enacted pursuant to Grady County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, article 9, section 2, paragraph 4; by Grady County's authority to enact regulations and exercise powers granted by the Constitution of the State of Georgia, article 9, section 2, paragraphs 1 and 3; by authority granted by the State of Georgia, including but not limited to 1956 Ga. Laws, p. 3332 et seq., as Amended; 1981 Ga. Laws p. 4304 et seq., as amended

including but not limited to section 9(a)(10), and by O.C.G.A. § 36-66-2(b), by the County's general police powers, and by other powers and authority provided by federal, state, and local laws applicable hereto.

**Sec. 100-035. - Interpretation.**

The Grady County Administrator shall interpret the provisions of this ordinance, and may utilize opinions of the County Attorney and others in arriving at interpretations. Appeals from an interpretation of the County Administrator shall be in accordance with the provisions of Appendix B, Article 6.8.

**Sec. 100-040. - Application of ordinances.**

Except as hereinafter provided:

- A. Use. No building, structure, premises or land shall hereafter be used or occupied and no building or part thereof be erected, remodeled, extended, enlarged, constructed, moved, or altered in a manner that increases the extent of non-conformity except if done so in conformity with the regulations specified herein for the classification in the District for which it is or is to be located. See Division 305-015.
- B. Pending application for building permits. Nothing herein contained shall require any change in the plans, construction, size or designed use of any building, structure or part thereof, for which a building permit has been granted prior to the adoption of this ordinance, provided construction shall start within 60 days after the granting of such permit, or for any construction which has commenced before the effective date of this ordinance provided said construction will be completed within one year of the effective date.
- C. Approval required to move building. No existing building or other structure shall be moved unless in conformance with the provisions of this ordinance and until a permit therefore shall be granted by the building official. Any such relocated building shall meet the applicable standards of County ordinances and applicable building standards.

**Sec. 100-050. - Interpretation of District classification boundaries.**

Where uncertainty exists with respect to the District classification boundaries as shown on the official District map of Grady County, the following rules shall apply:

- A. Unless otherwise indicated the district boundaries are indicated as approximately following property lines, land lot lines, centerlines of streets, highways, alleys, or railroads, shorelines of streams, lakes, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- B. Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, right-of-way of the same, or the centerlines of streams, lakes, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official district maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official district maps.
- C. Where a public road, street or alley is officially vacated or abandoned, the ordinances applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- D. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Commissioners shall, upon application, determine the location of the boundary pursuant to a regularly advertised public hearing.

**Sec. 100-070. - Establishment of Tired Creek District map.**

- A. District. The boundaries of the Tired Creek Lake district established in this article are maintained in the County office as "Tired Creek Lake District Map." This map, together with all notations, references, and other information thereon, is made a part of this division and has the same force and effect as fully set forth or described in this division. This map shall be maintained in the office of the Board of Commissioners and shall be accessible to the public at all times. The Tired Creek Lake District is only applicable to the property identified and recorded in Deed Book 731, Pages 643-647, Clerk of Superior Court, Grady County. It shall be the duty of the Board of Commissioners to maintain and keep the Tired Creek Lake District map at all times.
- B. Map certification. The official copy of the Tired Creek Lake District map shall be identified by the signature of the chairman of the Board of Commissioners with the seal of Grady County affixed thereto, together with the effective date of this ordinance. The map shall be updated periodically by the County Administrator to reflect revisions.
- C. Tired Creek Lake District map changes. If changes are made in district boundaries or other matters portrayed on the district map, the County Administrator shall enter such changes on the district map. Changes made by the County Administrator are administrative only, and do not comprise rezoning. If there is any dispute between the subsequent annotation by the County Administrator and the action taken by the Board, the action of the Board as reflected in the minutes shall control. All zoning classifications and permitted uses are subject to change in conformance with this division and applicable laws.
- D. Unauthorized changes. No changes in district boundaries shall be made on the Tired Creek Lake District map, except in conformance with the procedures set forth in this division. Any unauthorized change shall be considered a violation of this division.
- E. Location of Tired Creek Lake District map. Regardless of the existence of purported copies of the district map that may from time to time be made or published, the Tired Creek Lake District map shall be located in the Board of Commissioners office, or as described in subsection (A) of this section, and shall be the final authority as to the current classification of property within the jurisdiction. The code enforcement department is authorized to use working copies of the map, including computerized GIS maps, and shall make same available to the public.
- F. Loss, damage, replacement. In the event that the district map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may, by ordinance, adopt a replacement district map that shall supersede the prior district map. Unless the prior district map has been lost, or has been totally destroyed, the prior district map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.
- G. Copies. The County may provide copies of maps to the general public in accordance with the Georgia Open Records Act and County fee schedule. In case of any dispute regarding such maps, the original maps maintained in accordance with this section shall be considered to be determinative.
- H. Lake Management Plan. The County adopted a Lake Management Plan that governs the use of property within the 100' buffer surrounding the Tired Creek Lake as required by the Section 404 Permit issued by the US Army Corps of Engineers. Development within the 100' buffer of the Tired Creek Lake must be in accordance with the Lake Management Plan, as amended.
- I. Wastewater shall be provided by removing wastewater from the District or be treated by an approved treatment plant. Individual or community septic tanks are prohibited within the District unless specifically permitted within the Lake Management Plan.

**Sec. 100-080. - Relationship to private agreements.**

This ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship provided that such easements, covenants, or other private

agreements or legal relationships shall not supersede or enjoin the enforcement of the regulations of this ordinance.

**Sec. 100-090. - Conflict with other regulations.**

This District shall be in addition to those within the Grady County Code of Ordinances. When the provisions of this ordinance impose more restrictive standards than are required in or under any statute or other legal document, the requirements of this ordinance shall govern. When the provisions of any statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

**Sec. 100-100. - Severability.**

If any portion or provision of this ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this ordinance.

**Sec. 100-110. - Effective date.**

This ordinance shall take effect and shall be in force from and after the date of its adoption.

**DIVISION 105. - DEFINITIONS**

**Sec. 105-010. - Rules for interpretation of language.**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged, or designed to be used or occupied." The word "map" means the "Official Tired Creek Lake District Map for Grady County, Georgia."

**Sec. 105-020. - Specific definitions.**

When used in this ordinance, the following words and phrases shall have the meaning given in this section:

Accessory use. A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Administrator – Grady County Administrator

Administrative variance/approval. A variance or administrative approval that is routine or too insignificant to require Board approval.

Agriculture. See Farming.

Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Amphitheater/stadium. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, musical productions, live performances, or sports venues to patrons seated outdoors.

Animal hospital/vet clinic. A building or portion thereof designed and used to provide primary health services and medical or surgical care to domestic household pets generally with the overnight boarding facilities for pets in care but without kenneling of animals.

Antenna. Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apartment. See Dwelling, multi-family.

Applicant. A person or entity seeking an action or approval under provisions of this ordinance.

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water.

Automobile parts store. An establishment that sells new automobile parts, tires, and accessories.

Automobile recovery. A use involving the recovery or repossession of automobiles and trucks, and temporary storage of said vehicles. Also includes wrecker service. Salvage, abandonment or demolition is not included in this use.

Automobile repair/body shop. This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair (e.g., muffler and radiator shops, quick-lube).

Bakery. A retail establishment engaged in the production of bakery goods for sale on site.

Bank or financial institution. Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

Bar. A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises, as may be limited by classification districts and Chapter 4 of the Grady County Ordinance. The establishment must meet all local, state and federal requirements to sell alcohol. Bars include lounges, taverns, night clubs, and similar facilities serving alcoholic liquor as the core business.

Bed and breakfast. A building or group of buildings containing one or more guestrooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Buffer. Shall be in accordance with Article III of the Grady County Ordinance. That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening, to separate zoning districts from other zoning districts, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation or trees in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved

ordinances. Roads, parking areas, above-ground stormwater retention facilities, recreational facilities, or other above-ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area.

Buffer, transitional. Shall be in accordance with Article III of the Grady County Ordinance. A natural, undeveloped portion of a lot or parcel of land set aside for visual screening purposes pursuant to applicable provisions of this ordinance for the purpose of separating different use classifications, or to separate dissimilar uses on one property from uses on another property of the same use classification.

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

Building, accessory. A subordinate building, the use of which is incidental to that of the dominant use of the principal building or land. An accessory structure attached to the principal building by a breezeway, shall be considered an accessory building.

Building, alterations of. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in the location of a use within an existing building or on a developed site.

Building, principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which it is situated.

Business park. A special or exclusive type of planned mixed-use business office area designed and equipped to accommodate a community of businesses, providing them with all the necessary facilities and services in attractive surroundings among compatible neighbors. Business parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Campground. A lot, or tract of land operated either as a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Campground does not mean recreational vehicle park nor manufactured home park as defined herein.

Car wash. An area of land and/or a permanent structure/facility with mechanical or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Classification. The designated zoning classification within the District allowing or prohibiting uses, otherwise referred to as zoning.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

Club, order or lodge. Buildings and facilities owned or operated by an incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational or similar activities, operated not primarily for profit or to render a service to the general public.

Commercial nursery. A business which sells trees, shrubs, flowers and other plants for transplanting, and the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property. Also known as "garden center."

Commercial vehicle. A duly licensed and registered vehicle used to transport passengers or property to further a commercial enterprise. A recreational vehicle, or a farm machine or a farm vehicle for agricultural use is not a commercial vehicle.

Common driveway. A private driveway which provides vehicular access to two or more structures.

Common open space. Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Concept plan. A drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project.

Conditional use. A use listed in the Tired Creek Lake District ordinance as being permitted if it meets stated conditions and is approved by the Board of Commissioners of Grady County.

Condominium. A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Conservation area. Land including surface water bodies, compensatory mitigation areas, wetlands designated by the National Wetlands Inventory, the 100-year floodplain as identified on federal insurance rate maps, steep slopes generally exceeding 25 percent, areas of exposed rock, archeological and historical sites. To the maximum extent, these areas shall be left in a natural and undisturbed state.

Conservation easement. A conservation easement is a voluntary restriction placed by a landowner on the use of his or her property to protect resources such as wildlife habitat, agricultural lands, natural areas, scenic views, historic structures, or open spaces. The landowner retains title to the property, and the easement is donated to a qualified conservation organization pursuant to O.C.G.A. § 44-10-1 et seq.

Conspicuous. Visible from the nearest public thoroughfare. Readily visible to the general public.

Convenience store. Any retail establishment offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site or on-site consumption. No sale and dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for motor vehicles or vehicle repairs shall be permitted.

Day care facility, child. Any place operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody.

Day spa. An establishment offering a variety of personal health and beauty related services, including but not limited to weight reduction, massage therapy, hair styling, but expressly excluding any adult regulated uses.

District – the Tired Creek Lake District as defined in 100-070.

Director. Director of Code Enforcement.

Drive-through/drive-in use. An establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while in their motor vehicles.

Drug store/pharmacy. A retail store which sells prescription drugs, patient medicines, and surgical and sickroom supplies.

Dwelling, attached. A dwelling that is separated from another dwelling by a common party wall, or party floor or ceiling. Attached dwellings include two-family, townhouses, and multi-family.

Dwelling, multi-family. A building designed, constructed, altered or used for more than two adjoining dwelling units, with each dwelling unit having a party wall or walls and/or party floor or ceiling connecting it with at least one other dwelling unit.

Dwelling, single-family. A dwelling structure that is designed for the use of one family.

Dwelling, single-family attached. A dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common party wall.

Dwelling, single-family detached. A dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, townhouse. A dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall.

Dwelling, two-family (duplex). A building designed, constructed, altered or used for two adjoining dwelling units, with each dwelling unit having a party wall connecting it with one other dwelling unit.

Dwelling unit. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement utility. A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

Floodplain. That area within the intermediate regional flood contour elevations subject to periodic flooding as identified by the Georgia Floodplain Management Office.



Flower/florist shop. A business whose principal activity is the selling of plants which are not grown onsite and conducting business within an enclosed building.

Garage, parking. A structure or portion thereof, other than a private customer and employee garage or private residence garage, used primarily for the parking and storage of vehicles and available to the general public.

Garage, private. An accessory building or a portion of a principal building used for the parking or storage of automobiles of the occupants of the principal building. A carport shall not be considered a private garage.

Governing authority. The Board of Commissioners of Grady County, Georgia.

Government facilities, administrative offices, and services. Lands and buildings owned or operated by a local, state, or federal entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary or storm sewage drainage.

Guest house. A secondary building incidental to the principal residence, which is used only for the non-commercial boarding of guests or full-time on-premises workers.

Hazardous waste. Any solid waste which has been defined as hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, in force and effect on February 1, 1988, codified as 40 CFR § 261.3, and as subsequently amended.

Heavy equipment. Any vehicles that have a gross vehicle weight (GVW) of at least 13 tons, or any construction equipment, or any farm equipment.

Height. The vertical distance measured from grade to the highest finished roof surface.

Hotel. A building in which lodging or board and lodging is provided for more than 20 persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room in generally made through the interior of the building.

Impervious surface. Areas which do not permit natural infiltration of rainfall, including but not limited to rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except for gravel and pervious or porous paving materials.

Indoor recreational facilities, commercial. A facility whose main purpose is to provide the general public with indoor activities for recreational activities and where tickets are sold or fees are collected for participation in the activities. Such uses include arcades, game rooms, bowling alleys, billiard parlors, indoor skating rinks, sports instructional schools, dance studios, gymnastic facilities and martial arts academies.

Industry. A use engaged in the processing of raw materials or the manufacture of materials or products.

Industry, heavy. A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light. The manufacture, service, repair or testing of products in a totally enclosed building with no outside storage. Noise, odor, glare or emissions from industrial activity are not detectable off the property.

Lake boundary. The edge of Tired Creek Lake is defined by its normal pool elevation level.

Land disturbing activity. Any use of land by any person in residential, industrial, educational, institutional or commercial development and in highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. This includes borrow and waste disposal activity not regulated by the provisions of the Mining Act of 1971 or the department of human resources, division of health services. Land disturbing activity shall not include agriculture or forestry activities conducted in conformance with best management practices.

Land trust. A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements.

Land uses, existing prior to creation of District. Any land use or land disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the district falls within one of the following categories:

- 1) Is completed and in use;
- 2) Is under construction;
- 3) Is fully approved by the governing authority;
- 4) All materials have been submitted for approval by the governing authority; or
- 5) Is classified for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such classification.

Landscape business. A business whose primary operation is the sale and/or installation of organic and inorganic material, plants, pine straw, and other limited accessory products for the landscape industry, and the storage and use of associated landscape vehicles and equipment.

Laundromat. A business that provides self-service, coin-operated washing, drying and/or ironing machines for clothing and similar laundry.

Lot. A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat, record, survey map, or as described by metes and bounds, and intended for transfer of ownership, or for building development.

Marina. A dock or basin providing secure moorings for pleasure boats that may offer supply, repair, petroleum sales and other facilities. There may be only one marina in the District pursuant to the lake management plan and the marina is expressly permitted to sell petroleum and exempt from prohibition within the District as stipulated elsewhere herein.

Manufacturing. The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

Manufacturing, heavy. The processing of raw materials such as lumber, metals, food products or petroleum; or the assembly, fabrication or processing of goods that have impacts on adjacent properties; or uses that require large amounts of outside storage or equipment.

Manufacturing, light. Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element.

Manufacturing, outdoors. A manufacturing establishment or operation which is not housed within a building.

Motel. A building or group of buildings containing sleeping accommodations for short-term rental primarily to the motoring [public], with rooms generally accessible from outside and which does not include eating or bar facilities.

Natural slope. The average slope of a building lot in any direction prior to any land disturbance. This is to be measured from the edges of the total area requiring land disturbance for the placement of all structures but not less than the structure pad area plus 20 feet on all sides of the structure pad area.

Non-conforming use. A use of land or building structure existing at the time of the enactment of this ordinance, or at the time of any subsequent amendments and which does not conform with the ordinances of the use district in which it is located.

Office, home. A home occupation in which the residents operate the administrative function of a business only.

Office, mixed-use. Intensively developed office and mixed-use centers where office uses represent 50 percent or more of the intended use. Mixed commercial, entertainment, recreation, and residential land uses may be located in lesser amounts within this category.

Office, professional. Includes the less intensive office and professional center uses including low-rise office parks, single freestanding office buildings, banks and similar financial institutions, and residential structures converted to office use.

Open space. Areas of development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners' association. Public open space is open space owned by a governmental jurisdiction.

Outdoor recreation. This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, swimming pools, clubhouses, toilets, dressing rooms, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, bandshells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities. Excludes golf.

Parking lot. A ground level open area that is used for the temporary parking of vehicles.

Pavement. An all-weather surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets.

Perennial stream. A stream which flows throughout the whole year as indicated on USGS quad map or as identified by the US Army Corps of Engineers Savannah District.

Plant nursery, greenhouse, wholesale. An establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Plat. A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

Pollution susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

Pollution susceptibility maps. Maps of relative vulnerability to pollution prepared by the department of natural resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the state into areas having high, medium, and low groundwater pollution potential.

Public utility. A common carrier supplying electricity, telephones, natural gas, water, sewage disposal, but shall exclude mass transit or railroad depots or terminals or any similar traffic-generating activity, or any person or entity that provides wireless telecommunication services to the public.

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

Recharge area. Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Recreational vehicle (RV). A camper, camp trailer, travel trailer, house car, motor home, trailer bus, trailer coach or similar vehicle, with or without motive power, designed for human habitation for recreational or emergency occupancy. Where a recreational vehicle is on or attached to a trailer used to carry or tow said vehicle, they shall together be considered one recreational vehicle. A recreational vehicle shall not include a pickup truck used for transportation to which a camper shell has been attached.

Recreational vehicle park. Any lot on which are temporarily parked two or more recreational vehicles.

Residential district. A term which applies to all single-family dwelling districts, including R-1 and R-2.

Residential dwelling. Living in a fixed location, whether on a permanent or temporary basis; indicated by actions such as spending significant time at the location on more than one day, repeated eating and sleeping at the location, and performing other life activities at the location repeatedly.

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building or on an adjacent patio area.

Restaurant, drive-through/in. An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served receives food and/or drink, while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

Retail. The sale of commodities and service directly to consumers.

Riparian buffer. An undisturbed natural area maintained alongside a lake, river, stream, or like water body.

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

Solid waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from residential and community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954.

Storage tank, bulk. An above-ground container used for the storage of large volumes of liquids, which may or may not include such flammable materials as petroleum.

Street. A public or private thoroughfare which affords the principal means of access to abutting property. For a more detailed definition of street, please refer to the Grady County Development Regulations.

Structure. Anything constructed or erected on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings such as manufactured homes or infrastructure such as storage tanks.

Tired Creek watershed. The entire drainage basin contributing to the Tired Creek Lake.

Townhouse. See Dwelling, townhouse.

Trailer, travel or camp. See Recreational vehicle.

Transitional housing facility. A building or buildings in which is provided long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in need of long-term housing assistance.

Treatment Plant. A facility designed to treat wastewater from residential and commercial sources in a manner that results in treated wastewater that is suitable for discharge or recycling back into the

environment. Sewage treatment process usually include physical, chemical, and biological processes to remove pollutants, including solids, organic matter, nutrients, and pathogens.

Use, principal. The main use of land or buildings as opposed to secondary or accessory use.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads, and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve Grady County.

Variance. A relaxation of the terms of this ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

Waterfront lot. A lot that adjoins the shorelines of a lake or the bank of river or perennial stream.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (33 CFR 32.93). The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

**DIVISION 200. - DIVISION OF DISTRICT INTO CLASSIFICATIONS**

[Sec. 200-010. - Districts listed; development standards tables.]

For the purpose of this ordinance, the District is divided into classifications as follows:

R-1	Low to medium density single family residential attached and detached, townhomes and quadplexes
R-2	Single family detached residences and Recreational Vehicle Parks
RC	Outdoor Recreation, Campground and similar
C	Village commercial with mixed uses and multiple storefronts, retailers, and offices.
PUD	Planned Unit Development

**Sec. 200-220. Prohibited Uses**

Within the District the following uses are prohibited within the Tired Creek Lake District: Adult oriented businesses, tattoo parlors, body altering businesses, bail bond establishments, billboards, casino, transitional housing facilities, gas stations, car wash, automobile recovery, automobile repair/body shop, drycleaners, plant nursery greenhouse/wholesale, storage tank, motocross, warehouses, light industry, heavy industry, animal feeding operations, manufactured homes, light or heavy manufacturing, commercial nursery and any business that would require an Industrial NPDES permit discharging to tributaries of the Tired Creek Lake. All-terrain vehicle (ATV) are permitted for the sole purpose of property management so long as not operated in a manner to (i) cause significant erosion, or soil loss, or (ii) compromise the ecological integrity of the Tired Creek Lake District.

## **DIVISION 205. – R-1**

**Sec. 205-010.** - Purpose and intent. The District R-1 Residential classification is composed of low to medium density single-family residential development land. Single family residential may be attached or detached structures as well as townhomes or quadplexes. Developments of this nature should be located on public water and sewage/wastewater facilities, but exemptions may be made for developments using private or community water facilities.

**Sec. 205-020.** - Principal uses and structures. Principal uses and structures shall be allowed in the R-1 Residential classification in accordance with Division 305-015 of this ordinance.

**Sec. 205-030.** - Accessory uses and structures.

Accessory uses and structures shall be permitted in the R-1 Residential classification in accordance with section 310-020 of this ordinance.

**Sec. 205-040.** - Conditional uses.

Conditional uses shall be permitted in the R-1 Residential District in accordance with Division 525 of this ordinance. Conditional uses shall be subject to the additional use standards established in Division 525 of this ordinance.

**Sec. 205-050.** - Property development standards.

### **A. Single Family detached**

1. Minimum lot area. The minimum lot area shall be:

- a. 43,560 square feet where private well and community/public wastewater are used;
- b. 25,500 square feet where public or community water and sewer are used;
- c. 21,780 square feet for a waterfront lot where public or community water and sewer are used so long as the average lot size of the development is 25,500 square feet.

2. Minimum lot width at building line. The minimum width at the building line shall be 100 feet.

3. Minimum yard requirements.

- a. Front: 60 feet from right-of-way line of a major or minor arterial street or 35 feet from right-of-way line of any other street.
- b. Side: 12 feet.
- c. Rear: 40 feet.

4. Minimum road frontage, unless otherwise allowed

- a. The minimum road frontage shall be 75 feet.
  - b. The minimum road frontage in cul-de-sac shall be 40 feet.
- 5. Minimum house size. The minimum floor area of the primary dwelling shall be 1,800 square feet (heated floor area).
- 6. Maximum height. The maximum height of buildings shall be 40 feet.
- 7. Maximum impervious surface coverage. The maximum impervious surface shall be 40 percent of the lot.
- B. Attached single family: townhouses, duplex and quadplex
  - 1. Minimum lot area. The minimum lot area shall be 12,000 square feet where public or community water and sewer are used.
  - 2. Minimum lot width at building line. The minimum lot width at the building line shall be 100 feet.
  - 3. Minimum yard requirements.
    - a. Front: 60 feet from right-of-way line of a major or minor arterial or collector street as defined in the Grady County Comprehensive Land Use Plan; or 25 feet from right-of-way line of any other street.
    - b. Side: 15 feet from property line; no less than 20 feet between detached buildings.
    - c. Rear: 35 feet from property line; no less than 20 feet between detached buildings.
  - 4. Minimum road frontage. The minimum road frontage shall be 75 feet, unless otherwise allowed under the Grady County Development Regulations.
  - 5. Minimum dwelling unit size. The minimum floor area shall be 750 square feet (heated floor area) per dwelling unit; and average heated floor area for the entire development must be 900 square feet or greater per dwelling unit.
  - 6. Maximum density. The maximum density of land, not including land in the 100-year floodplain or delineated wetlands, shall be eight dwelling units per acre.
  - 7. Maximum height. The maximum height of buildings shall be 45 feet.
  - 8. Maximum impervious surface coverage. The maximum impervious surface shall be 70 percent of the development area.
  - 9. Transitional buffers. Land use transitional buffers shall be provided as required in Appendix B, Article III.
  - 10. Planning and use standards. Site planning and use standards for multi-family developments shall be required in conformance with Appendix A and B of Grady County Ordinances.

**DIVISION 210: R-2**

**Sec. 210-010.** - Purpose and intent. The District R-2 Single-Family Residential classification is mainly comprised of medium-density single-family development, including diverse types of single-family dwellings, and smaller dwelling units, where surrounding land uses are compatible and such development would not have an adverse impact on the surrounding areas. This classification also permits Recreational Vehicle Parks. Since lot requirements are reduced and density is increased, it is critical that all factors relating to drainage, topography, and other environmental factors be examined carefully to ensure suitability.

**Sec. 210-020.** - Principal uses and structures. Principal uses and structures shall be allowed in the R-2 Residential District in accordance with Division 305-015 of this ordinance.



**Sec. 210-030.** - Accessory uses and structures. Accessory uses and structures shall be permitted in the R-2 Residential District in accordance with section 310-020 of this ordinance.

**Sec. 210-040.** - Conditional uses. Conditional uses shall be permitted in the R-2 Single-Family Residential District in accordance with Division 525 of this ordinance. Conditional uses shall be subject to the additional use standards established in Division 525 of this ordinance.

**Sec. 210-050.** - Property development standards.

A. Single Family uses.

1. Minimum lot area. The minimum lot area shall be 25,000 square feet and require public/community water and sewer/community wastewater.
2. Minimum lot width at building line is 85 feet.
3. Minimum yard requirements.
  1. Front: 60 feet from right-of-way line of a major or minor arterial or 30 feet from right-of-way line of any other street.
  2. Side: Ten feet.
  3. Rear: 25 feet.
4. Minimum road frontage, unless otherwise allowed.
  1. The minimum road frontage shall be 75 feet.
  2. The minimum road frontage in cul-de-sacs shall be 40 feet.
5. Minimum house size. The minimum floor area of the primary dwelling shall be 1,200 square feet (heated floor area).
6. Maximum height. The maximum height of the building shall be 40 feet.
7. Maximum impervious surface coverage. The maximum impervious surface shall be 40 percent of the lot.
8. Density: shall not exceed one (1) unit per half acre.
9. Open-Space. A minimum of 15 percent on-site open space will be required on each preliminary plat.

B. Recreational Vehicle Parks

1. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
2. Recreational vehicle spaces shall be clearly defined and shall be at least 25 feet wide, with a minimum of 1,000 square feet for each space.
3. Recreational vehicles shall be parked so that there is at least a 15-foot clearance between recreational vehicles; provided, however, that recreational vehicles parked end-to-end may have an end-to-end clearance of less than 15 feet, but such clearance shall not be less than ten feet. No recreational vehicle shall be located closer than ten feet from any building within the park or from any property line bounding the park.
4. An electrical outlet supplying at least 110 volts shall be provided for each recreational vehicle space.
5. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park.
6. Sewage and refuse disposal. Waste from showers, bathtubs, flush toilets, lavatories, slop sinks, laundries in service and other buildings within the park shall be discharged into an approved wastewater treatment system and into a public sewer system when available. Each recreational vehicle space shall be provided with a trap sewer that shall be

connected to discharge the recreational vehicle waste into an approved treatment plant or holding tank for disposal as contemplated in 100-070(I).

7. Accessory uses are permissible in accordance with 310-020(C).

## **DIVISION 215 RC**

**Sec. 215-010. - Purpose and intent.** The RC District is composed primarily of Outdoor Recreation, camping and associated activities.

**Sec. 215-020. - Principal uses and structures.** Principal uses and structures shall be allowed in the RC classification in accordance with Division 305-015 of this ordinance.

**Sec. 215-030. - Accessory uses and structures.** Accessory uses and structures shall be permitted in the RC classification of the Tired Creek Lake District in accordance with section 310-020 of this ordinance.

**Sec. 215-040. - Conditional uses.** Conditional uses shall be permitted in the RC classification of the Tired Creek Lake District in accordance with Division 525 of this ordinance. Conditional uses shall be subject to the additional use standards established in Division 525 of this ordinance.

### **Sec. 215-050**

- A. Campsites shall be utilized by recreational vehicles and by tents (normally associated with outdoor camping), but not by manufactured housing.
- B. Each campsite shall be utilized for short-term occupancy not to exceed 15 calendar days; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling.
- C. Campground facilities shall be permitted only on a lot with an area of at least 10 acres.
- D. The maximum density shall not exceed four campsites per gross acre.
- E. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs
- F. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:(i)Front yard: 75 feet.(ii)Side yard: 25 feet.(iii)Rear yard: 25 feet.
- G. Accessory uses shall be allowed provided that the following requirements are met:
  1. Such uses and structures shall be restricted to the use of occupants of the campground and their guests.
  2. All structures and use areas shall meet the minimum buffer and setback requirements.
  3. Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
  4. Total floor area for all structures listed in this subsection shall not exceed 3,000 square feet.
  5. The site plan for the proposed campground (including all accessory structures) shall be approved by the County environmental health department in addition to any other approvals and authorizations required by Grady County Ordinances.

**DIVISION 220 COMMERCIAL** - The Commercial designation is primarily composed of a compact and efficient node intended to serve the full Tired Creek Lake District. The intent of this district is to provide for special areas which, due to their location or current land use, have been set aside to allow

uses which may not be allowed in the residential designated areas and uses should be allowed subject to the following conditions:

- A. Such proposed use is not inconsistent with neighboring zoning and current land use, and will, when necessary, provide adequate buffer between adjoining land designations.
- B. The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and will not cause safety, health or unreasonable traffic problems in the area.
- C. The proposed use is justified based on facts presented to indicate the need for such use, as called for in the Grady County Comprehensive Land Use Plan.
- D. Community open space in the form of public squares and greens shall be planned as a focal point for the commercial designation.

**Sec. 220-020. - Principal uses and structures.** Principal uses and structures shall be allowed in the Commercial designation in accordance with Division 305-015 of this ordinance. Generally allowable uses unless prohibited herein are office, retail, restaurants, bed and breakfasts, hotels, entertainment venues, specialty retail, home occupational uses, and civic, religious and institutional uses including day care services for children. Residential uses are permitted above ground-floor retail and other nonresidential uses, however under certain cases may be allowed on ground-floor under a conditional use.

**Sec. 220-030. - Accessory uses and structures.** Accessory uses and structures shall be permitted in the Commercial designation in accordance with section 310-020 of this ordinance.

- A. A use, including home occupations, or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
- B. Infrastructure. Light and/or utility services necessary to serve permitted uses as determined by the County as well as community or public wastewater treatment plants and wells.
- C. Community gardens, accessible and managed by residents, intended to provide neighborhood access to fresh produce, i.e. a victory garden or an organized group of victory garden plots.
- D. Noise and lighting impacts shall be considered when determining the eligibility of additional land uses under this provision.

**Sec. 220-040. - Conditional uses.** Conditional uses shall be permitted in the Commercial designation in accordance with Division 310 of this ordinance. Conditional uses shall be subject to the additional use standards established in Division 525 of this ordinance.

**Sec. 220-050. - Property development standards.**

- A. Minimum lot frontage. The minimum lot frontage shall be 75 feet.
- B. Minimum setback requirements.
  - 1. Front: 25 feet.
  - 2. Side: Zero feet with party walls; ten feet from property line and no less than 20 feet between buildings.
  - 3. Rear: 15 feet.
- C. Minimum floor area. None.
- D. Maximum impervious surface coverage. The maximum impervious surface area for property within this designation is limited to 75 percent.
- E. Maximum height. The maximum height of buildings shall be 35 feet.

- F. Buffer requirements. Where abutting any residential district, screening is required in conformance with Appendix A and B of Grady County Ordinances.
- G. Parking requirements. Off-street parking and loading space shall be provided in accordance with the business specific parking requirements contained within the Grady County Ordinance.
- H. Sidewalks. A sidewalk or path must be on at least one side of every road within the commercial district.

## **250 – PUD, Planned Unit Development**

### **Sec. 250-010. - Description and Intent.**

This classification is intended to implement certain mixed developments in a way that meets objectives that cannot necessarily be accomplished by conventional classifications within the Tired Creek Lake District.

**Sec. 250-020. - Objectives.** The Planned Unit Development is intended to meet the following objectives:

- A. Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- B. Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- C. Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., playgrounds, meeting halls, etc.) that help to make up a community.
- D. Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- E. Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development costs.
- F. Provide a more desirable living environment than would be possible through the strict application of conventional residential requirements.
- G. Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- H. Ensure that the design of building forms is interrelated and architecturally harmonious.

**Sec. 250 - 030. - General standards and site requirements for PUD.**

1. The following general standards shall be observed regarding planning, design and construction of the PUD:
  - A. The PUD shall be designed in a manner such that, wherever possible, it protects the environmental assets of the area, including considerations of elements such as plant and wildlife, streams, storm drainage courses and scenic vistas.
  - B. The PUD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards in a manner intended to protect the health, safety and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use before a building permit may be issued.
  - C. The PUD shall be consistent with the intent of the Comprehensive Plan and the policies therein, as well as other plans and policies adopted by the Planning and Zoning Commission.

- D. Planned open spaces within the PUD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.
  - E. PUDs shall be so located in relation to sanitary sewers, storm and surface drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public costs or earlier incurrence of public costs than would development in forms generally permitted under existing zoning for the area.
  - F. Such areas shall be so located with respect to necessary public facilities as to have access in the same degree as would development permitted under existing zoning, and shall be so located, designed and scaled that access for public services is equivalent to, and net costs for such service are not greater than, access and net costs for public services for development as permitted under existing zoning; or the developer must offset the added public expense.
2. Site requirements. The design requirements set forth herein shall serve as the minimum requirements in planning and construction of the PUD.
- A. A minimum area of ten acres is required for a PUD.
  - B. A PUD originally established under the requirements of this Chapter may be extended into adjoining areas by addition of contiguous lands in parcels or units of not less than ten acres each, provided that it shall be subject to the same procedure for approval and in conformity with the standards set forth herein.
  - C. The overall average density of residential areas within the PUD shall not exceed 16 dwelling units per acre of net residential area.
  - D. Unstable land, thin soils or inadequate drainage shall be noted and, unless acceptable provisions are made for eliminating or controlling any problems which may endanger health, life or property, the land shall not be approved for a PUD. Land not usable for residential or other purposes may be set aside for open area uses, such as parks, conservation areas and recreational areas.
  - E. Any land subject to flooding or in a natural drainage channel shall not be approved for a PUD until adequate provisions to eliminate or control hazards are made and approved. A competent, independent professional engineer may be engaged by the Planning and Zoning Commission at the expense of the applicant for the purpose of verifying the technical requirements. These provisions shall be made to protect the health, safety and welfare of the public, as well as to eliminate any flood hazards resulting from development on the area. The areas subject to flooding may be left as open space or reserved as easements.
  - F. Where a proposed PUD is traversed by a water course, drainage way or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, that will be adequate for drainage purposes. Parallel streets, parkways, walkways, culverts, bridges or storm sewers may be required in connection with such drainage easement.
  - G. Special emphasis should be placed on the effect of stormwater runoff on adjacent properties. Potential downstream drainage effects caused by the development should be estimated and controlled.
  - H. The developer shall provide water and sewage facilities for connection to a public system or include sewage treatment facilities which meet standards of the Georgia Department of Public Health. Wherever practical and feasible, all utilities shall be placed underground.

**Sec. 250 – 040. - Permitted Uses.** Permitted uses shall be proposed by an applicant for a PUD classification and be limited to those uses approved by the Board of Commissioners. At least twenty (20)

percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.

The applicant for PUD classification shall include in the application a list of all land uses proposed to be included in the PUD, which shall be limiting on the application if approved, unless otherwise specifically provided by the Board of Commissioners. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. This information shall also specify the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses.

**Sec. 250 – 050. - Dimensional Requirements.** Lot sizes, maximum densities (units per acre), setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for classification as PUD and as may be approved by the Board of Commissioners. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Board of Commissioners.

In addition, other dimensional requirements of this ordinance shall also be proposed by the applicant.

**Sec. 250 – 060. - Design Review.** Design review and approval shall be required, except for uses that have been lawfully established on a lot of record that existed on the effective date of this ordinance, no design review shall be required.

An applicant must apply for design review and approval at the time of reclassification to PUD. Major revisions to development plan approval shall also require design review and approval. The County Administrator may authorize minor revisions to development plan approval and the erection of accessory buildings and structures via design review and approval.

**Sec. 250 – 070. - Design Guidelines.** The following provisions are not requirements per se but may be made requirements as a part of an approval pursuant to development within the Tired Creek Lake District and associated approvals. Substantial deviation from, or inconsistency with, the guidelines in this Section shall be grounds for denial of a request for classification as PUD.

A. Open spaces. Open spaces such as town greens and public squares, within developed portions of the development, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the development so that no lot is more than a walking distance of 1,350 feet from a green, square, park or open space. Greens and squares should not be less than 8,000 square feet in area. A mix of peripheral as well as internal green space should be provided. If two PUDs are developed next to each other, there should be contiguous open space between the two PUDs.

B. Greenspace. Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges, and connected by wildlife corridors. When continuous greenspace corridors cannot be provided or must be broken up for road access or other valid reasons, patches should be retained as "steppingstones" for wildlife corridors.

**Sec. 250-080. - Application Required.**

- A. A formal application for approval of a PUD may be filed by a person having an interest in the property to be included in the PUD. The application will be made on a form provided by the County and must include the consent by the owners of all property to be included. The application must be accompanied by a preliminary development plan, a written statement and the required fee.
- B. A written statement shall be submitted with the PUD application must contain the following information:

1. Full name and address of the applicant.
  2. Legal description of all land to be included in the PUD.
  3. A list of all property owners within the PUD area and adjacent to the PUD area.
  4. The existing zoning classifications.
  5. The number of acres, to the nearest one-half acre, and the percent of total area of the PUD in streets and each other type of use proposed for the subdivision.
  6. A statement explaining how the land is to be used and how the proposed PUD compares with the Comprehensive Plan for the area, and, if the proposed PUD is in conflict with the Comprehensive Plan, explain how the PUD would better serve the public interest than would the land use called for in the Comprehensive Plan.
  7. A development schedule indicating the approximate date when construction of the PUD or stages thereof can be expected to begin and be completed.
  8. Draft copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and any of its common areas.
  9. Proposed water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be allowed; however, if approved by the Planning and Zoning Commission, in the event of a private wastewater treatment plant, a written engineering report describing the proposed system shall be submitted for evaluation, along with an approved site application from the Georgia Department of Public Health and any necessary authorization from GA EPD.
  10. Statement on the manner in which stormwater will be handled.
  11. Evidence acceptable to the Planning and Zoning Commission of the financial feasibility of the project and the ability of the developer to complete the project.
- C. No application for approval of a PUD will be accepted for review unless accompanied by the required special use permit fee for PUDs as established and published by the County.

**Sec. 250-090 - PUD Decision Criteria.** In considering and acting upon applications for PUDs, the Planning and Zoning Commission shall review all PUD applications. Subsequent to the public meeting and review but not later than 60 days after receipt of the PUD application, the Planning and Zoning Commission shall submit a written report and recommendation to the Board of Commissioners. The Board of Commissioners shall consider and base its decision on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:

- A. Consistency with the Grady County comprehensive plan, as amended;
- B. Consistency with the objectives of Section 250;
- C. The character, location, and appropriateness of the proposed mix of land uses and residential dwelling types;
- D. The extent to which the proposed architectural features of buildings within the planned unit development are harmonious;
- E. The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants.

**250-100. - Amendments.** Amendments to approved PUDs shall be permitted but governed by the procedures and provisions for changing the official Tired Creek Lake District map as specified in Division 520 of this ordinance.

**DIVISION 300 –**

**DIVISION 305. - PERMITTED AND CONDITIONAL USES**

**Sec. 305-010. - Permitted and conditional uses.**

- A. The uses listed in the table below shall be permitted in the Grady County Tired Creek Development district and no structure shall be erected, structurally altered or enlarged unless the use is permitted as:
  - 1. An allowed use (A);
  - 2. A conditional use (CU) subject to the application procedures specified in Division 525;
  - 3. An accessory use as specified in section 310-020;
  - 4. Uses lawfully established prior to the effective date of the amendment.
- B. Any use not listed below shall be prohibited. Any party denied a permit to allow a use of their property in a District classification other than as provided in this section may petition the Board of Commissioners to initiate a text amendment of the District classification ordinance to permit the subject use in the Tired Creek Lake District, in accordance with procedures provided in Division 520 of this ordinance.
- C. Any use listed in the table below shall satisfy the applicable use standards in addition to the development regulations in Appendix A and B of the Grady County Ordinance.

**Sec. 305-015. – Use Table.**

<i>USE TABLE</i>				
<i>Type of Use</i>	<i>Zoning Districts</i>			
	R-1	R-2	RC	C
Accessory commercial/office buildings	-	CU	A	A
Accessory convenience retail business	CU	CU	A	A
Accessory industrial/manufacturing buildings	-	-	-	-
Accessory residential buildings	A	A	A	CU
Airstrip, private	-	A	-	CU
Alcoholic beverage plant/distillery	-	-	-	CU
Alternative support structure	CU	CU	CU	CU
Ambulance service	-	-	-	CU
Animal hospital, vet clinic	CU	CU	-	A



Antenna, amateur radio	CU	CU	CU	CU
Antique shops	-	CU	-	A
Appliance store	-	-	-	A
Arcade, game room, bowling, billiard, indoor skating rink	-	CU	A	A
Auto parts, accessories	-	-	-	-
Bakery	-	A	CU	A
Bank	-	CU	-	A
Bar and cocktail lounge	-	CU	-	A
Barn, or similar building, primary	CU	CU	CU	-
Bed & breakfast	CU	CU	CU	CU
Bicycle shop	-	A	A	A
Boat Storage	-	A	A	CU
Building supplies, wholesale, retail <sup>2</sup>	-	CU	A	A
Campground, recreational vehicle park, private	CU	A	A	-
Caretakers dwelling, non-residential	-	A	A	-
Club/order/lodge, private	CU	CU	CU	
Convenience store	CU	A	A	A
Day care	-	-	-	A
Day spa	-	A	-	A
Drug store	-	-	-	A
Dwelling, multi-family development	-	A	-	CU
Dwelling, single-family	A	A	A	A

Dwelling, townhouse	-	A	-	CU
Dwelling, two-family	-	A	-	CU
Ecotourism businesses	-	A	A	-
Flea market	-	-	CU	-
Flower shop	-	A	A	A
Furniture store	-	-	-	A
Furniture, wood working shop	-	-	A	A
Garden, private	A	A	A	A
Gift, novelty, souvenir and specialty shops	A	A	A	A
Guest house, tenant, caretakers dwelling, residential	CU	CU	A	CU
Gunsmith shop	-	-	-	-
Hardware, paint store	-	-	CU	A
Home occupation	A	A	A	A
Hotel, motel	-	CU	CU	A
Ice cream, confectionery shop	-	A	A	A
Indoor recreational facilities, commercial	-	CU	A	A
Landscaping business	CU	-	A	-
Laundromat	-	A	A	A
Library, private	CU	CU	CU	CU
Locksmith shop	-	-	A	A
Marina	-	-	-	CU
Medical and dental offices, services, laboratories and clinics	-	CU	-	A

Mini-warehouse	-	-	-	-
Museum	CU	CU	CU	CU
Nursing homes, assisted living and other residential care facilities	-	A	-	A
Office supply sales, service	-	-	CU	A
Office, professional	CU	CU	CU	A
Outdoor recreational facilities, commercial	-	A	A	-
Passive and active recreational facilities	A	A	A	A
Parks and open areas	A	A	A	A
Personal services (barber shops, fitness clubs, etc.)	-	A	-	A
Place of public assembly	CU	A	CU	A
Place of worship	CU	CU	CU	CU
Printing shop	-	-	-	A
Produce stand, farmers market	A	A	A	A
Recreation center, neighborhood	A	A	A	A
Recreation storage facility (boat, trailer and RV)	-	-	CU	A
Restaurant	CU	A	A	A
Restaurant, drive-through/drive-in	-	-	-	-
Retail establishment under 5,000 s.f.	CU	A	A	A
Retail establishment over 5,000 s.f.	-	CU	CU	A
Retail/office with outdoor storage/fleet parking	-	-	-	A
Social, fraternal and recreational clubs and lodges, including party barns, and assembly halls	CU	A	A	A
Special events facility	CU	CU	CU	A

Sporting goods store	-	A	A	A
Telecommunications support structure	CU	CU	CU	CU
Temporary building	CU	A	A	A
Temporary use, commercial	CU	CU	A	A
Theater, drive-in	-	-	A	-
Zero lot line development	-	A	-	A

**DIVISION 310. - USE STANDARDS**

**Sec. 310-010. - Use standards.**

The following standards shall apply to the Tired Creek District except as otherwise specified herein.

**Sec. 310-020. - Accessory structures and uses.**

A. General standards.

1. All accessory buildings, structures, and uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
2. All accessory buildings or structures shall be located in the rear yard or in the side yard but not in the front yard or between the house and the street, with the following exception:
  - a. Where the accessory building or structure can be adequately screened from the adjacent street an administrative variance for the rear yard may be granted for double- or reverse-frontage lots and waterfront lots.
3. No accessory building shall be utilized unless the principal structure is also occupied.
4. No accessory structure shall be closer than five feet from an abutting property line. For double- or reverse-frontage lots, no accessory structure shall be closer than 15 feet from an abutting right-of-way.
5. There shall be a distance of no less than five feet between a principal and accessory building located on the same lot or parcel unless the principal building and the accessory building share a common wall.

B. The following accessory uses and structures shall be permitted in the R-1 classifications, including similar uses and structures:

1. Garages for the parking of automobiles, decks, garbage pads, and storage buildings subject to the following conditions:
  - a. Maximum height of two stories or 35 feet;
  - b. On a corner lot, no accessory building, structure, use or deck shall be located closer the side of the street right-of-way line than the principal building;

- c. No garage or other accessory building, structure, or use shall be located closer than five feet to a side or rear lot line or the nearest point along any required buffers, whichever is greater.
    - d. When an accessory building, with the exception of a deck, is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.
  - 2. Swimming pools in compliance with building codes.
  - 3. Tennis courts and other play and recreation areas in compliance with other Ordinance requirements.
  - 4. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels.
  - 5. Gardening and composting.
  - 6. Statues, arbors, trellises, clotheslines, barbecue stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards.
  - 7. Signs in compliance with Grady County Ordinance.
  - 9. Stands for the sale of produce.
- C. The following residential accessory uses and structures shall be permitted in the R-2 and RC districts, including the following and similar uses and structures:
- 1. All accessory uses permitted in subsection B of this section.
  - 2. In residential districts, the accessory structure must maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
  - 3.
  - 4. In the R-1, R-2, and RC classification areas, unless otherwise allowed by this ordinance, no accessory structures shall exceed 1,000 square feet and the total floor area of accessory structures shall not exceed 50 percent of the principal dwelling on the lot.
  - 5. In R-2 classification areas designated for RV parks, accessory uses shall be as permitted herein as well as allowing structures exceeding 1,000 square feet in support of the RV use including but not limited to office, restrooms/showers, entertainment facilities, restaurants, coin-operated laundry facilities, pet amenities, gift shop and convenience stores.
- D. The following commercial/office accessory uses and structures shall be permitted in the Commercial district, including similar uses and structures:
- 1. Accessory uses permitted in subsection C of this section when accessory to a residential principal use.
  - 2. Accessory retail shops such as cafeterias, gift shops, snack bars, etc., conducted within a principal building for the sole convenience of employees, patients, patrons or visitors. Accessory shops shall equal 20 percent or less of total gross floor area.
  - 3. Free-standing parking structures with the following conditions:
    - a. Maximum height of 35 feet;
    - b. When abutting any residential property line, structures shall not be located closer than five feet to the nearest point along any required buffer.
  - 4. Heating and air-conditioning units with the following conditions:

- a. When abutting a residential district, heating and air-conditioning units shall not be located within any required buffer;
  - b. When abutting a non-residential district, heating or air-conditioning units shall not be located closer than five feet to a side or rear lot line;
  - c. Units may be installed on the roof of any structure so long as the unit does not exceed the height restrictions and the units are placed so as to be hidden from a front or side view;
  - d. No ground-based heating and air-conditioning unit shall exceed 35 feet in height.
- 5. Incidental storage structures.
  - 6. Garbage dumpsters and recycling collection bins.
  - 7. Signs.

**DIVISION 320. - BUFFERING AND SCREENING**

**Sec. 320-010. - Riparian buffers.**

- A. Any water body located within the Tired Creek Lake District in Grady County shall satisfy all applicable buffer requirements.
- B. A natural and undisturbed riparian buffer 25 feet in width along the shorelines of perennial and intermittent streams shall be preserved. The riparian buffer zone (i.e., 25 feet from bank as measured from the point of wretched vegetation) must be shown on final plans and subdivision plats.

**Sec. 320-020. - Transitional buffers.**

Buffers shall be required between dissimilar classifications or uses in accordance with the provisions of the Tired Creek Lake District or as a condition of zoning, conditional use permit or variance approval or as otherwise provided within Grady County Ordinance Appendix B. Buffers must be landscaped in accordance with the Grady County Development Regulations.

- A. A buffer shall be required for the following:
  - 1. All property zoned for commercial uses shall have a buffer along any rear and side property lines abutting a R-1, R-2 or RC classification.
  - 2. Buffers shall be required along any rear and side property lines abutting a lower density residential use.
- B. All buffers areas and screening shall be in accordance with the following requirements.
  - 1. Buffer areas may be included as part of any pervious surface requirements.
  - 2. Buffers shall be natural, undisturbed and free of encroachments including stormwater ponds (except as authorized by a condition of zoning, conditional use or zoning approval or as authorized herein).
  - 3. Buffers shall be of such nature and density to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
  - 4. Buffers required along the side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in the Land Development Regulations of Grady County, Georgia, or as authorized by a condition of zoning, conditional use or zoning approval.

5. In situations where the required buffer width is partially or completely contained within an existing easement (i.e., power or natural gas transmission, etc.) the screening requirements of this ordinance shall be met outside of the easement area except as otherwise permitted by this ordinance or the Grady County Development Regulations.

**Sec. 320-030. - Screening.**

- A. Any operation not conducted within a building, such as drive-through businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities shall be enclosed by a wall of solid appearance or visually continuous evergreen hedge not less than eight feet in height where necessary to conceal such areas or facilities from a residential classification adjoining or facing across a street in the area or on the side of the principal building or use.
- B. Where adequate screening is required, such screening shall be a wall of solid appearance or visually continuous evergreen hedge not less than eight feet in height and meeting the requirements of the Grady County Development Regulations.

Buffer, District	Width of Required Buffer Adjacent to:			
	R-1	R-2	RC	C
R-1	10	10	25	30
R-2	10	10	25	30
RC	25	25	25	30
C	30	30	30	10

Notes:  
\*Buffer widths may be reduced by 10 feet by the addition of a solid, opaque fence or wall at least six feet in height.

**DIVISION 400- WATER RESOURCES MANAGEMENT**

**DIVISION 1. - GENERAL PROVISIONS**

**Sec. 400-10. - Short title.**

This article shall be known as the "Tired Creek Water Resources Management Ordinance."

**Sec. 400-11. - Compatibility with other regulations.**

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes

restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Sec. 400-12. - Severability.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

**Secs. 400-13—400-50. - Reserved.**

**DIVISION 2. - DEFINITIONS**

**Sec. 400-51. - Interpretation of certain terms and words.**

For the purpose of Division 400 certain words or terms used herein are interpreted as follows:

- (1) Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.
- (2) The term "shall" is always mandatory, and the term "may" is permissive.
- (3) The term "used" or "occupied," as applied to any land or building, shall be construed to include the terms "intended," "arranged," or "designed to be used or occupied."

**Sec. 400-52. - Definitions.**

The following words, terms and phrases, when used in Division 400 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Access* means a way or means of approach or entrance by which pedestrians, vehicles, or both shall have a safe, adequate, and usable ingress/egress to a property or use. Private access is not in public ownership and controlled by means of deed, dedication, or easement.

*Accessory structure* means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns and the like.

*Accidental discharge* means a discharge prohibited by this division which occurs by chance and without planning or thought prior to occurrence.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered new construction.

*Administrative variance/approval* means a variance or administrative approval that is routine or too insignificant to require Board of Commissioner approval. Decisions of the staff may be appealed as per this article.

*Appeal* means a request for a review of an administrative official's interpretation of any provision of this article.

*Applicant* means a person submitting a post-development stormwater management application and plan for approval.

*Area of shallow flooding* means a designated AO or AH Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does



not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation (BFE)* means the elevation shown on the flood insurance rate map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

*Basement* means that portion of a building having its floor sub grade (below ground level) on all sides.

*Best management practices (BMPs)* include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

*Buffer* means that portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential classifications from other District classifications, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area. Required buffer areas are in addition to required yard areas.

*Building.* See *Structure*.

*Building official* means the person designated by the Board of Commissioners to be responsible for the administrative functions required in connection with the enforcement of this division.

*Channel* means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

*Clean Water Act* means the Federal Water Pollution Control Act (33 USC § 1251 et seq.), and any subsequent amendments thereto.

*Comprehensive plan* means any part or element of the overall plan for development adopted by the Board of Commissioners.

*Concept plan* means a drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements.

*Conservation easement* means an agreement between a landowner and the county or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, with the remainder of the fee interest in private ownership.

*Construction activity* means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

*County* means Grady County, Georgia.

*County separate storm sewer system* means any facility designed or used for collecting and/or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (1) Owned or maintained by the County;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation, the depth below original ground surface to excavated surface. The term "cut" is also known as excavation.

*Dedication* means a gift, by the owner, of a right to use land for a specified purpose. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

*Department* means the development services/Code Enforcement department of the County.

*Design standards* means the specifications to landowners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

*Detention* means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

*Detention facility* means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

*Developer* means a person who undertakes land development activities.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

*Development permit* means an official authorization issued by the building official allowing grading or other alteration of the site that entails land disturbance related to construction activities.

*Director* means director of Code Enforcement of Grady County.

*Disturbed area* means disturbed area is defined as the entire limits of the site project activity, outside of the buffer area.

*Drainage area* means that area contributing runoff to a single point; measured in a horizontal plane which is enclosed by a ridgeline.

*Drainage easement* means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

*Drainage structure* means a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

*Drainage structure, roadway*, means a device such as a bridge, culvert or ditch composed of virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by interception of the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

*Driveway* means vehicular access, other than a private street way, which is in private ownership and provides access primarily to one property.

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

*Erosion* means the process by which ground surface is worn away by the action of wind, water, ice or gravity.

*Erosion and sedimentation control measures, structural*, means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc.

*Erosion and sedimentation control measures, vegetative*, means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

*Erosion, sedimentation and pollution control plan* means a plan required by the Erosion and Sedimentation Act, O.C.G.A. § 12-7-1 et. seq., that includes, as a minimum, protections at least as stringent as the state general permit, best management practices, and requirements in Grady County Ordinance section 16-23 et seq.

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

*Extended detention* means the detention of stormwater runoff for an extended period, typically 24-hours or greater.

*Extreme flood protection* means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

*Fill* means a portion of land surface to which soil or other solid materials have been added; the depth above the original ground surface or an excavation.

*Final plat* means a finished drawing or map of a subdivision or development, meeting all of the requirements of this article and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

*Flood insurance study (FIS)* means the official report by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

*Floodplain* means any land area susceptible to flooding.

*Floodproofing* means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

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

*Greenspace* or *open space* means permanently protected areas of the site that are preserved in a natural state.

*Ground elevation* means the original elevation of the ground surface prior to cutting or filling.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

*Hotspot* means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

*Hydrologic soil group (HSG)* means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

*Illegal connection* means either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any pipe, open channel, drain or conveyance connected to the County separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Illicit discharge* means any direct or indirect non-stormwater discharge to the county separate storm sewer system, except as exempted pursuant to County ordinance.

*Impervious cover* means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

*Impervious surface* means areas which do not permit natural infiltration of rainfall, including, but not limited to, rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except for gravel and pervious or porous paving materials.

*Industrial activity* means activities subject to NPDES industrial permits as defined in 40 CFR 122.26 (b)(14).

*Industrial stormwater permit* means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

*Infiltration* means the process of percolating stormwater runoff into the subsoil.

*Inspection and maintenance agreement* means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

*Jurisdictional wetland* means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Land development* means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

*Land development activities* means those actions or activities which comprise, facilitate or result in land development.

*Land development project* means a discrete land development undertaking.

*Land-disturbance permit* means a permit issued to authorize clearing, dredging, grading, excavating, transporting and filling of land.

*Land-disturbing activity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land unless otherwise stated herein. For the purposes of this chapter, the term "land-disturbing activity" shall not include agricultural practices.

*Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, District classification request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

*Local issuing authority* means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

*Lot* means a portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds and intended for transfer of ownership or for building development.

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

*Mean sea level* means the average height of the sea for all stages of the tide. Mean sea level is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*National Geodetic Vertical Datum (NGVD)* means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit* means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Natural ground surface* means the ground surface in its original state before any grading, excavation or filling.

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

*New construction.* For the purposes of determining insurance rates, structures for which the start of construction commenced after March 17, 1987, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced after March 17, 1987, and includes any subsequent improvements to such structures.

*New development* means a land development activity on a previously undeveloped site.

*Nonpoint source pollution* means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a byproduct of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

*Non-stormwater discharge* means any discharge to the storm drain system that is not composed entirely of stormwater.

*Nonstructural stormwater management practice or nonstructural practice* means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

*North American Vertical Datum (NAVD)* replaced the National Geodetic Vertical Datum of 1929, in existing and future FEMA flood modernization maps.

*Off-site facility* means a stormwater management facility located outside the boundaries of the site.

*On-site facility* means a stormwater management facility located within the boundaries of the site.

*Operator* means the party or parties that have:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Overbank flood protection* means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

*Owner* means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*Permit* means the permit issued by the County to the applicant which is required for undertaking any land development activity.

*Person* means except to the extent exempted from this division, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

*Planning commission* means the County planning commission as established in Grady County Ordinance 28-21 et. seq.

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

*Pollution* means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or

other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

*Post-development* means refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

*Pre-development* means refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

*Preliminary plat* means a tentative drawing or map of a proposed subdivision or development meeting the specified requirements of this division and showing the layout in sufficient detail to allow an evaluation of the proposed project.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Project* means a land development project.

*Redevelopment* means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

*Regional stormwater management facility or regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

*Retention facility* means a permanent facility that provides for the storage of runoff and is designed to maintain a permanent pool of water referred to as the normal pool.

*Right-of-way* means a strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

*Roadway drainage structure* means a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

*Runoff* means stormwater runoff.

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

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

*Site* means the parcel of land being developed, or the portion thereof on which the land development project is located.

*Soil and water conservation district approved plan* means an erosion, sedimentation and pollution control plan approved in writing by the Flint River Soil and Water Conservation District.



*Special exception* means the modification of the minimum requirements of this division when strict adherence to such requirements would result in unnecessary hardship.

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

*Start of construction* means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*State general permit* means the National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251, et seq., and O.C.G.A. § 12-5-30(f).

*State waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single person.

*Stormwater better site design* means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

*Stormwater management* means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

*Stormwater management facility* means any infrastructure that controls or conveys stormwater runoff.

*Stormwater management facility, off-site*, means any facility outside the project boundary that is or will be used for transporting and managing of stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

*Stormwater management, on-site*, means the design and construction of a facility necessary to control stormwater runoff within and for a single development.

*Stormwater management facility, on-site*, means any facility within the project boundary used for the purpose of transporting or managing stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

*Stormwater management measure* means any stormwater management facility or nonstructural stormwater practice.

*Stormwater management plan* means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

*Stormwater management, regional*, means the design and construction of a facility necessary to control stormwater runoff; whether within or outside of a development, and serving one or more developments.

*Stormwater management system* means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

*Stormwater retrofit* means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

*Stormwater runoff* or *stormwater* means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

*Street, public*, means a right-of-way purchased or dedicated to and accepted by the County for vehicular traffic or over which the county may hold a prescriptive easement for public access, including designated and numbered U.S. and state highways.

*Structure* means a walled and roofed building that is principally above ground, or a gas or liquid storage tank.

*Structural erosion and sedimentation control practices* means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia by the Georgia Soil and Water Conservation Commission.

*Structural stormwater control* means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

*Subdivision* means the division of a single lot into two or more lots for the purpose of sale or development.

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

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the start of construction of the improvement. Note: The market value of the structure should be:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement;
- (2) In the case of damage, the value of the structure prior to the damage occurring.

The term "substantial improvement" includes structures that have incurred substantial damage, regardless of the actual amount of repair work performed. For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the

external dimensions of the building. The term "substantial improvement" does not, however, include: Those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project

*Variance* means a grant of relief from the requirements of this division, which permits construction in a manner otherwise prohibited by this article.

*Vegetative erosion and sedimentation control measures* means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

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

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

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

*Watershed* means that area contributing runoff to a single surface watercourse or waterbody.

*Wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. In case of conflict, wetlands are determined under the laws, rules and regulations promulgated by the federal government and administered by the United States Army Corps of Engineers and United States Environmental Protection Agency.

**Secs. 400-52—400-109. - Reserved.**

### **DIVISION 3. - ADMINISTRATION**

**Sec. 400-110. - General.**

In addition to other responsibilities and authorities noted in other sections of this division, the duty of administering and enforcing the provisions of this division is hereby conferred upon the director acting on behalf of the County Board of Commissioners.

**Sec. 400-111. - Exemption from requirements.**

The following development activities are exempt from this article and the requirements of providing stormwater management, but are not exempted from state erosion control/forestry BMPs:

- (1) Agricultural and forestry land management activities.
- (2) Additions or modifications to existing detached single-family or duplex dwellings.

- (3) Construction of a detached single-family dwelling, which is not part of a larger development.
- (4) Repairs to any stormwater management facility or practice deemed necessary by the county.

**Sec. 400-112. - Special exceptions and variances procedures.**

The County Board of Commissioners shall consider all special exception requests from the requirements of this division and may grant such requests when due to extraordinary and exceptional conditions pertaining to a particular piece of property, the strict application of such requirements may result in unnecessary hardship. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed and submitted to the director. The following procedures shall apply to all applications:

- (1) The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director deems necessary to evaluate the request.
- (2) It shall be the applicant's responsibility to provide sufficient justification for granting the exception variance.
- (3) The director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation shall consider whether the request satisfies each criteria governing special exceptions, and the director shall make a recommendation as to grant, grant with conditions, or denial of the special exception.
- (4) No special exception shall be granted if the hardship has been created by the applicant (for example, by poor subdivision design). No special exception shall be granted to permit a use not otherwise authorized in the district classification. No special exception shall be granted if it would result in increased threats to public safety, extraordinary public expense, create nuisances, or conflict with the County ordinance, development regulations, comprehensive plan or other applicable rules and regulations. No special exception shall be granted to any applicant currently in violation of any County ordinance or regulation.
- (5) The application shall be heard at a regularly scheduled Board of Commissioners meeting. At the hearing on a special exception application, the director or staff shall appear and present its analysis and findings to the Board of Commissioners which shall only consider evidence presented with the application or at the hearing. Board members shall not accept any ex parte evidence, and all evidence submitted (including the staff analysis) shall be disclosed at or before the public hearing, to allow all sides the opportunity to review it. The Board of Commissioners shall make a decision to approve the special exception, approve with conditions, or deny the special exception, citing to the grounds relied upon, and/or to the staff evaluation comments.
- (6) Special exception requests shall not be granted by the Board of Commissioners unless the following criteria are satisfied:
  - a. There are extraordinary and exceptional circumstances or conditions pertaining to the particular piece of property because of its size, shape or topography, and through no fault of the applicant;
  - b. The strict application of this division to this particular piece of property would create severe practical difficulty or unnecessary hardship;
  - c. The exception requested is the minimum necessary; and

- d. The relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this division.

**Sec. 400-113. - Administrative variance.**

- (a) Administrative variances may be granted by the director. The director is authorized to vary the requirements of the ordinance up to ten percent, in circumstances where doing so would not impair the purposes of the ordinance, and is necessary because of a hardship on the applicant that was not created by the applicant. Administrative variances are to be granted as infrequently as possible.
- (b) The grant of an administrative variance may be appealed pursuant to section 400-114. The denial of an administrative variance may only be appealed by first applying for a special exception, under section 400-112.

**Sec. 400-114. - Appeals.**

- (a) *Appeal of planning and development department staff decisions.* The planning commission shall hear and decide appeals when it is alleged that there is an error in any interpretation or determination made by the director or County staff in the administration of this division. Such appeals may be brought by the applicant, any member of the Board of Commissioners, or any aggrieved person, as defined below. Such appeals shall be taken within 30 days of the decision appealed by filing with the County department and the planning commission a notice of appeal specifying the grounds for appeal.
- (b) *Appeal of planning commission decisions.* Any person severally or jointly aggrieved by any decision of the planning commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the planning commission. The secretary of the planning commission shall transmit the record to the Board of Commissioners, and the Board of Commissioners shall hear the appeal de novo within 45 days of the filing of the notice of appeal.
- (c) *Aggrieved persons.* A person is aggrieved only if he/she/they own the subject property, or he/she/they own nearby or adjacent property which is in danger of suffering special damages or injury not common to all property owners similarly situated as a result of the action.

**Sec. 400-115. - Violation and penalty.**

- (a) It shall be the duty of the director to enforce this division. The director shall have the authority to revoke, suspend or void any development permit and shall have the authority to suspend all work on a site or portion thereof.
- (b) Any permit issued in conformance with this division shall be voided if its terms are violated.
- (c) Work which is not authorized by an approved permit, which is not in conformance with the approved plans for the project or which is not in compliance with the provisions of this division or any other adopted code, regulation or ordinance of the County, shall be subject to an immediate stop work order issued by the department. Work which proceeds without having received the necessary inspections of the department shall be halted until all inspections of intervening work are complete.
- (d) The filing or recording of a plat of a subdivision or development without the required approvals as established by this division is declared to be a misdemeanor.
- (e) Alleged violations of this Division shall be tried in the Magistrate Court of Grady County. Any responsible party or other persons convicted of violating any provision of this division shall be guilty of violating a duly adopted ordinance of the County and shall be punished either by a fine not to exceed \$1,000.00 and/or imprisonment in the County jail not to exceed six months. The owner of any lands or parts thereof, where anything in violation of this division shall be placed or shall exist and

each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.

**Secs. 400-116—400-143. - Reserved.**

**DIVISION 4. – DISTRICT POST-CONSTRUCTION STORMWATER MANAGEMENT**

**Sec. 400-144. - Purpose.**

The purpose of this division is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment within the Tired Creek Lake District. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare of the public; and protect water and aquatic resources within the Tired Creek Lake District. This division seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the Tired Creek Lake watershed and preserve the health of water resources within the District;
- (2) Require that new development and redevelopment within the Tired Creek Lake District maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, non-point source pollution, and maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards within the Tired Creek Lake District;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable.
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

**Sec. 400-145. - Applicability.**

All persons proposing development and/or construction within the Tired Creek Lake District shall submit a stormwater management plan and hydrology study to the director for review of conformity with this article, except as provided in section 400-111.

**Sec. 400-146. - Stormwater local design manual.**

The County will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual, which may be updated

and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience. The most recent Georgia Stormwater Management Manual is adopted by reference and declared to be part of this division.

**Sec. 400-147. - Requirements for stormwater management plan.**

- (a) The stormwater management plan shall be prepared under the supervision of, and certified by, a professional engineer, professional land surveyor, or registered landscape architect with competency in hydrology and hydraulics, currently registered in the state. The plan shall conform with the requirements of this division.
- (b) Upon receipt of the stormwater management plan, the County or its designee shall perform appropriate reviews, and shall either approve the stormwater management plan or return comments and reasons for rejection.

**Sec. 400-148. - Permit procedures and requirements.**

- (a) *Permit application requirements.* No owner or developer shall perform any land development activities without first meeting the requirements of this division prior to commencing the proposed activity. Unless otherwise exempted by this division, or granted a waiver to meeting the minimum requirements, a land-disturbance permit application shall be accompanied by the following items in order to be considered:
  - (1) Stormwater concept plan and consultation meeting certification if required by subsection (b) of this section;
  - (2) Stormwater management plan;
  - (3) Inspection and long-term maintenance agreement;
  - (4) Performance bond, if applicable; and
  - (5) Land-disturbance permit application and applicable review fees.
- (b) *Stormwater concept plan and consultation meeting.* Projects that are complex in nature may require a stormwater concept plan and consultation prior to submittal of design plans for review by the County or its designee. The stormwater concept plan shall meet the requirements outlined in the Georgia Stormwater Management Manual (“GSMM”). For the purposes of this section, any proposed development activity that meets any of the following criteria shall be required to prepare a stormwater concept plan and participate in a consultation meeting with the County or its designee prior to submission of engineering plans for review.
  - (1) Any residential subdivision with greater than 20 lots, unless such development contains two-acre or greater lots.
  - (2) Any non-residential development with a disturbed area of ten acres or greater.
  - (3) Any non-residential development regardless of size which has an impervious surface coverage that covers 50 percent or more of the property excluding those lands contained within undisturbed buffers including, but not limited to, floodplains, stream buffers and undisturbed buffers between dissimilar zonings.
- (c) *Stormwater management plan requirements.* The stormwater management plan must be submitted in accordance with the GSMM.
- (d) *Inspection and maintenance agreement.* The applicant or owner of the land involved in a land development project requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance must execute a stormwater management inspection and

maintenance agreement that shall be binding on all subsequent owners of the site or any portion thereof.

(1) *Approval and recording of inspection and maintenance agreement.* The inspection and maintenance agreement shall require approval by the director prior to final plat approval or final site plan approval. The agreement shall be recorded by the property owner in the land records of the County. A covenant running with the land will describe said agreement and the obligation of all present and future holders of any interest in the development or any portion thereof. Said covenant shall be recorded on the deed of every parcel of property and/or lot that is derived in any way from the land development activity. Thereafter, each deed shall be recorded in the County deed records.

(2) *Required contents.*

- a. The stormwater management inspection and maintenance agreement shall identify by name and official title, if applicable, the person bound by said agreement to cause said inspection and maintenance. For residential developments, responsibility for the operation and maintenance of the stormwater management facility or practice shall remain that of the party which executed the stormwater management inspection and maintenance agreement unless and until such time as the duties hereunder are properly assumed by a homeowners' association which is created as specified in this section. Evidence of the assumption of such duties shall be in a writing executed by the party assigning said duties and the homeowners' association.
- b. The duties created under the inspection and maintenance agreement shall transfer to each and every subsequent owner/applicant, or homeowners' association (where one is established and duties are assigned thereto, in accordance with this division), or similar holders of interest in the development or any portion thereof. Upon transfer, each owner/applicant, homeowners' association, or similar interest holder shall cause the deed of transfer to be marked upon its face with notice of obligations of the inspection and maintenance agreement through use of a restrictive covenant, as previously described. Each successor in title shall be bound by the inspection and maintenance agreement to all the duties of his/her/their predecessor thereunder.
- c. The stormwater inspection and maintenance agreement shall incorporate by reference the project's operation and maintenance plan and account for all the work requirements specified in the plan.
- d. The inspection and maintenance agreement shall provide that preventive maintenance inspections of infiltration systems, retention, or detention structures may be made by the County, at its option. The County's inspection schedule shall be established on a frequency that meets the intent of this division and applicable regulatory compliance requirements bestowed on the County.
- e. Right-of-entry for inspection. The terms of the inspection and maintenance agreement shall provide for the director or his/her/their designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when there is a reasonable basis to believe that a violation of this division is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this division.
- f. The inspection and maintenance agreement shall provide that the County shall notify the property owner of the facility of any violation, deficiency or failure to comply with the agreement. The agreement shall also provide that upon a failure to correct violations requiring maintenance work or failure to provide an action plan for correcting such violation



within ten business days after notice thereof, the County may provide for all necessary work to place the facility in proper working condition. The owner of the facility shall be assessed the costs of the work performed by the County, and there shall be a lien on every parcel of property and/or lot that is derived in any way from the land development activity. Should such a lien be filed, portions of the affected property may be released by the County following the payments by the owner of such portion of the property of such owner's pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the County Board of Commissioners.

- (3) *Additional requirements for residential subdivisions.* In lieu of an inspection and maintenance agreement, the County Board of Commissioners may, at its discretion, accept dedication of any existing or future stormwater management facility for perpetual maintenance by the County, provided such facility meets all the requirements of this division, the GSMM and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular structural maintenance by the County. In the event the County accepts dedication of any stormwater management facility for a residential subdivision, the resolution shall create a stormwater tax assessment area for the subdivision and shall specify the fee for routine inspection, maintenance and repair activities to be performed by the County. In addition, the resolution creating the stormwater tax assessment area may specify a fee to offset potential non-routine maintenance and repair expenditures by the County. These funds shall be maintained in a designated account for the stormwater tax assessment area activities. Collection of the amount for non-routine maintenance and repair shall be suspended once the account contains an amount necessary, as determined by the director, to rebuild the stormwater facilities. The Board of Commissioners may revise said fees by resolution no earlier than 30 days after written notice to the participants in the stormwater tax assessment area.

(e) *Stormwater tax assessment area.*

- (1) *Establishment of a stormwater tax assessment area.* Prior to final plat approval, the developer of any common development subject to the provisions of this article may establish a stormwater tax assessment area that shall thereafter encompass the development, each subdivision thereof, and any other property that is alleged to be covered/served by the stormwater management plan. The stormwater tax assessment area may be established within the County upon a petition presented to the Board of Commissioners by the developer of any new subdivision or any additional unit or phase of an existing large subdivision which has been approved for development in units or phases. The petition shall be accompanied by appropriate forms, to be promulgated by the County, which shall at least list thereon the legal description and the district, land lot, block and/or lot of each parcel or tract of land affected by the proposed stormwater tax assessment area. Approval of the petition shall be by majority vote of the Board of Commissioners. Upon approval, the Board shall establish, by appropriate resolution, the particular stormwater tax assessment area for which the petition has been submitted. The establishing resolution shall state the charge or fee for such service or the basis for computation and adjustment of the charge or fee. The approval of such petition is at the sole and absolute discretion of the Board.
- (2) *Determination and collection of charges and fees incident to the establishment of stormwater tax assessment area.*
  - a. At the time of the approval of the petition by the Board of Commissioners, a copy of the resolution establishing the stormwater tax assessment area shall be transmitted to the County tax commissioner. The tax commissioner shall be responsible for the collection of any and all charges and fees which are established by the Board pursuant to subsection (e)(1) of this section. Said charges and fees may be imposed against any business, resident or other property served by the stormwater management plan.

- b. Property owners within a stormwater tax assessment area shall be billed annually through their regular ad valorem County tax bill for the cost to the County of County performance of inspection, maintenance and repair activities on privately-owned stormwater management facilities and practices during the 12 months preceding the end of the County's fiscal year ending June 30 of the applicable tax year. The rate for stormwater tax assessment areas shall be determined based on the total cost incurred by the County in inspecting, maintaining and repairing these facilities in the applicable tax year divided by the number of non-exempt parcels which exist in all stormwater tax assessment areas in existence in the County in the applicable tax year.
  - c. A parcel that exists in a stormwater tax assessment area shall be exempt from the stormwater tax assessment if all requirements set forth in the inspection and maintenance agreement have been met and all necessary documentation thereof has been submitted to and approved by the director. The determination of applicability of exemption shall be made on a yearly basis by the director. For residential subdivisions, individual lots shall not be exempt, all property owners shall be considered exempt or non-exempt based on the work performed for that subdivision.
- (f) *Maintenance bonds.*
- (1) Prior to final plat approval of all subdivision development projects, the developer shall submit to the director a bond or irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of all stormwater control measures associated with the development for a period of two years from the issuance of the final plat or until the issuance of 75 percent of the certificates of occupancy for the subdivision development, whichever is greater. The bond amount shall be calculated by the director and provided to the developer upon completion of field activities and submittal of the final plat to the County.
  - (2) If, during the bond period, the need for repairs to any of the stormwater control measures becomes evident then the developer will be notified in writing by the director and informed of the measures to be taken to repair the facilities. If the developer has not taken significant action, as determined by the director, within 30 days of said notification, the director shall take such steps as are necessary to claim an amount of the funds from the bond or letter of credit which, as estimated based upon no less than two bids secured by the director, will cover all costs and expenses the County will incur in causing the repairs to be made.
- (g) *Modifications for off-site facilities.*
- (1) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made with the director to manage stormwater by an off-site facility. The off-site facility:
    - a. Must be located on property legally dedicated for the purpose;
    - b. Must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices; and
    - c. There must be a County-approved, legally-obligated entity responsible for long-term operation and maintenance of the off-site stormwater facility. In addition, on-site measures shall be implemented, where necessary, to address stormwater management issues upstream and downstream from the development site to the off-site facility.
  - (2) A stormwater management plan must be submitted to the County, which shows the adequacy of the off-site facility.

- (3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the County that the use of an off-site facility will not result in the following impacts to upstream or downstream areas:
  - a. Increased threat of flood damage to public health, life, and property;
  - b. Deterioration of existing culverts, bridges, dams, and other structures;
  - c. Accelerated streambank or streambed erosion or siltation;
  - d. Degradation of in-stream biological functions or habitat; or
  - e. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

**Sec. 400-149. - Post-development stormwater management performance criteria.**

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this division:

- (1) *Water quality.* Stormwater runoff generated from a site shall be adequately treated before discharge and cannot be discharged into Tired Creek Lake or tributaries without treatment. It will be presumed that a stormwater management system complies with this requirement if:
  - a. The system is sized to treat the prescribed water quality treatment volume from the site;
  - b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained in accordance with the specific criteria in the manual; and
  - c. Runoff is adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
  - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
  - b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;
  - c. Erosion prevention measures such as energy dissipation and velocity control. All design and construction work that is undertaken proximate to stream channels (including the buffer areas) shall be in strict conformance with current local, state and federal regulations.
- (3) *Flood protection.* Flood and public safety protection shall be provided by controlling and safely conveying storm events such that flooding is not exacerbated for storm events specified in the GSMM and in accordance with applicable requirements in Grady County Ordinance Chapter 16-23 et seq.
- (4) *Drainage system guidelines.* Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public and private properties adjoining project sites. Stormwater conveyance facilities that are designed to carry stormwater runoff from more than one parcel, existing or proposed, shall meet the following requirements:
  - a. Methods to calculate stormwater flows shall be in accordance with the GSMM;

- b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the GSMM; and
- c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the GSMM.

**Sec. 400-150. - Construction inspections.**

Upon completion of the construction phase on the project, and prior to approval of the final plat or issuance of a certificate of occupancy, the developer shall provide an as-built survey and an as-built design certification for each stormwater management facility. The as-built survey shall be prepared by a land surveyor currently registered in the state. A certified record drawing of the facility shall be prepared based upon this as-built survey. Based on the actual parameters established on the record drawing, an addendum to the stormwater management plan shall be prepared which demonstrates that the facility, as constructed, complies with the requirements of the approved stormwater management plan. The certified record drawing shall be certified by a professional engineer currently registered in the state.

**Sec. 400-151. - Long-term inspection and maintenance.**

- (a) *Long-term inspection and maintenance of stormwater facilities and practices.* Stormwater management facilities and practices included in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to ensure compliance with the requirements of the agreement, the plan and this division. The responsible person, as designated in the approved inspection and maintenance agreement, shall inspect the stormwater management facilities or practices on a periodic basis.
- (b) *County inspections.* Inspection programs may be established by the director, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental, safety laws, and to meet applicable regulatory requirements. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices. Inspection reports, including documented deficiencies and needed maintenance requirements, shall be maintained by the director and provided to the responsible party to undertake appropriate action. Scanned or electronic copies of original documents may be maintained in lieu of said original documents.
- (c) *Duty to maintain.* Property owners are responsible for performing operation and maintenance activities for stormwater management facilities and practices located on their property in accordance with the operations and maintenance plan. Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the director.
- (d) *Failure to maintain.* In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed.
- (e) *Violation; abatement.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the director may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The owner of the facility shall be assessed the costs of the work performed

by the County, and there shall be a lien on all property of the owner in which said property utilizes or will utilize such facility in achieving stormwater management. If a stormwater tax assessment area has been established, the costs of the work performed shall be collected as provided in section 400-148(e). Alternatively, code enforcement may issue citations to help force compliance with the inspection and maintenance agreement.

**Sec. 400-152. - Maintenance of pre-existing stormwater facilities.**

- (a) *Pre-existing residential subdivisions.* Any homeowners' association with a duty to maintain a pre-existing stormwater facility may establish a stormwater tax assessment area upon presentation of a petition to the Board of Commissioners by either or both of the following:
  - (1) Owners whose cumulative holdings total 51 percent or more of the property affected within the proposed stormwater tax assessment area.
  - (2) Fifty-one percent of the owners of the property affected within the proposed stormwater tax assessment area.
- (b) *Approval of the petition shall be by majority vote of the Board of Commissioners.* If approved, at the sole discretion of the Board of Commissioners, the Board shall establish, by resolution, the particular stormwater tax assessment area for which the petition has been submitted. The establishing resolution shall state the charge or fee for such service, as well as the basis for computation and adjustment of the charge or fee. Establishment of the stormwater tax assessment area and collection of fees shall be in accordance with section 400-148(e).

**Sec. 400-153. - Violations, enforcement and penalties.**

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) *Notice of violation.* If the director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, the director shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this division without having first secured a permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - a. The name and address of the owner or the applicant or the responsible person;
  - b. The address or other description of the site upon which the violation is occurring;
  - c. A statement specifying the nature of the violation;
  - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this division and the date for the completion of such remedial action;
  - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  - f. A statement on whether the violation must be corrected within ten business days or whether an action plan submitted within ten business days will be acceptable.

- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten business days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation or develop an action plan for curing such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties:
- a. *Stop work order.* The director may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - b. *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for any and all buildings or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
  - c. *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
  - d. *Citations.* For intentional and flagrant violations of this article, or in the event the applicant or other responsible person fails to take the remedial measures set forth in previously issued notice of violation or otherwise fails to cure the violations or develop and action plan for curing such violation within ten business days, the director may issue a citation to the applicant or other responsible person, requiring such person to appear in magistrate court of Grady County to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**Sec. 400-154. - Soil erosion and sedimentation controls.**

Developers shall be required to provide soil erosion and sedimentation control measures in conformance with state law and the County soil erosion and sedimentation control provisions of Grady County Ordinance Chapter 16-32 et seq.

**DIVISION 425. - WETLANDS PROTECTION OVERLAY**

**Sec. 425-010. - Purpose and intent.**

Pursuant to O.C.G.A. § 12-2-8 and the Georgia Department of Natural Resources, Environmental Protection Division's Rules for Environmental Planning Criteria Chapter 391-3-16, the wetlands protection overlay is throughout the district and establishes regulations to promote the wise use of

wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.

**Sec. 425-020. - Wetlands protection overlay.**

These regulations affect all wetlands in the District as identified on the National Wetland Inventory map that is available for inspection during office hours in the Grady County Offices.

**Sec. 425-030. - Wetlands development permit requirements.**

No activity or use except those identified within these ordinances shall be allowed in the wetlands protection overlay within the District without issuance of a local development permit. Local permits will only be issued if the proposed use is in compliance with the requirements of the underlying classification and the wetlands protection overlay. Furthermore, if the area of proposed development is located within 100 feet of the wetlands boundaries as established by the wetlands protection overlay map, a U.S. Army Corps of Engineers delineation is required under section 404 of the Clean Water Act. If wetlands are altered or degraded, mitigation to offset losses may be required as a condition of a section 404 permit. Local development permits will not be issued until after any necessary section 404 permits have been secured.

**Sec. 425-040. - Permitted uses.**

Subject to federal and state requirements, the following uses are permitted by right in the wetland protection overlay to the extent that they are not prohibited by any other ordinance or law and provided that they do not require structures, grading, filling, draining, or dredging unless a permit pursuant to section 404 of the Clean Water Act is obtained.

- A. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission
- B. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that they would require an individual permit pursuant to section 404 of the Clean Water Act.
- C. Outdoor passive recreation activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- D. Natural water quality treatment or purification.
- E. Normal agricultural activities, including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- F. Other uses permitted under section 404 of the Clean Water Act.

**Sec. 425-050. - Prohibited uses.**

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary waste landfills.
- C. Discharge of sanitary sewer or other sanitary treatment systems

**ARTICLE 5. - ADMINISTRATION**

## **DIVISION 500. – TIRED CREEK LAKE DISTRICT ADMINISTRATION**

### **Sec. 500-010. - Director.**

The provisions of the Tired Creek District ordinance shall be administered by the Director of Code Enforcement, in cooperation with the inspectors, the planning commission, County Administrator and the Board of Commissioners of Grady County. The specific duties shall include, but not be limited to, the following:

- A. Accepting and processing applications for map amendments, conditional use permits, district classification certification, preliminary and final plats for proposed subdivisions, or any other such business as may be scheduled for public hearing by the planning commission.
- B. Researching facts and preparing reports for the planning commission and the Board of Commissioners on map amendment applications, and conditional use permits. Such reports shall be in writing on a form prescribed by the planning commission and shall be made a part of the public record.
- C. Accepting and processing applications for variances, extensions or enlargements, and continuances of non-conforming uses, appeals of error, or any other business as may be scheduled for public hearing.
- D. Maintenance of permanent records concerning the administration of the Tired Creek Development District, including all maps, amendments, records of public hearings, and any other business of the planning commission.
- E. Review of applications for building permits to ensure conformity with the requirements of this ordinance and other relevant County ordinances; and approval or denial of said building permit applications.
- F. Other duties as authorized in the Grady County Development Regulations and Tired Creek District Ordinance.

### **Sec. 500-020. - Inspector**

The inspector shall assist the Code Enforcement Director and Board of Commissioners in the administration of this ordinance and perform other duties as authorized in the Grady County Development Regulations.

### **Sec. 500-030 - Planning Commission.**

In the administration of the Tired Creek Lake District the Planning Commission is authorized in addition to its duties and scope provided under Chapter 28 of the County Ordinances perform the following:

- A. Receive and review all requests for amendments to the Tired Creek Lake District Ordinance (including map and text amendments), conditional uses, preliminary and final plats for proposed subdivisions, or any other land matters relating to the Tired Creek Lake District;
- B. Receive, review and consider requests for special exceptions, variances or waivers to the Tired Creek Lake District, and to appeals of decisions of administrative officials regarding the overlay district. The planning commission has the authority to approve, approve with conditions, or deny a request.
- C. Submit to the Board of Commissioners recommendations concerning amendments to Tired Creek Lake District ordinance amendments, conditional uses, site plans, subdivision plats or any other matters relating to planning and zoning within Grady County.

### **Sec. 500—040 Board of Commissioners Duties**



The specific duties of the Board of Commissioners for the Tired Creek Lake District shall include, but not be limited to, the following:

- A. Receiving from the director of code enforcement and from the planning commission recommendations concerning the Tired Creek District ordinance amendments, conditional use or any other matters relating to planning and District classification within Grady County.
- B. Conducting public meetings for the purpose of accepting, rejecting or modifying the recommendations submitted by the director or the planning commission. The Board may solicit additional advice, information or comments prior to rendering its decision.
- C. Receive from the director corrections to the official zoning map when found that a graphic or scrivener error has been made.

**Sec. 500-050. - Certification.**

Upon written request by the property owner or owner's authorized agent, the Director of Code Enforcement may issue a certificate verifying the current classification of a parcel of land within the Tired Creek Lake District.

**DIVISION 520. - AMENDMENTS**

**Sec. 520-005. - Generally.**

The text of this ordinance and the official Tired Creek Lake District map may be amended by the Board of Commissioners pursuant to a proposed ordinance introduced by one or more members of the Board of Commissioners or by the planning commission. In addition, amendments to the official Tired Creek Lake District map may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this district ordinance or the official Tired Creek Lake District map, the Board of Commissioners shall provide for the public notice and public hearings required by this division.

Any applicant seeking to reclassify property to a classification which would result in a conflict with the comprehensive plan future land use map must first obtain approval of an amendment to the comprehensive plan land use maps.

**Sec. 520-010. - Initiation of amendments.**

The text of this ordinance, the official Tired Creek Lake District map, and the comprehensive plan may be amended by the Board of Commissioners pursuant to a proposed ordinance introduced by one or more members of the Board of Commissioners or by the Planning Commission. In addition, amendments to the official Tired Creek Lake District map and the comprehensive plan may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this ordinance, the official Tired Creek Lake District map, or the comprehensive plan future land use map, the Board of Commissioners shall provide for the public notice and public hearings required by this division.

**Sec. 520-015. - Public information meeting.**

- A. Prior to any public hearing held by the planning commission for the review of any rezoning application or conditional use permit application, the staff of Grady County may, at the discretion of the director, conduct a public information meeting on the pending applications.

- B. The purpose of the public information meeting is to encourage dialogue between applicants and community members and facilitate the formal hearing process required in the Tired Creek Lake District ordinance.
- C. The public information meeting does not constitute formal action on the pending use classification request, or conditional use permit applications. The meeting is intended to provide an opportunity for interested parties to ask questions and discuss issues pertinent to the applications with Grady County planning staff members and applicants.
- D. Upon the proper filing of a request for a change in use classification or conditional use permit approval in conformance with the Tired Creek Lake District Ordinance, the director shall assign applications to a public information meeting date.
- E. The public information meeting shall be conducted at least 14 days prior to the scheduled planning commission review of rezoning or conditional use permit applications.
- F. At least seven days prior to the scheduled date of the public information meeting, the applicant shall be required to post on the subject property a sign, as provided by the County, that advertises the date, time, and location of the meeting.
- G. The County shall make available at the meeting site plans or other applicable materials as may be necessary to illustrate the general layout and nature of the proposed projects.
- H. Applicants or the applicants' authorized designees are strongly encouraged to attend the public information meeting to answer project-related questions from meeting participants.

**Sec. 520-020. - Notice of public hearings.**

Notice of a public hearing on any amendment to this Tired Creek Lake District ordinance, or application for use classification/rezoning, modification, conditional use permit or amendment of the official Tired Creek Lake District map shall be provided as follows:

- A. Written notice of each shall state the nature of the proposed change, and the date, time, and place of the public hearing before the planning commission (if applicable) and the Board of Commissioners and shall be mailed by first class mail to all adjoining property owners with boundaries adjoining the subject property, as such property owners are listed on the tax records of Grady County, at least 15 days before the public hearing before the planning commission and not more than 45 days prior to the date of the public hearing before the Board of Commissioners.
- B. For each amendment to the official Tired Creek Lake District map, conditional use permit, modification initiated by a party other than the local government, signs shall be posted on the subject property at least 15 days before the hearing before the planning commission (if applicable) and not more than 45 days prior to the date of public hearing before the Board of Commissioners. The sign shall state the case number, the nature of the proposed change, and the date, time, and place of the public hearing before the planning commission and the Board of Commissioners. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one inch in size.
- C. For each amendment to the text of this ordinance, the official Tired Creek Lake District map and conditional use permit application, notice of the nature of the proposed change and the date, time and place of the public hearing before the planning commission (if applicable) and the Board of Commissioners shall be published in a newspaper of general circulation within the County in which are carried the legal advertisements of the County at least 15 days prior to the hearing before the planning commission and not more than 45 prior to the public hearing before the Board of

Commissioners. For all proposed amendments to the official Tired Creek Lake District map, the notice shall include the case number and the location of the property, the present and proposed classification of the property.

**Sec. 520-030. - Public hearings.**

The governing, calling, and conducting of the public hearings held by the planning commission and the Board of Commissioners for consideration of proposed classification map, or text amendments or conditional use permits shall be accomplished with the following policies and procedures:

- A. The chairman shall indicate that a public hearing has been called for the consideration of use classification/zoning decisions. Thereupon each application shall be considered on an individual basis.
- B. When an application comes up for review, the chairman shall ask for a show of hands for those persons who appear in support of or opposition to the petition. If it appears that the number of persons wishing to appear in support of/opposition to the petition is in excess of that which may reasonably be heard, the chairman may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed 30 minutes.
- C. The County staff shall present an oral report on the application and make their recommendations.
- D. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment or conditional use permit.
- E. Those in favor of the proposed amendment or conditional use permit shall be allowed a minimum of ten minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in favor of the proposed amendment or conditional use permit.
- F. Those who oppose the proposed amendment or conditional use permit shall be allowed a minimum of ten minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment or conditional use permit.
- G. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.
- H. The County staff may make additional comments.
- I. The County Attorney may be asked to discuss any legal issues that have been raised.
- J. The Planning Commission or Board of Commissioners may then propound questions to any party present and may discuss the proposed amendment or conditional use permit.
- K. After the above procedures have been completed, the chairman will indicate that the public hearing is formally closed.
- L. After the public hearing is closed:
  - 1. For hearings before the planning commission, the planning commission shall take action on an application as provided in section 520-080.
  - 2. For hearings before the Board of Commissioners, the Board of Commissioners shall take action on an application as provided in section 520-090.
- M. Either the planning commission or the Board of Commissioners may place witnesses under oath and may require that the proceedings be recorded.
- N. Each speaker at the public hearing shall speak to only the merits of the proposed use/zoning classification decision under consideration and shall address remarks only to members of the planning commission or the Board of Commissioners.

- O. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed use classification/zoning decision under consideration. The chairman may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this subsection.
- P. Nothing herein shall be construed as prohibiting the chairman from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed use classification/zoning decision is conducted in a fair and orderly manner.

**Sec. 520-040. - Procedures.**

- A. Any person or persons requesting a change in use/zoning classification, a conditional use permit, or other Tired Creek Lake District petition as identified by this ordinance shall file with the director an application as described herein, along with a fee, as set by the Board of Commissioners, to cover the administrative and advertising costs.
- B. Upon proper filing of an application for a change in the classification/zoning use or conditional use permit, the director shall establish dates for public hearings before the planning commission and the Board of Commissioners. Applications filed and accepted by the County on the first Friday of each month shall be scheduled for a public hearing before the planning commission in the subsequent month; provided, however, that the Board of Commissioners may, by resolution, set a limit on the number of applications to be heard each month.
- C. The following shall apply to revisions made to a submitted application, after the day before the required deadline for advertising:
  - 1. Requests for revisions made by the applicant must be made in writing and revised copies of all applicable site plans, letters of intent, etc. must be submitted to the County. A revision to an application shall not change the original filing date. Unless a new application is added, a revision to an application shall not require a new application fee but may require a re-advertising fee.
  - 2. The following shall constitute a major revision to an application, and therefore shall not be considered by the planning commission or the Board of Commissioners, until the changes are re-posted and re-advertised:
    - a. Any change in the land use plan designation that increases the density of the proposed use;
    - b. Any change in the use/zoning classification requested;
    - c. Any change to the boundaries of the subject site.
  - 3. The following shall constitute a major revision to an application and may subject the applicant to a deferral and/or a remand by the Board of Commissioners:
    - a. The movement of any building or structure closer to an exterior boundary line;
    - b. Any increase in the number of dwelling units or any increase in the total amount of floor space of any non-residential building;
    - c. Any decrease in the minimum heated square-footage of residential units;
    - d. Any change to the location of any streets, public facilities, or utilities;
    - e. Any change to open space;
    - f. Any increase in height of any building or structure;
    - g. Any change in the proportion of floor space devoted to different authorized uses;
    - h. Any other revision deemed major by the Board of Commissioners.

4. The following shall constitute minor revisions that may be considered by the planning commission or the Board of Commissioners:
  - a. Increase in the house size;
  - b. Decrease in the number of lots;
  - c. Enhancement of building materials;
  - d. Increase or addition of landscaping or buffers.
5. Any revision listed in [subsection] C.3. of this section shall be submitted to the County by 12:00 p.m. the day before the scheduled hearing to allow time for review. The County may request a deferral if additional review time is needed.
- D. The applicant shall be required to post on the subject property a sign advertising a public information meeting in conformance with section 520-015.
- E. The director shall cause notice of the public hearings to be provided as set forth in section 520-020 above.
- F. The applicant or applicant's authorized agent shall appear in person at the public hearings held to consider the petition. The procedure for consideration of use/zoning classification petitions shall be the same as set out herein for consideration of proposed amendments to this ordinance or conditional use permits. The Board of Commissioners shall make the use/zoning classification decision as defined by O.C.G.A. § 36-66-4 on all rezoning/use classification petitions.

**Sec. 520-050. - Content of application.**

Each applicant seeking an amendment to the official Tired Creek Lake District map or a conditional use permit shall complete all questions and requested materials contained within the required application form and shall provide the following information:

- A. Survey plat of subject property, prepared and sealed within the last ten years by a professional engineer or land surveyor registered in the State of Georgia. Said survey plat shall:
  1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;
  2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and
  3. Include a notation as to the total acreage or square footage of the subject property.
- B. Name, mailing address, and phone number of all owners of the property which is the subject of the application for zoning/use classification amendment or conditional use.
- C. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for district classification amendment or conditional use, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for Tired Creek Lake District zoning/use classification amendment or conditional use permit. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.
- D. Written legal description of property.
- E. Statement of current Tired Creek Lake District zoning/use classification of property and classification which applicant is seeking in the official Tired Creek Lake District map.

- F. A concept plan showing the proposed uses, subdivision of property, and approximate location of proposed buildings, parking, driveways, transitional land use buffers and landscaping, and other features.
- G. A written, documented, detailed analysis of the impact of the proposed use/zoning map amendment, or conditional use with respect to each of the standards and factors specified within the Tired Creek Lake District Ordinance.
- H. A letter or statement on the manner of water and/or sewer service and any upgrades necessary to provide service.

**Sec. 520-060. - Standards of review.**

- A. In ruling on any application for a Tired Creek Lake Development District classification map amendment, the planning commission and the Board of Commissioners shall act in the best interest of the health, safety, morals, and general welfare of the County. In doing so, the planning commission in its consideration of and recommendations concerning a petition requesting a district classification map amendment and the Board of Commissioners in its consideration and final decision concerning a petition requesting a district classification map amendment will consider one or more of the following factors as they may be relevant to the application:
  1. The existing land uses and classifications of nearby property;
  2. The suitability of the subject property for the classified purposes;
  3. The extent to which the property values of the subject property are diminished by the particular classification restrictions;
  4. The extent to which the land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;
  5. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
  6. Whether the subject property has a reasonable economic use as currently classified;
  7. The length of time the property has been vacant as classified considered in the context of land development in the area in the vicinity of the property;
  8. Whether the proposed classification will be a use that is suitable in view of the use and development of adjacent and nearby property;
  9. Whether the proposed classification will adversely affect the existing use or usability of adjacent and nearby property;
  10. The possible creation of an isolated district unrelated to adjacent and nearby districts;
  11. The population density patterns and possible increase or over-taxing of the load on public facilities, including but not limited to schools, utilities, and streets;
  12. The cost to the County and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, and other public safety measures;
  13. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quality;
  14. Whether the proposed change will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;

15. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
  16. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
  17. The extent to which the proposed change is consistent with the policies and intent of the comprehensive land use plan;
  18. The possible effects of the proposed change on the character of a district classification district, a particular piece of property, neighborhood, a particular area, or the community;
  19. The relation that the proposed change bears to the purpose of the overall district classification scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of the District use classification regulations;
  20. Applications for a District classification map amendment or conditional use permit which do not contain specific site plans carry a rebuttal presumption that such a District classification or conditional use shall adversely affect the classification scheme;
  21. The preservation of the integrity of residential neighborhoods; and
  22. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the District classification proposal.
- B. Conditional use permit criteria. The following criteria shall be applied, as applicable, by the Code Enforcement Department, the planning commission, and the Board of Commissioners in evaluating and deciding any application for a conditional use permit. No application for a conditional use permit shall be granted by the Board of Commissioners unless it is determined that in addition to meeting the requirements contained within applicable use standards in division 305; and the District classification in which the conditional use permit is located, satisfactory provisions and arrangements have been made concerning each of the following factors:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed conditional use;
  2. Compatibility with adjacent properties and with other properties in the same District use classification;
  3. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
  4. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
  5. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, or vibration generated by the proposed use;
  6. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operations of the proposed conditional use;
  7. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
  8. Whether or not there is adequate provision of refuse and service areas;

9. Whether the length of time for which the conditional use permit is granted should be limited in duration;
  10. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
  11. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;
  12. Whether or not the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of Grady County, giving special consideration to the Tired Creek Lake;
- C. Staff analysis and findings of facts. The County shall conduct a site inspection on all applications for District map amendments or conditional use permits and shall investigate and prepare an analysis of each proposed amendment to the text of this ordinance, each proposed amendment to the official District map, and each conditional use permit application. The planning commission staff report shall contain the complete information on each proposed amendment or conditional use permit application which the commission considers including: a copy of the application and all supporting materials; all other written communication given to the County either in support of or in opposition to the amendment or conditional use permit application; and the written report and recommendation of the County staff on each proposed amendment or conditional use permit application. The findings and recommendations of the County staff shall be made based on each of the standards and factors contained in section 520-060(A) and (B). The County staff may recommend the imposition of conditions in any recommendation of approval of any application for an amendment or conditional use permit. The staff shall present its findings and recommendations in written form to the planning commission and the Board of Commissioners. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.

**Sec. 520-070. - Conditional rezoning.**

- A. The planning commission may recommend, and the Board of Commissioners may approve a rezoning request or conditional use permit based upon the performance of certain conditions either prior to or in conjunction with the approval of a requested District classification change or conditional use permit. Such conditions shall be consistent with the purpose and intent of the district classification(s) involved and the goals and objectives of the comprehensive plan.

All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. Once imposed, conditions may be modified by future reclassification or modification as specified in subsection B of this section. Such conditions may include, but are not limited to, any of the following:

1. An increase in the minimum size of any dwelling to be constructed on the property to be reclassified;
2. Requirements for curbs and gutters;
3. The provision of recreational areas and facilities;
4. The construction of sidewalks or walkways;
5. The elimination of permitted land uses within the area to be reclassified;
6. The adoption of certain architectural standards;
7. The provision of screening or other measures to protect scenic values;



8. Minimum landscaping requirements;
  9. The provision requiring a reclassification petition to be filed in order to change the approved use or original intent of a development deemed complex in nature. A complex development may include, but not limited to, a large retail center, a development with multiple tenants and/or outparcels, a planned residential community, an industrial, office, or mixed-use development; and
  10. Any other reasonable condition which will ameliorate the impact of the land use change requested.
- B. Once imposed, conditions shall become an integral part of the approved amendment or conditional use permit and shall be enforced as such.
1. *Minor modifications and changes to conditional zoning amendments.* The Director of Code Enforcement shall have sole authority to approve minor changes to conditions attached to an approved use/zoning classification amendment or conditional use. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for a minor change of conditions shall be made in written form to the Director of Code Enforcement. If an approved site plan exists, the request for minor change shall be accompanied by three copies of the revised site plan.
  2. *Major modifications and changes to conditional zoning amendments.* Any major change to conditions attached to an approved zoning amendment or conditional use shall require an application and hearing before the Board of Commissioners, unless otherwise imposed as stated in section 520-070(A)9. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for purposes of interpreting this section:
    - a. Change to use or density that will not significantly affect adjacent properties or change the intent or purpose of the original condition;
    - b. The movement of any building or structure closer to the nearest exterior boundary line of the property;
    - c. Any change in any buffer requirement(s) imposed in the original conditional use/zoning and/or classification amendment;
    - d. Any increase in the height of any building or structure; or
    - e. Any change in the proportion of floor space devoted to different authorized uses.
  3. *Modifications and changes to conditions that may require modification of use classification/rezoning or conditional use permits.* Any major change to conditions addressing land use, and density or intensity attached to an approved use/zoning classification amendment or conditional use may require an application and hearing before the planning commission and the Board of Commissioners, if the director interprets the change as significantly altering the impact of the development on nearby properties or the intent or integrity of the conditions as originally imposed.
- C. If a modification request is denied by the Board of Commissioners, then the same request shall not be considered until at least six months from the date of the decision.

**Sec. 520-080. - Action by planning commission.**

- A. The planning commission, after conducting a public hearing with public notice as is required by this division and pursuant to O.C.G.A. §36-66-1 (ZPA) et seq. shall investigate the proposal and vote its recommendation to the Board of Commissioners. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application or deferral of

the application for a period not to exceed 60 days. If necessary, the public hearing shall be readvertised before the planning commission in accordance with the provisions of section 520-020 of this ordinance.

- B. In its recommendation of any application for an amendment or conditional use permit, the planning commission may recommend the imposition of conditions in accordance with section 520-070. All findings and recommendations of the planning commission relating to amendments to the official Tired Creek Lake District map, amendments to the text of this ordinance, or conditional use permits shall be made based on each of the standards and factors contained in section 520-060. The secretary of the planning commission shall make and maintain a written record of the planning commission's investigation and recommendations, which shall be a public record.

**Sec. 520-090. - Action by the Board of Commissioners.**

- A. Following review and recommendation from the planning commission, the Board of Commissioners, after conduct of a public hearing with public notice as is required by this division, shall vote to approve the proposed amendment or conditional use, approve the proposed amendment or conditional use with conditions, deny the proposed amendment or conditional use, defer the proposed amendment or conditional use, or, upon request of the applicant, permit withdrawal of the proposed amendment or conditional use without prejudice. If the Board of Commissioners shall vote to refer the amendment or conditional use permit back to the planning commission for further investigation, the County shall re-advertise the dates of the public hearings before the planning commission and the Board of Commissioners. No proposed amendment to the text of this ordinance, amendment to the official Tired Creek Lake District map, or conditional use permit application shall be approved except by the majority vote of the members of the Board of Commissioners.
- B. In the approval of any proposed amendment to the official Tired Creek Lake District map or conditional use permit application, the Board of Commissioners may impose conditions in accordance with section 520-070. For each proposed amendment to the official Tired Creek Lake District map or conditional use permit application, the analysis submitted by the applicant, if any, the record prepared by the County, and the record prepared by the planning commission shall be presented in written form to and reviewed by each member of the Board of Commissioners. A limited supply of said findings shall be available at the public hearing and available upon request to the public. All decisions of the Board of Commissioners relating to each proposed amendment to the text of this ordinance, each proposed amendment to the official Tired Creek Lake District map, and each application of a conditional use permit shall be made based on each of the standards and factors contained in section 520-060.

**Sec. 520-100. - Withdrawal of application.**

Nothing in the ordinance shall prevent an applicant from withdrawing their application no later than seven calendar days prior to the scheduled public hearing; said withdrawal of the application shall not require the six-month waiting period. If an applicant requests to withdraw their application in less than seven calendar days prior to the scheduled public hearing, said withdrawal request shall require action by the Board of Commissioners and may result in the application for the zoning amendment being denied and the six-month waiting period applicable. Any communication purporting to be an application for a classification change shall be regarded as mere notice to seek change until it is made in the form required.

**Sec. 520-110. - Clerk of the Board of Commissioners.**

The clerk of the Board of Commissioners shall, within ten days from action of the Board of Commissioners on each proposed amendment to the text of this ordinance, each proposed amendment to the official Tired Creek Lake District map, and each application for a conditional use permit provide to the County Administrator a signed and certified copy of each such ordinance; which shall thereafter cause

the official Tired Creek Lake District map to be changed in accordance with any such approved ordinance.

**Sec. 520-120. - Re-application following denial of request.**

If a request for a property to be reclassified within the Tired Creek Lake District is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six months immediately following the denial of the request by the Board of Commissioners.

**DIVISION 525. - CONDITIONAL USE PERMITS**

**Sec. 525-010. - Conditional use permits.**

The conditional use permit allows the Board of Commissioners to approve a conditional use on a particular parcel without changing the general classification. The conditional use permit is designed to be used when:

- A. A conditional use listed under the Tired Creek Lake District classification is desired for development; or
- B. The conditional use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

**Sec. 525-020. - Conditional use requirements.**

Such approval shall be subject to the requirements set forth in this section and any additional conditions deemed necessary to ensure the compatibility of the conditional use with the surrounding properties. Uses on Tired Creek Lake and within the associated buffer must be in compliance with the Tired Creek Lake Management Plan, if applicable. The minimum requirements for a conditional use permit are:

- A. Any uses permitted under a conditional use permit shall also conform to the requirements of this ordinance for the specified Tired Creek Lake District classification.
- B. The application and review process for a conditional use permit shall be the same as for the amendment of the Tired Creek Lake District classification under which the conditional use is found. In addition to the information and/or site plans which are required to be submitted for a map amendment for the proposed development, the Code Enforcement department or planning commission may require additional information deemed necessary, to evaluate a proposed use and its relationship to the surrounding area. In addition to the information and/or site plans required by this section, the owner of the property shall submit with the application for a conditional use permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of the business, prior similar businesses operated, applicable State of Georgia certifications, licenses and other like information.
- C. If an application is approved and a conditional use permit is granted, all conditions which may have been attached to the approval are binding on the property. Any subsequent development and use of the property shall be in accordance with the approved plan and conditions.
- D. Once established, the conditional use shall be in continuous operation. Upon discovery that the operation of the conditional use has ceased for a continuous period of 90 days or more and the owner of the property has not requested voluntary termination of the conditional use permit, the Director of Code Enforcement shall forward a report to the Board of Commissioners through the

planning commission which may recommend that action be taken to remove the conditional use permit from the property.

- E. Changes to a conditional use, or development of a site for the conditional use, shall be treated as an amendment to the conditional use permit and shall be subject to the same application and review process as a new application.
- F. The conditional use for which a conditional use permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12-month period, the Director of Code Enforcement determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners through the planning commission which may recommend that action be taken to reconsider the conditional use permit.
- G. An application for a conditional use permit in a residential district and in which the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
  - 1. The conditional use permit shall be valid for no more than a two-year period. Upon or before the expiration of a conditional use permit, the owner shall make application to continue the conditional use permit if continuance is desired. However, after the first two-year period the Board of Commissioners may waive the two-year time limitation.
  - 2. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the conditional use.
  - 3. The owner of the property shall occupy the property, shall operate any business associated with the conditional use, and shall maintain a business license issued by Grady County.
  - 4. The owner of the property shall submit with the application a signed statement in which he/she agrees that the conditional use permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the conditional use is sold, transferred, otherwise conveyed or discontinued. The owner shall agree to notify the County in writing upon the occurrence of any of these events.
- H. The owner of the property approved for a conditional use permit, may voluntarily request termination of the conditional use permit by notifying the Director of Code Enforcement in writing. The Director of Code Enforcement shall notify the Board of Commissioners through the planning commission of the voluntary terminations as they occur and shall change the official Tired Creek Lake District map to reflect any voluntary termination. The approval of a conditional use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the conditional use permit by the property owner.
- I. The Director shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the Board of Commissioners through the planning commission which may recommend that action be taken to remove the conditional use permit from the property.

- J. Upon approval by the Board of Commissioners, a conditional use permit shall be identified on the official Tired Creek Lake District map.
- K. Upon approval by the Board of Commissioners of a conditional use permit, the owner of the property shall be issued a notice from the Director which states the specific use permitted, the requirements of this section and any conditions attached to the approval.
- L. The Director shall not issue a certificate of occupancy for the specific use unless all requirements and conditions of the conditional use permit have been fulfilled by the owner of the property.
- M. At the hearing on a conditional use permit application, the staff shall appear and present its analysis and findings to the Board verbally, in addition to submitting its report to the Board at least one week before the hearing. The Board members shall have the opportunity to ask questions of the staff, and of the applicant, supporters and opponents. The hearing shall be transcribed or recorded so that it may be transcribed later if necessary. The applicant and supporters shall be granted equal time as opponents. More time than the minimum ten minutes may be allowed by the Board or chairman if the application is complex, or the number of witnesses warrants a further extension. If the chairman determines that there are a great number of opponents with the same interest (for example, members of the same neighborhood), the chairman may require that a spokesman be designated. The opponents may also be represented by an attorney. The applicant, supporters and opponents shall have the right to provide testimony, including expert testimony, in support of their position. Each party shall have a reasonable opportunity to ask questions of the other side, in an orderly manner as controlled by the chairman.
- N. The Board shall only consider evidence presented with the application or at the hearing. The Board members shall not accept any ex parte evidence, and all evidence submitted (including the staff analysis) shall be disclosed at or before the public hearing, to allow all sides the opportunity to review it.
- O. At the close of the evidence, the Board shall discuss the application. At the close of discussion, the chairman shall call for motions. Each motion should be based on the evidence in the record and the criteria in the ordinance. The Board, at its option, may delay the vote on the application and recess the hearing to allow the County Attorney's office time to prepare a proposed written decision(s). The County Attorney's office shall meet with each Board member individually and ascertain his or her reasons for approval or denial and shall prepare a written decision or decisions to be voted on by the Board at a hearing within 45 days. Board members may also prepare their own proposed decisions. Written decisions should be based on the evidence in the record and the criteria in the ordinance. At the hearing, the chairman shall call for motions and any member may put forward a written decision to be voted on. Written decisions may be supplemented with further conditions proposed at that hearing.

**Sec. 525-030. - Re-application following denial of request.**

If a conditional use permit request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six months immediately following the denial of the conditional use permit by the Board of Commissioners.

**DIVISION 530. - ADMINISTRATIVE VARIANCES**

**Sec. 530-010. - Administrative variances.**

The Board of Commissioners is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this section, a variance from the following regulations:

- A. Reduce by variance any front, side or rear yard setback or any transitional buffer by an amount not to exceed ten percent of the classification requirement, but not including any transitional buffer zone or any setback which is a condition of a District classification or conditional use permit approval, pursuant to the standards specified in Division 525.
- B. Reduce by variance the required spacing between buildings in the district classification where multiple buildings are authorized on a single lot in an amount not to exceed ten percent of the requirement, but not in an amount which is less than the minimum requirement imposed.
- C. On double-frontage lots, allow accessory structures to be placed in the rear yard between the house and the adjacent street. Adequate screening from the adjacent street, as approved by the County, may be required.
- D. Any request for administrative variance permitted by this section shall be filed in writing with the Director. The Director shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above and shall make a written decision on each such application no later than 30 days from the date such application was filed. No administrative variance shall be authorized to delete, modify, or change in any manner any condition imposed by the Board of Commissioners.
- E. Any appeal of an administrative variance may be filed in writing to the Board of Commissioners by an aggrieved party and shall be heard by the Board of Commissioners in accordance with section Appendix B, Article 6.8.

**Sec. 530-020. - Updating of classification/zoning maps.**

Where base maps become available which update property boundary lines, streets, or other features, or utilize improved mapping technology, the Board of Commissioners may incorporate such maps as updates of the official Tired Creek Lake District map, so long as no changes are made to District classification boundaries. Notations shall be made on each set of maps showing dates of such changes and shall be signed by designated representatives of the governing authorities, and all outdated maps shall be retained permanently as a matter of record.

**Sec. 530-030. - Map amendments.**

If, in accordance with provisions of this ordinance, changes are made in the district classification boundaries or other information portrayed on the official Tired Creek Lake District map, changes shall be made on the official Tired Creek Lake District map promptly after the amendment has been approved by the Board of Commissioners of Grady County, together with a numerical entry on the official map, referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendments to this ordinance which involve matters portrayed on the official Tired Creek Lake District map shall become effective until after such change and entry have been made on said map.

**ARTICLE 6. - ENFORCEMENT AND PENALTIES**

**DIVISION 600. - ENFORCEMENT AND PENALTIES**

**Sec. 600-010. - Enforcement.**

- A. The County Administrator, Director of Code Enforcement, the building official or a designee has the power to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this ordinance. Inspections shall be carried out during reasonable business hours unless an emergency exists.

- B. If the County Administrator, Director of Code Enforcement, or building official shall determine that any such building or land does not conform to this ordinance, the owner shall be notified by written notice, registered mail return receipt requested, of the manner in which such building or land does not conform and the owner shall have 30 days in which to remedy the conditions therein specified; provided, however, that the planning director or building official may, at their discretion, extend the time for compliance with any such notice.

**Sec. 600-020. - Penalties.**

- A. Any violation of this ordinance is hereby declared to be a public nuisance.
- B. Any person, firm, corporation, or entity accused of a violation of this ordinance shall, upon conviction, be punished by imposition of a minimum fine of \$100.00, not to exceed the maximum penalties specified in O.C.G.A. §36-1-20.
- C. Each offense shall constitute a separate offense for each day such violation shall continue.

**Sec. 600-030. - Remedies.**

In the event any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this ordinance, the County Administrator, Director of Code Enforcement, building official, a designee, or any appropriate County authority or any person who would be damaged by such violation may institute injunction, mandamus or other appropriate action in the proceeding to prevent the violation in the case of each building, structure, or land use pursuant to O.C.G.A. §15-10-63 and any successor statute.